

ORDINANCE NO. 3213

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE SECTION 2.25,
GENERAL RULES FOR BOARDS AND COMMISSIONS

WHEREAS, the City Clerk's Department provides support for boards and commissions by receiving applications, collecting attendance and activity reports, and providing assistance to members and staff on meeting protocol, agenda and noticing requirements, and operational rules and regulations; and

WHEREAS, in 2008, the City Council adopted Ordinance 3111 adding Municipal Code Chapter 2.25, General Rules for City's Boards and Commissions; and

WHEREAS, at its meeting of October 11, 2011, the City Council directed the City Clerk to bring specific amendments to Municipal Code Section 2.25 for its consideration.

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

SECTION I. Chapter 2.25 is hereby amended to read as follows:

Chapter 2.25
GENERAL RULES FOR BOARDS AND COMMISSIONS

Sections:

- 2.25.010 Applicability.
- 2.25.020 Definitions.
- 2.25.030 Membership – Qualifications and eligibility as voting member.
- 2.25.040 Membership – Qualifications and eligibility as ex-officio member.
- 2.25.050 Membership – Applications – Interview, nomination and appointment process.
- 2.25.060 Membership – Oath of office – Effective date of taking office.
- 2.25.070 Membership – Terms – Initial terms for new boards and commissions.
- 2.25.080 Membership – Terms – Standard term of office – Holdover office.
- 2.25.090 Membership – Terms – Two-consecutive-term limit for voting and ex-officio members – Exceptions.
- 2.25.100 Membership – Terms – Filling unexpired terms.
- 2.25.110 Attendance requirements – Excused absences – Removal for cause.
- 2.25.120 Attendance reports required annually.
- 2.25.130 Code of ethics.
- 2.25.140 Compensation and expenses – Use of business cards.
- 2.25.150 Conflicts of interest – Recusal from discussion and voting.
- 2.25.160 Mandatory training sessions.
- 2.25.170 Operations – Bylaws may be adopted.

- 2.25.180 Operations – Election of chair and vice chair.
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- 2.25.240 Operations – Quorum and voting requirements.
- 2.25.250 Operations – Appointment of subcommittees.
- 2.25.260 Operations – Staff support.
- 2.25.270 Operations – Gifts, grants and contracts – Council approval required.
- 2.25.280 Operations – Annual activity report required – Other reports and recommendations – Individual communications by members.
- 2.25.290 Vacancies – Written notification from chair required.
- 2.25.300 Vacancies – Posting required.

2.25.010 Applicability.

Unless otherwise specially stated in this chapter or in the ordinance creating the particular board or commission, this chapter applies to all boards and commissions, whether created by City Charter, ordinance, state or other law. If there is a conflict between the Charter and the Municipal Code, Charter provisions shall prevail.

2.25.020 Definitions.

For purposes of this chapter, the following words are defined:

A. “Abandonment” means the intentional relinquishment of voting membership on a board or commission without a formal resignation having been submitted to the City.

B. “Boards and commissions” include: (1) Boards and commissions established by the Chula Vista Charter: Board of Library Trustees, Civil Service Commission, Parks and Recreation Commission, and Planning Commission; and (2) boards and commissions established by the City Council: Access Appeals Board, Board of Appeals and Advisors, Board of Ethics, Charter Review Commission, Child Care Commission, Commission on Aging, Cultural Arts Commission, Design Review Board, Economic Development Commission, Growth Management Oversight Commission, Housing Advisory Commission, Human Relations Commission, International Friendship Commission, Mobilehome Rent Review Commission, Resource Conservation Commission, Safety Commission, Veterans Advisory Commission, and other boards or commissions subsequently created by City Charter or ordinance.

C. “Brown Act” means the Ralph M. Brown Act, Government Code Section 54950 et seq., commonly referred to as the Brown Act or the California Open Meeting Law.

D. "Cause" includes:

1. Conviction of a felony or crime involving moral turpitude;
2. Absence from three regular, consecutive meetings of the board or commission, unless excused by majority vote of its members, as expressed in its official minutes;
3. Absence from more than 50 percent of the regularly scheduled meetings of the board or commission in one calendar year, whether or not excused by a majority vote of its members;
4. Abandonment;
5. Failure to attend training sessions mandated by the City;
6. Violation of any City policies or City, state or federal regulations that are the subject of mandatory training sessions; or
7. Violation of the City's Code of Ethics.

