

Agenda



Date: Wednesday, December 4, 2024
Time: 6:00 p.m.
Location: Civic Center Branch Library
Conference Room
365 F St, Chula Vista

Cultural Arts Commission Regular Meeting

Public Comments: Public comments may be submitted to the Cultural Arts Commission in the following ways:

- **In-person comments during the meeting.** Join us for the Cultural Arts Commission meeting at the time and location specified on this agenda to make your comments. Each person will be allotted three (3) minutes to address the Commission.
- **Submit an eComment.** Visit www.chulavistaca.gov/boardmeetings, locate this meeting, and click the comment bubble icon. Click on the item you wish to comment on, then click "Leave Comment."
- **Email comments.** Submit comments via email to CAC@chulavistaca.gov.

The commenting period will close at noon on the day of the meeting. All comments will be made available to the Commission and the public.

Accessibility: Individuals with disabilities are invited to request modifications or accommodations in order to access and/or participate in a Cultural Arts Commission meeting by contacting the Library Department at CAC@chulavistaca.gov (California Relay Service is available for the hearing impaired by dialing 711) at least forty-eight hours in advance of the meeting.

1. CALL TO ORDER**2. ROLL CALL**

Commissioners Bishop, Brady, Jing, Kohse, Muraoka, Ruiz, Sablan, Vice Chair Zavala, and Chair Ward

3. CONSENT CALENDAR (Items 3.1 through 3.2)

The Commission will enact the Consent Calendar staff recommendations by one motion, without discussion, unless a Commissioner, member of the public, or staff requests that an item be removed for discussion. If you wish to speak on any item, please fill out a "Request to Speak" form and submit it to the Secretary prior to the meeting.

Recommended Action:

Commission approve the recommended action on the below consent calendar items.

3.1 Approval of Meeting Minutes

4

Recommended Action:

Approve the minutes dated: November 6, 2024

3.2 Written Communications

8

Communication from Vice Chair Zavala requesting an excused absence from the November 6, 2024 Cultural Arts Commission meeting.

Recommended Action:

Excuse the absence

4. PUBLIC COMMENTS

Persons may address the Commission on any subject matter within the Commission's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the Commission from discussing or taking action on any issue not included on the agenda, but, if appropriate, the Commission may schedule the topic for future discussion or refer the matter to staff. If you wish to speak on any item, please fill out a "Request to Speak" form and submit it to the Secretary prior to the meeting.

5. PRESENTATIONS

The following item(s) will be presentations given to the Commission. Action on these item(s) is typically limited to the Commission receiving the presentation and providing direction or feedback to staff, as appropriate. If you wish to speak on any item, please fill out a "Request to Speak" form and submit it to the Secretary prior to the meeting.

5.1 Presentation on City of Chula Vista Commission Roles, Duties, and Procedures

9

Presenters: Megan McClurg, Assistant City Attorney, and Kerry Bigelow, City Clerk

Recommended Action:

Hear the presentation on the roles, duties, and processes related to City of Chula Vista commissions, including general rules applicable to City boards and commissions, open meeting requirements (Brown Act), and public records (California Public Records Act).

6. ACTION ITEMS

The Item(s) listed in this section of the agenda will be considered individually by the Commission and are expected to elicit discussion and deliberation. If you wish to speak on any item, please fill out a "Request to Speak" form and submit it to the Secretary prior to the meeting.

6.1 Discussion and Possible Action Regarding the Planning of Chula Vista ArtFest 2025

Recommended Action:

Commission discuss, make recommendations, and take action as appropriate.

OTHER BUSINESS

7. STAFF COMMENTS

8. CHAIR'S COMMENTS

9. COMMISSIONERS' COMMENTS

10. ADJOURNMENT

to the regular meeting on January 1, 2025 at 6:00 p.m.

Materials provided to the Cultural Arts Commission related to any open-session item on this agenda are available for public review by contacting the Library at CAC@chulavistaca.gov.



REGULAR MEETING OF THE CULTURAL ARTS COMMISSION

Meeting Minutes

November 6, 2024, 6:00 p.m.
Civic Center Branch Library
Conference Room
365 F St, Chula Vista

Present: Commissioners Brady, Kohse, Muraoka, Ruiz, Ward, Chair Bishop

Absent: Commissioner Sablan, Vice Chair Zavala

Also Present: Commissioner Jing, Principal Librarian and Cultural Arts Manager Magbanua, Librarian III Ytuarte

1. CALL TO ORDER

A regular meeting of the Cultural Arts Commission of the City of Chula Vista was called to order at 6:00 p.m. in the Conference Room, located in Civic Center Library, 365 F Street, Chula Vista California.

2. ROLL CALL

Secretary Magbanua called the roll.

3. PUBLIC COMMENTS

Secretary Magbanua announced that 2 comments had been received.

- Galina Marcus commented on the work of San Diego Art Directory.

- Jeff Bettger commented on the community benefits of poetry and a poet laureate in support of Agenda Item 5.2.

4. PRESENTATIONS

4.1 ArtReach San Diego Mural Programs Presentation - Mural Program Manager Isabel Halpern

Isabel Halpern presented on the past and current mural work of ArtReach San Diego.

4.2 Chula Vista ArtFest Expenditures Presentation - Cultural Arts Manager Magbanua

Principal Librarian and Cultural Arts Manager Magbanua presented on the budget expenditures for Chula Vista ArtFest 2023 and 2024.

5. ACTION ITEMS

5.1 Approval of Meeting Minutes

Approval of the minutes dated: September 4, 2024

Moved by Commissioner Kohse

Seconded by Commissioner Ward

Yes (6): Commissioners Brady, Kohse, Muraoka, Ruiz, Ward, Chair Bishop

Result: Carried (6 to 0)

Commissioner Muraoka left the meeting at 7:05 p.m.

5.2 Discussion and Possible Action Regarding a Potential Poet Laureate Program

Principal Librarian and Cultural Arts Manager Erwin Magbanua gave a presentation.

Commission recommended staff explore establishing a pilot poet laureate program for 2025.

Moved by Commissioner Ward
Seconded by Commissioner Kohse

Yes (5): Commissioners Brady, Kohse, Ruiz, Ward, Chair Bishop

Result: Carried (5 to 0)

OTHER BUSINESS

6. STAFF COMMENTS

Cultural Manager Magbanua provided updates on:

- Casa Casillas construction;
- Preparations for the 2025 McCandliss Arts Awards and the 2025 Performing and Visual Arts Grant;
- Recent PVAG awarded projects;
- Art program ideas from the California Library Association annual conference.

