

ORDINANCE NO. 3008

ORDINANCE OF THE CITY OF CHULA VISTA ADDING
CHAPTER 2.55 TO THE CHULA VISTA MUNICIPAL CODE
ESTABLISHING THE CHULA VISTA REDEVELOPMENT
CORPORATION TO SUPPORT THE PLANNING AND
REDEVELOPMENT ACTIVITIES OF THE CITY AND THE
CHULA VISTA REDEVELOPMENT AGENCY WITHIN
DESIGNATED AREAS OF THE CITY

WHEREAS, on February 3, 2004, the City Council and Redevelopment Agency directed staff and consultants to prepare an analysis and discussion paper on the creation of a non-profit corporation to assist the City in planning and redevelopment activities; and

WHEREAS, two facilitated workshops were held on the formation of such a non-profit corporation; and

WHEREAS, a report evaluating four corporate structural alternatives was prepared and presented to the City Council and Redevelopment Agency; and

WHEREAS, on November 23, 2004, based upon a staff report presented to the City Council which built upon the conclusions and recommendations from the workshops, the City Council and Redevelopment Agency adopted a resolution: (i) authorizing the formation of a non-profit public benefit corporation for the purposes of conducting redevelopment and planning activities, (ii) directing staff to prepare the necessary legal documents for the formation of such a corporation, and (iii) appropriating an interim operating budget and compensation schedule for the corporation and its board of directors; and

WHEREAS, it is in the best interest of the City to establish the purposes, powers, composition and operating rules and regulations of such non-profit corporation in the Chula Vista Municipal Code.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

SECTION 1: Chapter 2.55 is hereby added to Title 2 (Administration and Personnel) of the Chula Vista Municipal Code, to read as follows:

Chapter 2.55 Chula Vista Redevelopment Corporation

2.55.010 Creation Authorized.

The creation and formation of the Chula Vista Redevelopment Corporation is hereby authorized.

2.55.020 Purpose and Intent.

It is the purpose and intent of the city council in establishing the Chula Vista Redevelopment Corporation to create a separate entity to serve as a resource to, and to advise and make recommendations to, the city council and redevelopment agency regarding planning and redevelopment of designated territories and areas of the city. The corporation shall assume certain powers and responsibilities with respect to planning and redevelopment that were previously delegated or assigned to the Chula Vista Redevelopment Agency and the planning and resource conservation commissions, and the design review committee, of the city.

2.55.030 Territory Subject to Corporation Activities.

The corporation shall exercise its powers and functions over such territories or geographic areas of the city as the city council may from time to time designate by resolution or ordinance.

2.55.040 Functions and Duties.

The specific functions and duties of the corporation shall be as set forth in Sections 2.55.050 through 2.55.080, and in the corporation's bylaws approved by the city council, as such bylaws may from time to time be amended in accordance with its procedures.

2.55.050 Previous Planning Commission Functions.

A. Legislative Activities. In addition to the exercise by the planning commission of advisory powers and functions with respect to legislative actions within its subject matter jurisdiction, the corporation shall review and make recommendations to the city council on all legislative planning items to the extent that the items relate to those geographic areas of the city that the city council designates as areas within which the corporation has the authority to exercise planning and redevelopment functions and within the Urban Core Specific Plan Area. These advisory powers and functions of the corporation shall be in addition to, and not in lieu of, the advisory powers and functions of the planning commission with respect to legislative planning matters.

B. Administrative Activities. The corporation shall assume the functions of the planning commission with respect to administrative and quasi-judicial items that relate to lands or uses within the geographic areas of the City that the city council designates as areas within which the corporation has the authority to exercise planning and redevelopment functions. Any action by the corporation under this paragraph shall be subject to appeal to the city council pursuant to Chapter 19.12 or Chapter 19.14, as applicable, of the Municipal Code.

2.55.060 Previous Redevelopment Agency Functions.

Notwithstanding any provisions of Chapter 2.24, the corporation shall have responsibility as follows:

A. Recommendations. With respect to consideration of owner participation agreements, disposition and development agreements, and other approvals and agreements requiring expenditure of funds (other than solely the funds of the corporation), regulations, and other legislative functions or activities (such as eminent domain, issuance of bonds, and other financial transactions not involving solely the funds of the corporation) relating to lands or uses within those geographic areas of the City that the city council designates as areas within which the corporation has the authority to exercise planning and redevelopment functions, the corporation shall transmit a recommendation on such matters to the redevelopment agency, or to the city council, as applicable.

B. Approvals. Notwithstanding the provisions of 2.55.060(A), with respect to consideration of exclusive negotiating agreements, replacement housing plans, and other approvals and agreements requiring expenditure of only the funds of the corporation, the corporation shall act on such items in accordance with the applicable provisions of the bylaws. In addition, the corporation shall assume the functions of the redevelopment agency with respect to administrative and quasi-judicial items relating to lands or uses within the geographic areas of the City that the city council designates as areas within which the corporation has the authority to exercise planning and redevelopment functions. Any action by the corporation pertaining to administrative and quasi-judicial items under this paragraph shall be subject to appeal to the city council pursuant to Chapter 19.12 or Chapter 19.14, as applicable, of the Municipal Code.