E. "Entire voting membership" or "entire membership" means those individuals who have been appointed to, have been sworn in to serve on, have not been removed from, have not vacated their seat on, and who are eligible and entitled to vote as members of a board or commission. It does not include ex-officio members and does not include seats specified in the ordinance creating the board or commission but are not filled. The City Council intends that this definition clarify the term "entire membership" as used in Section 603 of the City Charter.

F. "Ex-officio members" means the individuals who are appointed by the City Council to serve in an advisory capacity on a board or commission, but who are not entitled to vote or to make motions. "Ex-officio members" do not include City staff who provide information to or sit with a board or commission.

G. "Member" means an individual who has been appointed to, has been sworn in to serve on, has not been removed from, and who has not vacated his or her seat on a board or commission. "Members" includes voting members and ex-officio members.

H. "Registered voter" means an individual who is registered to vote in City of Chula Vista elections.

I. "Resignation" means a formal renouncement or relinquishment of voting membership on a board or commission.

J. “Vacancy” or “event of vacancy” means any of the following events:

1. Expiration of a member’s term of office;
2. The death of a member;
3. A member has been removed for cause by three affirmative votes of the City Council;
4. The disability of a member that renders the member incapable of performing the duties of his or her office;
5. A member’s conviction of a felony or crime involving moral turpitude;
6. A member’s abandonment of office;
7. A member’s absence from three regular, consecutive meetings of the board or commission, unless excused by majority vote of the members and expressed in its official minutes;
8. A member’s absence from 50 percent of the regularly scheduled meetings in one calendar year, whether or not excused by majority vote of the board or commission;
9. A member has submitted a resignation that has been accepted by the City Council;
10. A member ceases to be a registered voter of the City when that criterion is required for membership on a board or commission;
11. A member loses the status or classification that qualified the individual to become a member of a particular board or commission; or
12. A member becomes a salaried officer or employee of the City.

K. “Voting member” means an individual appointed by the City Council who is entitled to vote and make motions in his or her capacity as a member of a board or commission.

2.25.030 Membership – Qualifications and eligibility as voting member.

This section implements City Charter Section 602(d) and policies consistent with other portions of the Charter pertaining to qualifications for voting membership and eligibility to serve on boards and commissions.

A. Except as provided in subsection (B) of this section, voting members of boards and commissions shall be registered to vote in City of Chula Vista elections.

B. Voting members of boards and commissions who are advisory only and whose duties involve regional issues are not required to be registered to vote in City of Chula Vista elections; however, the appointment of individuals who are not registered voters must be approved by four affirmative votes of the City Council.

C. An individual is eligible to serve on only one board or commission at a time.

D. A salaried officer or employee of the City is not eligible to be appointed to a board or commission.

2.25.040 Membership – Qualifications and eligibility as ex-officio member.

The City Council may appoint ex-officio members to any board or commission because of particular background or experience that the City Council deems will assist a particular board or commission in handling a discrete set of issues. Ex-officio members are not required to be registered voters and are subject to term limits as described in 2.25.080, 2.25.090, and 2.25.100. Ex-officio members are not entitled to vote or to make motions.

2.25.050 Membership – Applications – Interview, nomination and appointment process.

A. The City Clerk shall maintain applications for prospective membership on boards and commissions. The application shall provide a place for an individual to state the reasons he or she seeks appointment to a particular board or commission and his or her qualifications for service on a particular board or commission.

B. An individual who has submitted an application for appointment as a voting or ex-officio member of any board or commission may be interviewed as part of the nomination and selection process.

C. When a vacancy occurs on a board or commission, the City Clerk shall forward applications received for the vacant position to the Mayor, who shall review the forwarded applications, select applicants to be interviewed, interview selected applicants, and make nominations for appointment, subject to the City Council's approval, for all boards and commissions except for the Board of Library Trustees, Board of Ethics, Civil Service Commission, Design Review Board, Growth Management Oversight Commission, Mobilehome Rent Review Commission, Planning Commission, and Parks and Recreation Commission.