7. CHAIR'S COMMENTS

Chair Bishop expressed appreciation for being new chair of the Commission, welcomed new members, and inquired about the timeline for the Commission presentation for City Council.

8. COMMISSIONERS' COMMENTS

Commissioner Kohse announced an upcoming Indigenous Sustainable Design Forum on November 21, 2024, at UCSD Park & Market

Commissioner Ruiz announced the Art through the Glass art project at the Chula Vista Shopping Center that was produced by Envision Broadway

Christine Brady shared her experience at ArtFest; expressed the need for low-cost performance venues; suggested the area at 3rd Ave and Palomar for more arts activations; urged the City Council to better consider arts in its planning and budget; announced the Posada of the Colonia La Esperanza in Tijuana on December 22; shared feedback she got at the Harborside Park meet and greet event regarding dance flooring at recreation centers.

9. ADJOURNMENT

The meeting was adjourned at 7:51 p.m.

Minutes prepared by: Erwin Magbanua, Secretary

Erwin Magbanua, Secretary

DRAFT

REQUEST FOR EXCUSED ABSENCE

City of Chula Vista Boards, Commissions, and Committees

Name: Daniel Zavala Date of Absence: 11/06/2024
 Board/Commission/Committee: Cultural Arts Commission

Chula Vista Municipal Code section 2.25.110 (C) allows board/commission/committee members, by a majority vote, to excuse a fellow board, commission, or committee member’s absence from a meeting for any of the reasons listed below. **A member who is absent from three consecutive, regular meetings will be deemed to have vacated his or her membership, unless the member’s absence is excused by a majority vote of the other members.** An absence is only recorded as “excused” upon receipt of a member’s request and majority vote of the board/commission/committee to excuse the absence. Accordingly, if you have been absent from a regular meeting, please complete and submit this form to the chair or secretary.

Please indicate the reason for the absence:

- 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;
- 5. Unexpected, emergency situation that prohibits the member’s attendance; or
- 6. Other reason for which the member has given notice to the secretary of his or her unavailability at least seven days in advance of the meeting.

OR

The absence was not for any of the above-listed reasons. I understand that the absence will be recorded as unexcused.

I certify the reason for the absence indicated above is true and correct.

Member’s Signature: Daniel Zavala Date: 11/13/2024

If completed by secretary or staff to board/commission/committee:

Completed on member’s behalf by: _____, per member’s Verbal Written request
 on: _____ (secretary/liaison’s name)
 (date)

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.**
- 2.25.035** **Membership – Changes to seat qualifications.**
- 2.25.040** ***Repealed.***
- 2.25.050** **Membership – Applications and appointments – General.**
- 2.25.052** **Membership – Appointment processes.**
- 2.25.055** **Membership – Reappointment process.**
- 2.25.060** **Membership – Oath of office – Effective date of taking office.**
- 2.25.070** ***Repealed.***
- 2.25.080** **Membership – Terms – Standard term of office – Holdover office.**
- 2.25.085** **Emergency operations.**
- 2.25.090** ***Repealed.***
- 2.25.100** **Membership – Terms – Filling unexpired terms.**
- 2.25.105** **Membership – Vacancies.**
- 2.25.110** **Attendance requirements – Excused absences.**
- 2.25.120** **Attendance and training 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.**
- 2.25.190** **Operations – Duties of chair, vice chair and chair pro tem.**
- 2.25.200** **Operations – Regular meetings required – Special meetings allowed – Time and location to be established by resolution – Brown Act requirements.**
- 2.25.205** **Operations – Conduct of meetings.**
- 2.25.210** **Operations – Agenda preparation and distribution.**
- 2.25.220** **Operations – Meeting cancellation – Notice required.**
- 2.25.230** **Operations – Minutes required – Form and content.**
- 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 Repealed.**
- 2.25.300 Repealed.**

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. (Ord. 3251 § 1, 2013; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.020 Definitions.

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

“Board” and “Commission” includes boards, commissions, and committees established by the Chula Vista Charter or ordinance.

“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.

“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 or Youth Advisory Members and does not include any seat specified in the Charter provision or ordinance creating the Board or Commission that is unfilled due to a vacancy, pursuant to CVMC [2.25.105](#). Notwithstanding the foregoing, at least one-half of the voting 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 voting members constitute the “Entire Membership.” Accordingly, an action that requires a majority vote could be taken if at least three of the voting 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.

“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.

“Interview” means the process by which applicants are given an opportunity to present themselves to the City Council, or other interview panel, and the City Council or other panel questions and evaluates the applicants.

Should an applicant be unable to attend an interview, the Council or panel may elect to consider a letter of interest or interview by other means, such as telephone or video conference, in lieu of an in-person meeting.

“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, Ex Officio Members, and Youth Advisory Members.

“Registered Voter” means an individual who is registered to vote in City of Chula Vista elections.

“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.

“Youth Advisory Member” means the individuals who meet the qualifications specified in CVMC [2.25.030\(E\)](#) and are appointed by the City Council to serve in an advisory capacity on a Board or Commission. Youth Advisory Members are not entitled to make motions or vote but may offer an advisory opinion on matters considered by the Board or Commission. (Ord. 3539 § 1(A), 2022; Ord. 3490 § 1, 2020; Ord. 3435 § 1, 2018; Ord. 3380 § 1, 2016; Ord. 3268 § 3, 2013; Ord. 3251 § 1, 2013; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.030 Membership – Qualifications and eligibility.

Member qualifications and eligibility shall be in accordance with Chula Vista Charter Section [602](#) and this section:

- A. An individual is eligible to serve on only one Board or Commission at a time, unless the Member is filling a seat on another Board or Commission that was specifically created to represent the Board or Commission to which he or she was originally appointed.
- B. A paid officer or employee of the City is not eligible to be appointed to or to serve on a Board or Commission.
- C. A Member is ineligible to be appointed to another Board or Commission during the first 12 months of his or her term; this prohibition does not apply to appointments to serve as a representative Member on another Board or Commission, pursuant to subsection [\(A\)](#) of this section, or to appointments of Members to another Board or Commission when their original Board or Commission was disbanded within the first 12 months of their term.
- D. 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 the Charter and CVMC [2.25.080](#) and [2.25.100](#). Ex Officio Members are not entitled to vote or to make motions.
- E. E. The City Council may appoint Youth Advisory Members to Boards and Commissions as those seats are provided for in the Membership section of individual board and Commission chapters in this Code. Youth Advisory Members shall be between the ages of 16 and 22 years old at the time of their appointment, and are not required to be Registered Voters, but shall be a resident in the City and maintain that status throughout their tenure. Youth

Advisory Members are subject to term limits as described in CVMC [2.25.080](#) and [2.25.100](#). (Ord. 3539 § 1(A), 2022; Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.035 Membership – Changes to seat qualifications.