2.55.070 Previous Resource Conservation Commission Functions.

Notwithstanding any provision of Chapter 2.32, the Chula Vista Redevelopment Corporation shall carry out the duties of the resource conservation commission within those geographic areas of the City that the city council designates as areas within which the Chula Vista Redevelopment Corporation has the authority to exercise planning and redevelopment functions.

2.55.080 Previous Design Review Committee Functions.

Notwithstanding any provision of Chapter 19.14, the Chula Vista Redevelopment Corporation shall carry out the duties of the design review committee within those geographic areas of the City that the city council designates as areas within which the Chula Vista Redevelopment Corporation has the authority to exercise planning and redevelopment functions.

2.55.090 Board of Directors' Membership.

A. Number of directors. The board of directors of the corporation shall consist of nine (9) voting members, including five (5) "city directors" and four (4) "independent directors."

B. City Directors. The five city directors shall be the five duly elected or appointed and qualified members of the city council then in office.

C. Independent Directors.

1. The four independent directors shall consist of members of the public appointed to the corporation board of directors by majority vote of the city council for four (4) year staggered terms, based upon the criteria and qualifications set forth in the corporation bylaws approved by the city council, as such bylaws may be amended from time to time.
2. The initial terms of independent directors shall be for nominal periods of two and four years, commencing upon appointment and concluding for two independent directors on June 30th of the second year of the term, and for the remaining two independent directors on June 30th of the fourth year of the term, unless an independent director's office becomes vacant prior to the end of such initial term. Thereafter, all independent directors shall serve for a term of four years, concluding on June 30th of the fourth year of the term, subject to removal or resignation pursuant to the corporation's bylaws.
3. Appointment of the independent directors to their initial nominal two-year and four-year terms shall be as determined by the bylaws.
4. By majority vote, the city council shall have the power to remove any independent director for any reason, to reappoint any independent director to a succeeding four-year term without any limit on the number of terms served by such independent directors set forth in the corporation bylaws approved by the city council, and to appoint any person meeting the criteria and qualifications set forth in the corporation bylaws to a vacant independent director office. Subject to the city council's power to remove an independent director, all directors of the corporation shall hold office until a successor has been appointed and qualified.

2.55.100 Operation of the Corporation.

A. Time of meetings. The regular meetings of the corporation board of directors shall be held on the second and fourth Thursdays of each month, at 6:00 P.M., and at such other dates and times as the board of directors may designate as adjourned or special meetings of the board of directors of the corporation.

B. Place of meetings. Unless the corporation shall otherwise establish a meeting place in accordance with its bylaws, the meetings of the corporation board of directors shall be held at 276 Fourth Avenue, in the City of Chula Vista.

C. Notice of meetings. The meetings of the corporation board of directors, and notice thereof, shall be governed by the same rules and regulations by which the city council is bound in the conduct of public meetings.

D. Conduct of meetings. The conduct of meetings, including requirements for quorum, the vote required for passage of any motion, the means by which proposed actions are considered, and other matters, shall be undertaken in accordance with the bylaws approved by the city council, as such bylaws may be amended from time to time by the corporation board of directors.

E. Board Operating Budget. The corporation shall annually prepare a proposed corporation board of directors operating budget, including but not limited to board director stipends, training, travel, membership, and miscellaneous expenses, and costs of audit. Upon approval by the corporation board of directors, the proposed budget shall be forwarded to the city council for consideration as part of the City's annual budget.


F. Gifts and grants. Subject to approval by the city council, the corporation may accept gifts and grants from any source to assist it in the performance of its functions. In the event that private funds or funds from other governmental agencies are made available for special projects, surveys, educational programs, or general program support, the corporation is authorized to enter into appropriate contracts for the utilization of such funds in furtherance for the purpose and intent of, and the duties of functions of, the corporation, subject to ratification of such contracts by the city council.

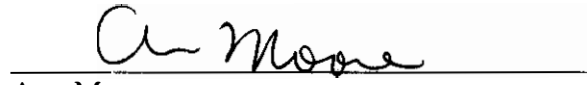
2.55.200 Director Compensation and Reimbursement.

The city council may, by resolution, authorize and establish compensation to the board of directors of the corporation, and authorize the corporation to reimburse directors, officers and employees for actual, necessary and reasonable expenses, including mileage, incurred in the performance of their duties authorized, directed or approved by the corporation board of directors.

Presented by

Approved as to form by


Laurie Madigan
Community Development Director

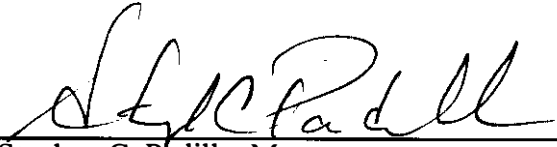

Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 7th day of June, 2005, by the following vote:

AYES: Councilmembers: Castaneda, Davis, McCann, Rindone and Padilla

NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Stephen C. Padilla, Mayor

ATTEST:



Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3008 had its first reading at a regular meeting held on the 24th day of May, 2005 and its second reading and adoption at a regular meeting of said City Council held on the 7th day of June, 2005.

Executed this 7th day of June 2005.



Susan Bigelow, MMC, City Clerk