D. The Mayor shall forward applications for membership on the Board of Ethics to a panel consisting of at least two city managers rotated from cities in San Diego County, excluding San Diego and Chula Vista. The panel shall review the applications, interview applicants, and recommend one applicant for each available seat to the City Council for appointment.

E. The Mayor and each Councilmember shall independently review forwarded applications for positions on the Board of Library Trustees, Design Review Board, Growth Management Oversight Commission, Planning Commission and Parks and Recreation Commission and notify the City Clerk in writing of one or more applicants each wishes to nominate for an interview. The City Clerk shall tally the nominations. The Mayor and City Council shall set a time collectively to interview each applicant receiving two or more nominations. Following interviews, the Mayor and City Council shall select one individual for each available position.

F. The nomination and appointment process for the Civil Service Commission shall be conducted in accordance with Charter Section 609 and CVMC 2.43.050*.

G. The nomination and appointment process for the Mobilehome Rent Review Commission shall be conducted in accordance with Chapter 2.31 CVMC and this subsection.

1. The Mayor shall review applications for all ex-officio members and one voting member, select applicants to be interviewed for those positions, interview selected applicants, make nominations for appointment subject to the City Council's approval, and schedule a vote on the nominations on the next available Council meeting's agenda.

2. The four remaining voting positions are tied to a particular Council seat. When a vacancy occurs in one of the four positions, the City Clerk shall forward applications to the Councilmember filling the corresponding Council seat. The Councilmember shall review the applications, select applicants to be interviewed, and interview selected applicants. The Councilmember shall then nominate an applicant for appointment to the available position and request that the nomination be scheduled for vote on the next available Council meeting's agenda.

H. Members of each board and commission shall be appointed by at least three affirmative votes of the City Council.

* Code reviser's note: CVMC 2.43.050 has not been adopted yet. See Chula Vista Charter Section 609.

2.25.060 Membership – Oath of office – Effective date of taking office.

The City Clerk or his or her designee shall administer the oath of office to newly appointed voting and ex-officio members. Newly appointed voting members must take the oath of office before they may vote as a member of the board or commission to which they have been appointed. Voting members assume their office on the date they take the oath of office.

2.25.070 Membership – Terms – Initial terms for new boards and commissions.

Initial terms of office for newly established boards or commissions shall be determined in accordance with City Charter Section 602(b).

2.25.080 Membership – Terms – Standard term of office – Holdover office.

A. The standard term of office for board and commission members is four years. The standard term begins July 1st and ends June 30th four years later.

B. At the end of any voting member's term, he or she shall be permitted to continue to exercise the privileges of his or her former office until the office is filled by the appointment of a qualified successor.

2.25.090 Membership – Terms – Two-consecutive-term limit for voting and ex-officio members – Exceptions.

A. Members are limited to serving a maximum of two consecutive terms, except as provided in CVMC 2.25.100(C).

B. An individual who has served two consecutive terms may be reappointed to the same board or commission after an interval of two years has passed.

2.25.100 Membership – Terms – Filling unexpired terms.

A. If a vacancy on any board or commission occurs prior to the expiration of a term of office, any appointment to fill the vacancy shall be for the remaining unexpired term of office.

B. A voting member who currently sits on a particular board or commission may not be appointed to fill the unexpired term of another voting member's vacated seat on that same board or commission. An individual who currently sits as an ex-officio member of a board or commission may be appointed to fill the unexpired term of a voting member's vacated seat on the same board or commission if the ex-officio member meets the eligibility criteria for voting membership. The appointment process shall be the same as provided for in CVMC 2.25.050.

C. An unexpired term with fewer than two years remaining is not considered a "term" for purposes of the two-consecutive-term limit set forth in CVMC 2.25.090. Therefore, an individual appointed to fill an unexpired term of less than two years may subsequently be appointed to two full terms.

D. An unexpired term of two years or more is considered a "term" for purposes of the two-consecutive-term limit set forth in CVMC 2.25.090. Therefore, an individual appointed to fill an unexpired term of two years or more may subsequently be appointed to only one additional, consecutive term.

E. For purposes of determining whether the unexpired term of a vacated seat is less than, more than, or equals two years, the starting date of the unexpired term shall be the date the new appointee takes the oath of office, and the end date of the unexpired term shall be the expiration date of the vacating member's term of office.