- A. If changes are made to the qualifications for one or more seats on a board or commission, including redistricting having occurred, seats being changed from at-large to district-based, qualifications being changed for a seat, or a similar event, the City Clerk shall recommend to the City Council for approval the assignments of the seated members to the seats, with the intent of reducing disruption to the board or commission, to the extent possible.
- B. When a member is reassigned, the member shall retain the term dates they were originally assigned. Reassigning a seat shall not extend a term or allow a member to serve more consecutive terms than the member would otherwise be entitled to serve.
- C. Notwithstanding subsection [\(A\)](#) of this section, if a member does not qualify under the new requirements for the seat to which the member has been assigned, the member nonetheless shall be entitled to serve out the remainder of the member's term, with a qualified replacement to be appointed and seated for the succeeding term. (Ord. 3490 § 1, 2020).

2.25.040 Membership – Qualifications and eligibility as ex officio member.

Repealed by [Ord. 3435](#), 2018.

2.25.050 Membership – Applications and appointments – General.

- A. The City Clerk shall maintain applications for prospective membership on Boards and Commissions for a period of one year from the date of application. 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 Member, Ex Officio Member, or Youth Advisory Member of any Board or Commission may be interviewed as part of the nomination and selection process.
- C. If a vacancy occurs on any Board or Commission within one year of interviews being conducted for that Board or Commission, interviews are not required if all of the following criteria are met: (1) the vacancy was properly noticed and new applications solicited; (2) no new, qualified applications were received; (3) one or more qualified applicants from the original interviews remain eligible and interested in being appointed; and (4) the appointment process for the Board or Commission does not specifically prohibit this subsection.

D. Members of each board and commission shall be appointed by at least three affirmative votes of the City Council. (Ord. 3539 § 1(A), 2022; Ord. 3490 § 1, 2020; Ord. 3449 § 1, 2019; Ord. 3435 § 1, 2018; Ord. 3393 § 1, 2016; Ord. 3370 § 2, 2016; Ord. 3253 § 1, 2013; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.052 Membership – Appointment processes.

Processes described in this section apply to seats on one or more boards or commissions, as indicated in the board or commission chapter within this code. If no appointment process is specified for a board or commission, the general appointment process in subsection [\(A\)](#) of this section will apply.

A. *General Appointment Process.* When a vacancy occurs, 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.

B. *Full Council Interview Appointment Process.* When a vacancy occurs, members shall be appointed in accordance with Chapter [2.53](#) CVMC.

C. *District Based Appointment Process.* Seats on applicable boards and commissions for which this process applies are tied to a particular Council district seat. When a vacancy occurs, the City Clerk shall forward applications to the Councilmember filling the corresponding district seat. The Councilmember shall review the applications, select applicants to be interviewed, interview selected applicants, and make nominations for appointment, subject to the City Council's approval.

D. *Designated Member Appointment Process.*

1. When a vacancy occurs, designated members shall be selected for nomination by the Nominating Authorities specified in the applicable Commission section in accordance with policies and procedures that each Nominating Authority establishes for itself. Up to three nominees may be presented for consideration. If any of the listed Nominating Authorities decline to exercise their nominating authority in a timely fashion, or if any ceases to function or exist, that party's nominating authority shall pass to a substantially similar organization selected by the City Council.

2. Nominating Authorities shall submit the names and contact information for their nominee(s) ("Designated Nominees") to the City Clerk on a form prescribed by the City Clerk. The City Clerk shall provide the Designated Nominees with instructions to complete and submit applications to the City Clerk within a specified time period. Completed applications timely received by the City Clerk shall be forwarded to the Mayor.

3. The Mayor shall interview all Designated Nominees who timely completed applications, and make nominations for appointment, subject to the City Council's approval.

4. If a Nominating Authority presents the Mayor with two or three nominees for consideration, and those nominees properly apply, the Mayor shall make the nomination by choosing among the two or three nominees presented. If a Nominating Authority presents the Mayor with only one nominee, the Mayor may

reject such nomination and request an alternative submittal. Once rejected, a nominee may not be resubmitted for the term at issue, but may be submitted for consideration for future terms.

E. *Administration.* The City Clerk shall administer the appointment processes set forth above, including the development and publication of all necessary forms. The City Clerk shall have the authority to develop additional administrative policies and procedures to the extent necessary to implement the terms of this chapter and other chapters within this code related to board and commission appointments. (Ord. 3490 § 1, 2020).

2.25.055 Membership – Reappointment process.

A. In the year of the expiration of a member’s term, unless otherwise requested by the nominating authority for the particular board or commission seat, the City Clerk shall schedule the reappointments for eligible and interested members at a meeting of the City Council in July, or as soon as practicable thereafter, for all boards and commissions.

B. Prior to reappointment, if a majority of the City Council so desires, the Mayor and City Council may interview members who are interested in and eligible to be reappointed, whose seats would be otherwise be appointed using the full Council interview appointment process described in CVMC [2.25.052\(B\)](#).

Following the interviews, the Mayor and City Council shall vote whether or not to reappoint the incumbents.

C. Regardless of the applicable reappointment process, each member of a board or commission shall be reappointed by at least three affirmative votes of the City Council. When an incumbent is not reappointed, the seat shall be filled using the applicable appointment process. (Ord. 3490 § 1, 2020; Ord. 3435 § 1, 2018; Ord. 3366 § 1, 2016).

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 Members, Ex Officio Members, and Youth Advisory Members. Newly appointed Members must take the oath of office before they may participate or vote as a Member of the Board or Commission to which they have been appointed. Members assume their office on the date they take the oath of office. (Ord. 3539 § 1(A), 2022; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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

Repealed by [Ord. 3435](#), 2018.

