

ORDINANCE NO. 3251

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

WHEREAS, Chula Vista Municipal Code (“CVMC”) Chapter 2.25 sets forth the general rules governing the City’s boards and commissions; and

WHEREAS, staff is recommending that the ordinance be amended to address two issues:
(i) clarify the meaning of the terms “entire voting membership,” and “entire membership;” and
(ii) adopt the rules of decorum and order contained in CVMC Chapter 2.04, governing City Council meetings; and

WHEREAS, in order to clarify the meaning of the terms “entire voting membership,” and “entire membership,” staff is proposing the amendment of CVMC sections 2.25.010 and 2.25.020.E., as reflected on Attachment “A” to the staff report accompanying this item; and

WHEREAS, the proposed amendments are intended to clarify that a board or commission may act on a majority vote by the seated members, so long as at least one-half of the seats specified in the ordinance or charter provision creating the board or commission are filled; and

WHEREAS, the proposed amendment includes the addition of section 2.25.205, to specify that certain rules of decorum applicable to City Council meetings are also applicable to board and commission meetings.

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

Section I. That Chula Vista Municipal Code Chapter 2.25 is hereby amended to add section 2.25.205 and amend sections 2.25.010 and 2.25.020.E. to read as follows:

2.25.010 Applicability.

Unless otherwise specially stated in this chapter or in the ordinance or Charter provision 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:

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 any seat specified in the Charter provision or ordinance creating the board or commission that is unfilled due to an “event of vacancy,” pursuant to section 2.25.020.J., below. Notwithstanding the foregoing, at

least one-half of the seats specified in the Charter provision or ordinance creating the board or commission must be filled in order for the board or commission to act. For example, if a seven-member board has two vacancies, the remaining five members constitute the “entire membership.” Accordingly, an action that requires a majority vote could be taken if at least three of the board members vote in its favor. The City Council intends that this definition clarify the term “entire membership” as used in Section 603 of the City Charter.

2.25.205 Operations – Conduct of Meetings

Pursuant to City Charter section 603, board and commission meetings shall be open to the public. The rules applicable to City Council meetings regarding oral communications, addressing members, presiding officer powers and duties, and decorum and order, set forth in CVMC sections 2.04.130, 2.04.170, 2.04.210, 2.04.320, 2.04.330, and 2.04.340, shall apply to board and commission meetings. In applying those code provisions to board and commission meetings, the terms “City Council,” “City Clerk,” “council meeting,” and “councilmember” shall be replaced with “board or commission,” “board or commission secretary,” “board or commission meeting,” and “board or commission member,” respectively.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date


This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

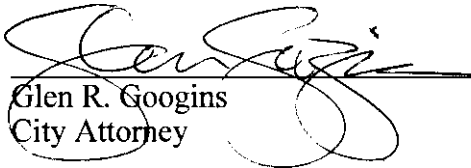
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by



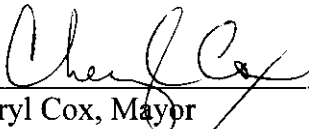
Donna R. Norris
City Clerk



Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 15th day of January 2013, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Ramirez, Salas and Cox
NAYS: Councilmembers: None
ABSENT: Councilmembers: None



Cheryl Cox, Mayor

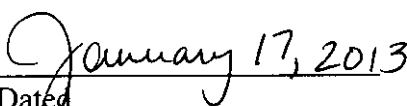
ATTEST:



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. 3251 had its first reading at a regular meeting held on the 8th day of January 2013 and its second reading and adoption at a regular meeting of said City Council held on the 15th day of January 2013; and was duly published in summary form in accordance with the requirements of state law and the City Charter.


Dated



Donna R. Norris, CMC, City Clerk