2.25.110 Attendance requirements – Excused absences – Removal for cause.

A. The City Council relies on advice of the City’s boards and commissions that grows from discussions among appointed members. The City Council anticipates that members appointed to the City’s boards and commissions will make every reasonable effort to attend all regular meetings of their respective boards or commissions, to attend special meetings, and to be prepared to discuss matters on their respective agendas.

B. The City Charter requires that any board or commission member who is absent from three consecutive, regular meetings will be deemed to have vacated his or her membership on the particular board or commission, unless his or her absence is excused by a majority vote of the other members, as reflected in the official minutes of the board or commission.

C. Board and commission members, by a majority vote, may excuse a fellow board or commission member’s absence from meetings for any of the following reasons:

1. Illness of the member, family member of the member, or personal friend of the member;
2. Business commitment of the member that interferes with the attendance of the member at a meeting;
3. Previously scheduled vacation of the member, notice of which was provided to the respective board or commission in advance of the meeting;
4. Attendance of the member at a funeral, religious service or ceremony, wedding, or other similarly significant event; or
5. Other reason for which the member has given notice to the chair or secretary of his or her unavailability 15 days in advance, as long as the unavailability is not expected to last for longer than 30 days.

D. Members shall vote on excusing a member’s absence from a regular meeting. The vote shall be reflected in the official minutes for the meeting at which the vote was taken.

E. A Council subcommittee comprised of the Mayor and Deputy Mayor shall monitor the attendance records of board and commission members submitted by board and commission chairs pursuant to CVMC 2.25.290. The subcommittee may make recommendations to the full Council for a vote on the removal of a member for cause. A voting or ex-officio member may be removed for cause by three affirmative votes of the City Council.

2.25.120 Attendance reports required annually.

The secretary for each board and commission shall prepare an annual written report of attendance, noting the percentage of absences of members for the preceding fiscal year. The report shall be delivered to the City Clerk no later than June 30th of each year. The City Clerk shall forward the report to the Mayor and City Councilmembers, who may use this information in considering reappointment to second terms.

2.25.130 Code of ethics.

Voting and ex-officio members of boards and commissions are public officials and, therefore, act as agents for the public's purpose and hold office for the public's benefit. As public officials, they are bound to uphold the law, observe in their official acts a high standard of morality and discharge faithfully the duties of their office, recognizing that the public interest must be a primary concern. Members of boards and commissions are expected to conform to the City's code of ethics, found in Chapter 2.01* CVMC. If a board or commission member is in doubt about whether the code of ethics applies to a particular situation, the member may request in writing an advisory opinion from the Board of Ethics.

* Code reviser's note: Chapter 2.01 CVMC has not been adopted yet. See Chapter 2.28 CVMC.

2.25.140 Compensation and expenses – Use of business cards.

A. Members of boards and commissions shall serve without compensation for their services.

B. Members of boards and commissions may receive reimbursement for necessary travel and other expenses incurred on official duty to the extent that appropriations for such expenses have been provided by the City Council in approving the board or commission's budget.

C. Members of boards and commissions are authorized to use business cards showing their affiliation with their particular board or commission only if:

1. Business cards are used in relation to the duties and functions of the particular board or commission;
2. City funds are used to pay for the business cards; and
3. Appropriations for such expenses have been provided by the City Council in approving the budget for the particular board or commission.

2.25.150 Conflicts of interest – Recusal from discussion and voting.

A. Voting and ex-officio members of certain boards and commissions may be required to file statements of economic interest as determined in the City's conflict of interest code. The City Clerk will notify members who are required to file the statements.

B. The state's Political Reform Act and the City's conflict of interest code state that no person shall make or participate in the making of a governmental decision that he or she knows, or has reason to know, will have a reasonably foreseeable material financial effect on him or her distinguishable from its effect on the public generally. The Political Reform Act and implementing regulations require a public official diligently to monitor his or her business interests, real property, sources of income, gifts, and personal finances to ensure that he or she does not participate in an action in which he or she has a conflict of interest.