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

- A. The standard term of office for Board and Commission Members, other than Youth Advisory Members, is four years. The standard term begins July 1st and ends June 30th four years later.
- B. The standard term of office for Youth Advisory Members is two years. The standard term begins July 1st and ends June 30th two years later.
- C. At the end of any Member's term, they shall be permitted to continue to exercise the privileges of their former office until the office is filled by the appointment of a qualified successor. (Ord. 3539 § 1(A), 2022; Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.085 Emergency operations.

During a period of public emergency, as declared in a proclamation of a local emergency, requirements related to boards and commissions described in this code, including frequency of meetings and specified activity deadlines, may be temporarily revised or suspended in the discretion of the City Manager, after consultation with the City Attorney and City Clerk. (Ord. 3490 § 1, 2020).

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

Repealed by [Ord. 3435](#), 2018.

2.25.100 Membership – Terms – Filling unexpired terms.

- A. Voting Member and Ex Officio Member terms shall be in accordance with Chula Vista Charter Section [602](#) and this subsection A:
 - 1. 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 or a Youth Advisory 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 or Youth Advisory Member meets the eligibility criteria for voting membership. The appointment process shall be the same as provided for in the applicable membership section for the Board or Commission.
 - 2. 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.

B. Youth Advisory Member terms shall be in accordance with this subsection:

1. Youth Advisory Members shall be limited to a maximum of two consecutive terms; provided, further, that for the purpose of this section, an appointment to fill an initial term or an unexpired term of less than one year in duration shall not be considered as a term; however, any appointment to fill an initial term or an unexpired term in excess of one year shall be considered to be a full term.

2. For purposes of determining whether the unexpired term of a vacated seat is less than, more than, or equal to one year, 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. (Ord. 3539 § 1(A), 2022; Ord. 3490 § 1, 2020; Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.105 Membership – Vacancies.

A. *Vacancies Mandated by the City Charter.* If the City Clerk determines that a vacancy has occurred pursuant to Charter Section 602(c), the Clerk shall agendize the matter for City Council action. Between the occurrence of vacancy and the Council declaration of vacancy, the member shall be unable to continue serving as a board or commission member and shall have no duties of the office. The vacancy shall be effective on the date the Council declares the office vacant.

B. *City Employee.* If a member becomes a paid employee of the City, the member's status as a board or commission member shall automatically terminate. The effective date of vacancy shall be the date of hire.

C. *Member No Longer Qualified.* If a member loses the status or classification that qualified the individual for his or her seat on a particular board or commission, unless otherwise provided in the board or commission membership rules, the City Clerk shall schedule the declaration of vacancy on an agenda of the City Council as soon as practicable after being informed of a qualifying circumstance. The vacancy shall be effective on the date the Council declares the office vacant.

D. *Removal for Cause.*

1. A member may be removed for cause by three affirmative votes of the City Council.

2. A member may be removed for cause for the following reasons:

a. Absence from more than 50 percent of the meetings of the board or commission in one fiscal year, whether or not excused by a majority vote of its members;

b. Unavailability or conduct which interferes with the board or commission's ability to conduct business;

- c. Failure to attend training sessions mandated by the City;
- d. Violation of any City policies or City, state or federal regulations that are the subject of mandatory training sessions; or
- e. Violation of the City's code of ethics, which shall be processed in accordance with Chapter [2.28](#) CVMC.

3. The Mayor shall monitor attendance and training records submitted pursuant to CVMC [2.25.120](#) and reports of situations described in subsections [\(D\)\(2\)\(b\)](#) through [\(D\)\(2\)\(d\)](#) of this section. The subcommittee may make recommendations to the full Council for a vote on the removal of a member for cause.

4. After consultation with the staff liaison for the subject Board or Commission, the nominating authority for the subject Board or Commission position (if any), the City Clerk and the City Attorney, if the Mayor finds removal of a member for cause is warranted, the Mayor make recommendations to the full Council for a vote on the removal of such member for cause.

5. Prior to the Mayor making a recommendation to the full Council for a vote on the removal of a member for cause, the member shall be notified and provided a reasonable opportunity to submit an explanation for the Mayor and Council's consideration.

6. Should the Council vote affirmatively to remove the member for cause, the vacancy shall be effective on the date of the Council's action.

E. *Resignation.* A member may resign by providing notice to the Chair, City staff, or the City Clerk. The resignation shall be effective on the date provided by the member, or, if no such date was provided, on the date the notice was given. (Ord. 3494 § 1, 2020; Ord. 3435 § 1, 2018).

2.25.110 Attendance requirements – Excused absences.

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;
5. Unexpected, emergency situation that prohibits the member's attendance; or
6. Other reason for which the member has given notice to the secretary of his or her unavailability at least seven days in advance of the meeting.

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. A member may vote to excuse his or her own absence.

E. The secretary of each board or commission shall notify the City Clerk 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. The City Clerk shall proceed according to CVMC [2.25.105\(A\)](#). (Ord. 3435 § 1, 2018; Ord. 3306 § 1, 2014; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.120 Attendance and training reports required annually.

The secretary for each board and commission shall prepare an annual written report of attendance on a form developed by the City Clerk, which includes the percentages of absences of members for both regular and special meetings during the preceding fiscal year, the total number of meetings held by the board or commission, the number of meetings missed by each member for the preceding fiscal year, and each member's compliance with mandatory training as required by CVMC [2.25.160](#). 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. (Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.130 Code of ethics.

Voting Members, Ex Officio Members, and Youth Advisory 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. (Ord. 3539 § 1(A), 2022; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.150 Conflicts of interest – Recusal from discussion and voting.

- A. Voting Members, Ex Officio Members, and Youth Advisory Members who are 18 years of age or older 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. (Ord. 3539 § 1(A), 2022; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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](#) et seq. A member's failure to comply with this training requirement may be a cause for removal from office, pursuant to CVMC [2.25.105](#).
- 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. (Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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

- A. Each board or commission shall establish the day, time and location for its regular meetings by written resolution, so long as such meetings comply with state and local laws, including applicable provisions of the Municipal Code. A board or commission may change its regular meeting day, time or location only by a written resolution.
- B. When the day for any regular meeting of a board or commission falls on a City holiday, no meeting shall be held on such holiday.
- C. In addition to regular meetings, boards and commissions are authorized to call and hold any special meetings they deem necessary.
- D. 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, as long as meetings are properly noticed and held in accordance with state and local laws.
- E. All board and commission meetings shall be noticed and held in accordance with the requirements of the Brown Act. (Ord. 3490 § 1, 2020; Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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 [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. (Ord. 3251 § 1, 2013).

2.25.210 Operations – Agenda preparation and distribution.

- A. Agendas must be prepared, distributed and posted for all meetings in accordance with Brown Act requirements.
- B. 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.

C. The board or commission secretary shall forward agendas to the Mayor, City Council, and City staff designated to assist a particular board or commission. (Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.230 Operations – Minutes required – Form and content.

- 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. (Ord. 3435 § 1, 2018; Ord. 3422 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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](#). (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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. Subcommittees shall be created, and shall conduct themselves, in accordance with the Brown Act.
- B. The role of any subcommittee is to provide expertise and advice to its establishing board or commission. Subcommittees and subcommittee members shall not advise the City Council directly or speak on behalf of the board or commission without prior approval of a majority of the members of such board or commission. (Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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. 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.
- C. Staff persons assigned to assist Boards and Commissions shall not be considered Voting Members, Ex Officio Members, or Youth Advisory Members of those Boards and Commissions. (Ord. 3539 § 1(A), 2022; Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

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

- A. By June 30th of every year, each board and commission shall prepare and submit to the City Clerk a written report of its activities during the previous fiscal year. 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. (Ord. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.290 Vacancies – Written notification from chair required.

Repealed by [Ord. 3435](#), 2018.

2.25.300 Vacancies – Posting required.

Repealed by [Ord. 3435](#), 2018.

The Chula Vista Municipal Code is current through Ordinance 3575, passed June 25, 2024.

Disclaimer: The City Clerk's Office has the official version of the Chula Vista Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.chulavistaca.gov](http://www.chulavistaca.gov)

[To be notified when additions, amendments, or revisions are made to the code, send your e-mail address to \(be sure to add "Chula Vista Municipal Code" in the subject line\) cpc@generalcode.com.](mailto:cpc@generalcode.com)

[Hosted by General Code.](#)

Chapter 2.33

CULTURAL ARTS COMMISSION

Sections:

- 2.33.010** **Creation.**
- 2.33.020** **Purpose and intent.**
- 2.33.030** **Functions and duties.**
- 2.33.040** **Membership.**
- 2.33.050** **Meeting frequency.**

2.33.010 **Creation.**

There is hereby created a Cultural Arts Commission. The provisions of Article [VI](#) of the City Charter, Chapter [2.25](#) CVMC and this chapter shall govern this Commission. (Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990).

2.33.020 **Purpose and intent.**

It is the purpose and intent of the City Council in establishing the Cultural Arts Commission to create an advisory body to serve as a resource to advise and make recommendations to the City Council and the City Manager on cultural arts issues citywide, as well as exchanges and activities with the City and its sister cities. The focused efforts of the Cultural Arts Commission will be to identify cultural arts needs and issues.

The purpose of the Commission is to focus community energies and resources on developing a highly visible City with a cultural arts personality and to develop, support, and nurture those ideas that expand and enrich arts and cultural opportunities for the entire community in addition to promoting cultural exchanges and activities on the basis of mutual friendship and amity between the City and its sister cities. (Ord. 3539 § 1(C), 2022; Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).

2.33.030 **Functions and duties.**

The functions and duties of the Cultural Arts Commission shall be as follows:

- A. Encourage the preservation of Chula Vista’s cultural heritage and the creation of an atmosphere – a Chula Vista image – in which our citizens could take pride and have increased stature.
- B. Help coordinate and marshal support for the arts.

- C. Encourage the provision of cultural and artistic facilities and features in public and commercial construction.
- D. Formulate recommendations for a City arts program, including funding mechanisms, criteria for the selection and placement of public art, procedures for review plans, and guidelines to carry out a City arts program.
- E. Regularly assess, review and update recommended goals and long-range plans for the City; and regularly solicit public input on the arts.
- F. Encourage the development of arts and cultural programs for the youth of Chula Vista.
- G. Promote the creation of a cultural environment to attract visitors and economic development. The Commission, by having a definite focus and by demonstrating a high degree of commitment to the arts, can conduct strategic long-range planning to help reach these goals.
- H. Make recommendations for cultural exchanges and activities that are virtual and/or accessible on the basis of mutual friendship and amity between the City and its sister cities.
- I. The Commission may develop guidelines for consideration during the application and appointment processes for new Members, which may include relevant questions to be included on the application, recommended considerations when making an appointment, and definitions of terms referenced in CVMC [2.33.040](#), related to the qualifications of Members. (Ord. 3539 § 1(C), 2022; Ord. 3435 § 1, 2018; Ord. 3393 § 1, 2016; Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).

2.33.040 Membership.

- A. The Cultural Arts Commission shall consist of nine Voting Members and one Youth Advisory Member who represent a diversity of backgrounds, to be nominated and appointed in accordance with Article [VI](#) of the City Charter, Chapter [2.25](#) CVMC, and this chapter.
 1. All nine Voting Members shall demonstrate competence, knowledge and experience in cultural arts; and a minimum of six Members shall be appointed from among artists, educators, and those with professional qualifications and experience in disciplines of arts and culture, including the performing arts, fine arts, culinary arts, media arts or related arts disciplines.
 2. The Cultural Arts Commission may recommend guidelines to be used during the application and appointment processes, which may include relevant questions to be included on the application, a checklist of qualifications, and definitions of terms referenced in this section, related to the qualifications of Members.
 3. When a vacancy occurs on the Cultural Arts Commission, the City Clerk shall forward applications received for the vacant position to the Mayor and Cultural Arts Manager or other staff assigned to the Cultural Arts Commission.
 4. Throughout the review of applications, selection of applicants to be Interviewed and Interviews of selected applicants, the Mayor shall consider guidelines developed by the Cultural Arts Commission, as well

as recommendations for interviews or appointments that may be made by the Cultural Arts Commission, City Councilmembers, and the Cultural Arts Manager or other staff assigned to the Cultural Arts Commission.

5. The Mayor shall review the forwarded applications and select applicants to be interviewed. The Mayor shall interview selected applicants and provide the opportunity for the Cultural Arts Manager or other staff assigned to the Cultural Arts Commission to attend and assist with the interviews. The Mayor shall make nominations for appointment, subject to the City Council's approval. (Ord. 3539 § 1(C), 2022; Ord. 3490 § 1, 2020; Ord. 3393 § 1, 2016; Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).

2.33.050 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission. (Ord. 3435 § 1, 2018; Ord. 3393 § 1, 2016; Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).

The Chula Vista Municipal Code is current through Ordinance 3575, passed June 25, 2024.