C. When a member has a conflict of interest, or the appearance of a conflict of interest, he or she must publicly state the nature of the conflict. Unless the item is on the consent calendar, the member must step down from the dais or table and leave the room until consideration of the particular item is finished. Additionally, the disqualified member may not be counted toward achieving a quorum while the item is being discussed. A member may consult the City Attorney if he or she has a question about whether or not a conflict exists and whether or not he or she should disqualify himself or herself from discussing or voting on an issue.

2.25.160 Mandatory training sessions.

A. Board and commission members are required to attend periodic training sessions on ethics laws as specified in California Government Code Section 53234. Board and commission members shall participate in mandatory training sessions in the first year of appointment to their particular board or commission, and at least once every two years thereafter. The City Attorney or his or her designee will provide sufficient opportunities to board and commission members to allow them to fulfill this requirement. The City Attorney or his or her designee shall monitor members' attendance at mandatory training sessions within the required time period. The City Attorney or his or her designee shall notify the City Clerk, who shall notify the Mayor, if a member fails to attend mandatory training sessions within the required time period.

B. Board and commission members may be required to attend periodic additional training sessions on the City's code of ethics, Brown Act requirements, sexual harassment laws and policies, and other laws or City policies as may be determined.

C. The secretary of each board or commission shall be responsible for notifying members in writing of dates, times and locations of training sessions.

D. The failure of a board or commission member to attend a mandatory training session may be considered cause for removal from the particular board or commission to which he or she has been appointed.

2.25.170 Operations – Bylaws may be adopted.

Boards and commissions may adopt bylaws governing the internal conduct of their affairs. The bylaws must be consistent with the City Charter, the municipal code, and applicable state law and shall include the method for their amendment. The original bylaws and any amendments to the bylaws shall be delivered to the City Clerk for preservation.

2.25.180 Operations – Election of chair and vice chair.

At the first regular board or commission meeting following July 1st of every year, or as soon as practicable thereafter, each board or commission shall elect a chair from among its voting members. Each board and commission may also elect a vice chair from among its voting members. The chair and any vice chair thus selected shall serve for a period of one year. The secretary shall notify the City Clerk whenever there is a change in chair or vice chair.

2.25.190 Operations – Duties of chair, vice chair and chair pro tem.

The chair shall serve as presiding officer at meetings. In the absence of the chair, the vice chair, if any, shall serve as presiding officer. In the absence of the chair and the vice chair, if any, the secretary shall call the meeting to order, and the voting members shall select a chair pro tem from any of the board or commission's voting members for purposes of conducting business at that meeting.

2.25.200 Operations – Regular meetings required – Special meetings allowed – Time and location to be established by resolution – Brown Act requirements.

A. As required by the City Charter, boards and commissions shall hold regular meetings. Except as otherwise stated in this section, each board or commission shall hold its regular meetings at least monthly. Each board or commission shall establish the day, time and location for its regular meetings by written resolution. A board or commission may change its regular meeting day, time or location only by a written resolution.

1. The Access Appeals Board shall meet on an as-needed basis, as determined by the filing of disabled access complaints, but shall hold no more than one meeting each month at a time designated by the chair, or at 4:00 p.m. on the second Monday of each month, immediately prior to the meeting of the Board of Appeals and Advisors.

2. The Board of Ethics shall hold meetings at the call of the chair or a majority of its members. The Board shall hold at least one meeting annually.

3. The Charter Review Commission shall hold at least one regular meeting annually. Additionally, during years when regularly scheduled general municipal elections are held, the commission shall meet no later than the first Wednesday of the seventh month preceding the next regularly scheduled general municipal election. By written resolution, the commission may establish other regular meeting times.

4. The Growth Management Oversight Commission shall hold meetings at the call of the chair and shall meet no later than the first week of January of each year. By written resolution, the commission may establish other regular meeting times.

B. In addition to regular meetings, boards and commissions are authorized to call and hold any special meetings they deem necessary, as long as the meetings are properly noticed. No written resolution is required to call a special meeting.

C. As a general rule, boards and commissions shall hold their regular and special meetings at a City facility. Boards and commissions may hold their meetings from time to time in other locations within the City, as long as meetings are properly noticed.

D. All board and commission meetings shall be noticed and held in accordance with the requirements of the Brown Act.

2.25.210 Operations – Agenda preparation, posting, and availability.

A. Agendas must be prepared for all meetings in accordance with Brown Act requirements. Items may be placed on the agenda by the chair, by majority vote of the members, or by City staff. The secretary for each board or commission shall prepare meeting agendas in consultation with the chair. The secretary shall forward the agenda and supporting documents and materials to members in sufficient time in advance of a meeting to allow them to review the materials prior to the meeting. Agendas and supporting documents shall be made available to the public at the same time they are provided to the board or commission.

B. The board or commission secretary shall post agendas for regular meetings at least 72 hours prior to the meeting in a place visible and accessible to the public 24 hours each day. The secretary shall post agendas for special meetings at least 24 hours prior to the meeting in a place visible and accessible to the public 24 hours each day.

C. The board or commission secretary shall forward agendas to the Mayor, City Council, City staff designated to assist a particular board or commission, and individuals who have submitted a written request for meeting information, at least 72 hours in advance of regular meetings and at least 24 hours in advance of special meetings. Agendas shall be made available to the public at least 72 hours in advance of regular meetings, and at least 24 hours in advance of special meetings, and at all meetings.

D. The agenda for each board or commission meeting shall provide time for the public to comment on each item on the agenda. The agenda shall also include a section for public comments on matters not listed on the agenda but within the jurisdiction of the particular board or commission.

2.25.220 Operations – Meeting cancellation – Notice required.

A. A meeting may be cancelled because of a lack of a quorum of voting members or the lack of agenda items.

B. If the board or commission secretary has advance notice that a meeting will not be held, the secretary shall post a notice of cancellation in lieu of posting or mailing an agenda for the meeting.

C. If a quorum of voting members cannot be assembled on the date and at the time a meeting is scheduled to be held, the secretary shall declare the meeting cancelled and post a notice of cancellation of the meeting on the door of the room where the meeting was to be held.

2.25.230 Operations – Minutes required – Form and content – Retention of recordings.

A. The board or commission secretary shall prepare minutes for all meetings. The secretary shall present the minutes at a subsequent meeting for approval by the board or commission members. The secretary shall transmit the original minutes to the City Clerk for permanent preservation immediately after the board or commission has approved the minutes. The secretary shall transmit copies of minutes of all meetings to the City Council within 10 days of approval.

B. Minutes shall contain a record of each particular type of business transacted, set off in paragraphs with proper subheadings. The secretary shall be required to make a record only of the business actually passed upon by a vote of the board or commission members and shall not be required to make a verbatim transcript of the proceedings. A record shall be made of the name and city of residence of persons addressing the board or commission, the title of the subject to which their remarks related, and whether they spoke in support of or in opposition to the matter.

C. The board or commission secretary shall retain recordings of meetings, if any are made, only for the purpose of accurately preparing minutes. When the board or commission formally approves the minutes of a particular meeting, the secretary shall cause the recording for that meeting to be erased without further Council authorization; except that recordings for a meeting involving a public hearing shall be kept for one year from the date of the public hearing. The secretary shall cause the tapes for that meeting to be erased without further Council authorization.

2.25.240 Operations – Quorum and voting requirements.

Unless otherwise required by state law or this chapter, the affirmative vote of a majority of the entire voting membership of any board or commission shall be necessary for it to take any action except to adjourn. This provision is intended to meet the requirements of City Charter Section 603.

2.25.250 Operations – Appointment of subcommittees.

A. Boards and commissions may appoint subcommittees that they deem appropriate to provide advice on any matter within the jurisdiction of the particular board or commission.

B. Subcommittees may be composed of board or commission members, as well as other residents appointed by the particular board or commission. The chair of any subcommittee shall be a voting member of the board or commission that established the subcommittee.

C. Subcommittees may be standing committees or ad hoc committees.

D. Brown Act requirements pertaining to notices of meetings, agendas and public comments shall apply to meetings of any standing subcommittee of whatever composition, and to any subcommittee that is composed of a quorum of members of the board or commission. Subcommittees may not hold closed sessions.

E. The role of any subcommittee is to provide expertise and advice to board and commission members only. Subcommittee members do not advise the City Council directly. Subcommittee members do not represent the City. Subcommittee members should make every effort to ensure that recommendations and advice are directed to the board or commission that established the subcommittee. Subcommittee members may not speak on behalf of the board or commission without prior approval of a majority of the members of the board or commission.