Disclaimer: The City Clerk's Office has the official version of the Chula Vista Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.chulavistaca.gov](http://www.chulavistaca.gov)

[To be notified when additions, amendments, or revisions are made to the code, send your e-mail address to \(be sure to add "Chula Vista Municipal Code" in the subject line\) cpc@generalcode.com.](mailto:cpc@generalcode.com)

[Hosted by General Code.](#)

REQUEST FOR EXCUSED ABSENCE

City of Chula Vista Boards, Commissions, and Committees

Name: _____ Date of Absence: _____

Board/Commission/Committee: _____

Chula Vista Municipal Code section 2.25.110 (C) allows board/commission/committee members, by a majority vote, to excuse a fellow board, commission, or committee member’s absence from a meeting for any of the reasons listed below. **A member who is absent from three consecutive, regular meetings will be deemed to have vacated his or her membership, unless the member’s absence is excused by a majority vote of the other members.** An absence is only recorded as “excused” upon receipt of a member’s request and majority vote of the board/commission/committee to excuse the absence. Accordingly, if you have been absent from a regular meeting, please complete and submit this form to the chair or secretary.

Please indicate the reason for the absence:

- 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;
- 5. Unexpected, emergency situation that prohibits the member’s attendance; or
- 6. Other reason for which the member has given notice to the secretary of his or her unavailability at least seven days in advance of the meeting.

OR

The absence was not for any of the above-listed reasons. I understand that the absence will be recorded as unexcused.

I certify the reason for the absence indicated above is true and correct.

Member’s Signature: _____ Date: _____

If completed by secretary or staff to board/commission/committee:

Completed on member’s behalf by: _____, per member’s Verbal Written request
on: _____ (secretary/liaison’s name)
(date)

CULTURAL ARTS COMMISSION

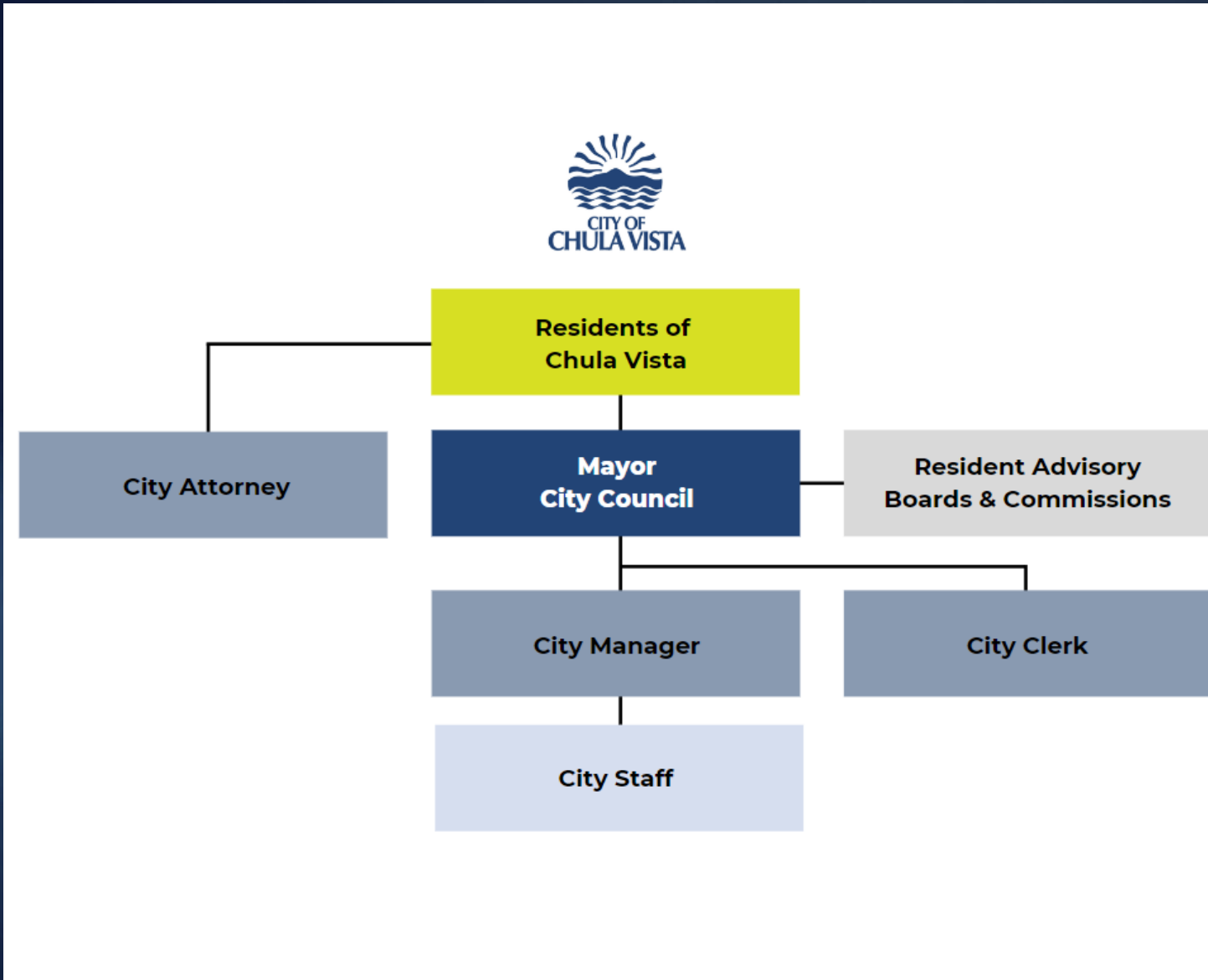
Role, Duties, and Procedures

October 2, 2024



Agenda

- ▶ City Overview & Board/Commission/Committee (B/C/C) Role
- ▶ Duties
- ▶ Procedures
 - ▶ Meetings/Attendance
 - ▶ Agenda
 - ▶ Minutes
 - ▶ Conflict of Interest
 - ▶ Member Communications
 - ▶ Recommendations to Council
- ▶ Brown Act
- ▶ Public Records Act



City Structure

Role of B/C/Cs



DO	DON'T
Ear for the City Council	Make policy decisions
Forum to encourage communication participation early in the process	Direct budget decisions, city operations or programs
Broad perspective on focused topics	Direct staff
Advisory recommendations to the City Council	Act outside of the authority granted by City Council

Transition to B/C/C Member

Community Advocate/ Activist

- Independent
- Advocacy
- Focused agenda



B/C/C Member

- Official City representative
- Team member
- Collaborative
- Deliberator
- Focused on overall good for City
- Broad agenda

Categories of Member Responsibilities

To the City Council

To the Community

To Each Other

To Staff

Responsibilities to the City Council

Act	Act consistently with Council direction
Be	Be familiar with Council priorities
State	Clearly state if you are speaking for the B/C/C or yourself as an individual
Ask	Ask staff or who nominated you for feedback and insight
Focus	Stay focused on the official role of your B/C/C
Support	Support and promote Council priorities

Responsibilities to the Community

1

Listen to and understand diverse interests within the community

2

Bring forward ideas...but within the scope of the B/C/C's role and work plan

3

Show respect to all who come before the B/C/C

4

Understand that you are seen as a City representative, not a resident or advocate

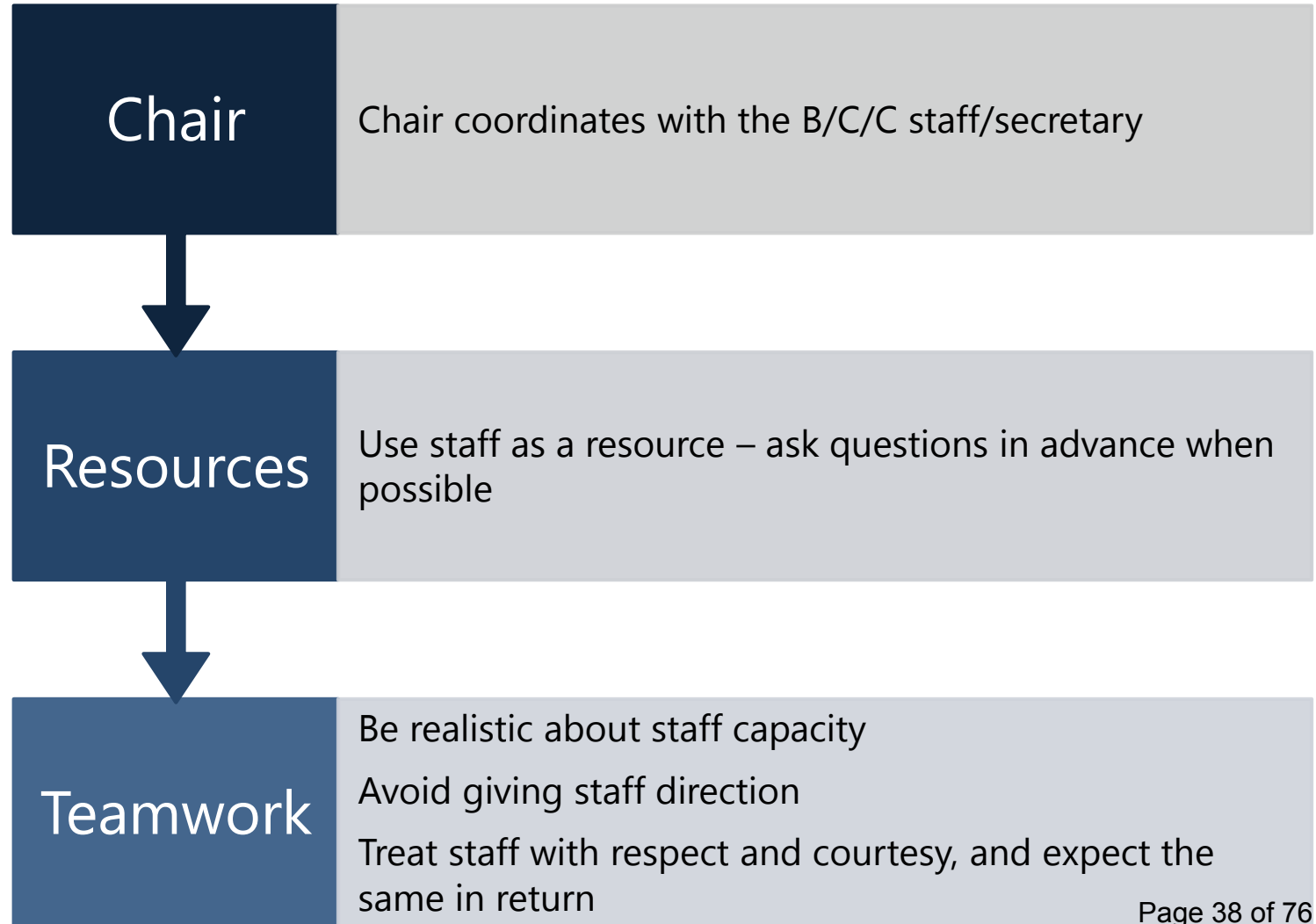
5

Help recruit for B/C/C vacancies – you're a great advocate!

Responsibilities to Each Other

Be	Be prepared for meetings
Advise	Advise the secretary/staff well in advance if you will be absent
Allow	Allow others to speak without interrupting
Seek	Seek to understand other points of view
Respect	Respect decisions of the majority

Responsibilities to City Staff



Role of Staff Liaison & Secretary

Manages the agenda with the Chair

- Confirms subject matter jurisdiction of the B/C/C
- Sequences flow
- Reviews requests for items

Makes professional recommendations

Manages work plan

Provides input and technical advice

Monitors for potential Brown Act or other concerns

Manages B/C/C roster

Cultural Arts Commission's Duties

Chula Vista Municipal Code – 2.33.030 – Functions and Duties

- A. Encourage the preservation of Chula Vista's cultural heritage and the creation of an atmosphere – a Chula Vista image – in which our citizens could take pride and have increased stature.
- B. Help coordinate and marshal support for the arts.
- C. Encourage the provision of cultural and artistic facilities and features in public and commercial construction.
- D. Formulate recommendations for a City arts program, including funding mechanisms, criteria for the selection and placement of public art, procedures for review plans, and guidelines to carry out a City arts program.
- E. Regularly assess, review and update recommended goals and long-range plans for the City; and regularly solicit public input on the arts.
- F. Encourage the development of arts and cultural programs for the youth of Chula Vista.