2.25.260 Operations – Staff support.

A. Pursuant to City Charter Section 603, the City Manager shall appoint a staff person to serve as secretary to each board and commission. In addition to other duties specified in this chapter, the secretary is responsible for finalizing resolutions and performing other administrative duties, as necessary.

B. Pursuant to City Charter Section 605, the services of the Director of Public Works, the City Attorney, and the Director of Development Services shall be made available to the Planning Commission.

C. The City Manager may make available other staff and clerical support as requested by a board or commission to fulfill its functions and duties, provided such staff and clerical support are available.

D. Staff persons assigned to assist boards and commissions shall not be considered voting or ex-officio members of those boards and commissions.

2.25.270 Operations – Gifts, grants and contracts – Council approval required.

A board or commission may not accept gifts or grants from any source absent approval from the City Council. A board or commission may not commit or attempt to commit the City to any contract or other agreement without first obtaining authority from the City Council to do so.

2.25.280 Operations – Annual activity report required – Other reports and recommendations – Individual communications by members.

A. By July 1st of every year, each board and commission shall prepare and submit to the City Clerk a written report of its activities. The City Clerk shall forward copies of each report to the City Council. The annual report shall also contain other specific information or findings required by the ordinance creating a particular board or commission.

B. In addition to the annual report, a board or commission may make other reports to the City Council, either orally or in writing, at a public session of the City Council. Minority reports, if any, shall be submitted in writing concurrent with the majority reports.

C. Boards and commissions shall forward proposals, suggestions, or recommendations to the City Council after formal board or commission action has been taken, within 10 working days of the meeting at which the action was taken. Board and commission policy positions should be formulated and stated in such a way as to ensure understanding by the public that the stated positions are not the official policy of the City until recommended to, and adopted by, the City Council.

D. Individual board or commission members may speak on behalf of their respective board or commission only after a vote of the particular board or commission. Individual members making recommendations or expressing views that have not been officially voted on by a majority of the

body shall indicate that they are expressing themselves as private citizens, not as representatives of their respective board or commission.

2.25.290 Vacancies – Written notification from chair required.

A. The chair of each board or commission shall notify the City Clerk in writing, or cause the City Clerk to be notified in writing, if a voting member appears to have abandoned his or her office on the board or commission; if a voting member misses three regular, consecutive meetings of the board or commission without being excused by a majority vote of the board or commission as expressed in its official minutes; or if a voting or ex-officio member misses more than 50 percent of the board or commission’s regularly scheduled meetings in one calendar year, whether or not excused by the other members.

B. The City Clerk shall notify the Mayor in writing of reported abandonment or missed meetings, or when a member has failed to attend mandatory training sessions.

2.25.300 Vacancies – Posting required.

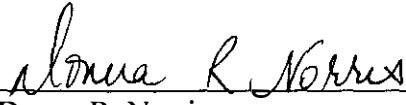
A. In accordance with the Maddy Act, Government Code Section 54970, et seq., on or before December 31st of each year, or as soon as practicable thereafter, the City Clerk shall post a notice of vacancies that are anticipated to occur during the ensuing calendar year due to the expiration of voting members’ terms of office.

B. If an unexpected vacancy occurs for a reason set forth in CVMC 2.25.020 under the definition of the term “vacancy,” the City Clerk shall post a notice of vacancy and notify the City Council so that action can be taken to fill the vacancy.

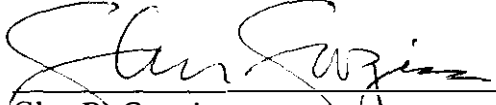
SECTION II: This ordinance shall take effect and be in full force thirty days from its adoption.

Presented by

Approved as to form by



Donna R. Norris
City Clerk



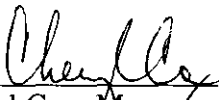
Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of October 2011, by the following vote:


AYES: Councilmembers: Aguilar, Bensoussan and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: Castaneda and Ramirez


Cheryl Cox, Mayor

ATTEST:


Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3213 had its first reading at a regular meeting held on the 18th day of October 2011 and its second reading and adoption at a regular meeting of said City Council held on the 25th day of October 2011; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

November 4, 2011
Dated


Donna R. Norris, CMC, City Clerk