Cultural Arts Commission's Duties

13

Chula Vista Municipal Code – 2.33.030 – Functions and Duties

- G. Promote the creation of a cultural environment to attract visitors and economic development. The Commission, by having a definite focus and by demonstrating a high degree of commitment to the arts, can conduct strategic long-range planning to help reach these goals.
- H. Make recommendations for cultural exchanges and activities that are virtual and/or accessible on the basis of mutual friendship and amity between the City and its sister cities.
- I. The Commission may develop guidelines for consideration during the application and appointment processes for new Members, which may include relevant questions to be included on the application, recommended considerations when making an appointment, and definitions of terms referenced in CVMC 2.33.040, related to the qualifications of Members.

Cultural Arts Commission

Print Feedback Share & Bookmark Font Size

[View Upcoming Meetings](#)

Role and Function

Pursuant to the [City of Chula Vista Charter § 600](#) and [Municipal Code Chapter 2.33](#), the Cultural Arts Commission serves as a resource to advise and make recommendations to the City Council and the City Manager on cultural arts issues affecting the citizens of the City. The Commission identifies needs and supports those ideas which expand and enrich cultural arts city wide.

The Commission is composed of ten members appointed to staggered four-year terms. As listed below, all terms expire on June 30th of the year. Click here to [APPLY](#) for the Commission

CONTACT THE COMMISSION

STAFF CONTACTS

Staff Liaison & Secretary:
 Erwin Magbanua
 (619) 691-5138
emagbanua@chulavistaca.gov

Commission Members

Member	District	Appointment Criteria	Term Expires
Daniel Zavala (Vice Chair)	4	At-Large	2026
Vacant		Arts Professional	2026
Felix Sablan	1	Arts Professional	2025
Taylor Ward	1	Arts Professional	2026
Vacant		Arts Professional	2028
Christine Brady	4	At-Large	2027
Ken Muraoka	4	At-Large	2025
Lee Kohse	2	Arts Professional	2026
Kate Bishop (Chair)	2	Arts Professional	2026
Vacant		Youth Advisory	2025

Regular Meetings

Date: First Wednesday of each month

Time: 6:00 p.m.

Location: Civic Center Branch Library
 365 F Street, Chula Vista, CA 91910

[View All Board Meetings](#) [View Council Meetings](#)

Upcoming Meetings

Calendar List Conflicts Registry

Cultural Arts Commission- Regular Meeting

Wednesday, October 02, 2024 @ 6:00 PM
 Civic Center Branch Library

Past Meetings

All (23)

- Cultural Arts Commission - Regular Virtual (1)
- Cultural Arts Commission - Special Meeting (3)



Your Webpage

www.chulavistaca.gov/cac

Regular Meetings & Attendance

- The Commission's regular meeting date and time are the 1st Wednesday of each month at 6:00 p.m.
- ▶ Please promptly contact the B/C/C secretary if you will be absent
 - ▶ cac@chulavistaca.gov
- ▶ Notice is important to ensure that the B/C/C will have a quorum



Absences

Chula Vista Municipal Code – 2.25.110 – Attendance requirements – Excused Absences

- ▶ An office is deemed vacated if a member has three consecutive unexcused absences from regular meetings.
- ▶ Absences may be excused for the following reasons:
 - ▶ Illness; business commitments; pre-planned vacation with notice; funeral/religious services; unscheduled emergency; any other reason where seven (7) days notice provided
- ▶ The B/C/C must vote to excuse absences – a member may vote to excuse their own absence.
- ▶ Approval of excused absences must be entered into the minutes.

FAQ - Attendance

▶Q: How do I request an excused absence?

▶A: Complete a "Request for Excused Absence" form, which you can request from your secretary. Alternatively, you can ask the secretary to complete the form for you.

▶Important Notes:

▶The requests are *public records*, so it's recommended that you use the form or provide a brief request without personal details

▶*It's incumbent on each member to request an excused absence.*

REQUEST FOR EXCUSED ABSENCE City of Chula Vista Boards, Commissions, and Committees

17

Name: _____ Date of Absence: _____

Board/Commission/Committee: _____

Chula Vista Municipal Code section 2.25.110 (C) allows board/commission/committee members, by a majority vote, to excuse a fellow board, commission, or committee member's absence from a meeting for any of the reasons listed below. **A member who is absent from three consecutive, regular meetings will be deemed to have vacated his or her membership, unless the member's absence is excused by a majority vote of the other members.** An absence is only recorded as "excused" upon receipt of a member's request and majority vote of the board/commission/committee to excuse the absence. Accordingly, if you have been absent from a regular meeting, please complete and submit this form to the chair or secretary.

Please indicate the reason for the absence:

- 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;
- 5. Unexpected, emergency situation that prohibits the member's attendance; or
- 6. Other reason for which the member has given notice to the secretary of his or her unavailability at least seven days in advance of the meeting.

OR

- The absence was not for any of the above-listed reasons. I understand that the absence will be recorded as unexcused.

Agenda

- ▶ Roadmap for what will be discussed
- ▶ Only items on an agenda may be discussed/acted upon
- ▶ Items may be added by the Chair, City staff, or by a vote of the majority
- ▶ Must provide for public participation



FAQ – Adding Agenda Items

▶ Q: How do I get an item added to the agenda?

▶ A: The Chair, staff, or a majority of the B/C/C can add an item to the agenda.

Option 1: The individual can ask the Chair to consider including the item on the next agenda. *Be careful only to email the Chair and secretary.* Emailing or discussing with a majority of the B/C/C may lead to a potential Brown Act violation.

Option 2: Individual members can request consensus under the Member Comments section of the agenda to add an item to a *future* agenda. The matter cannot be discussed at that time – the B/C/C can only decide whether to add the item to future agenda.

Agenda Website

www.chulavistaca.gov/boardmeetings

Veterans Advisory Commission Regular Meeting (1) >

Veterans Advisory Commission Regular Meeting [↗](#)

Wednesday, July 19, 2023 @ 6:00 PM
City Hall, Bldg. #C, Conference Room B-112

[📄 Agenda Cover Page PDF](#) [↗](#)
[📄 Agenda HTML](#) [↗](#) | [PDF](#) [↗](#)

🔗

Veterans Advisory Commission Special Meeting (1) ▾

Commission.

5. ACTION ITEMS

The Item(s) listed in this section of the agenda will be considered individually by the Commission and are expected to elicit discussion and deliberation. If you wish to speak on any item, please fill out a "Request to Speak" form and submit it to the Secretary prior to the meeting or submit an electronic comment per the instructions on page one of this agenda.

5.1 Approval of Regular Meeting Minutes of June 16, 2021 [📎](#)

Recommended Action: Approve the meeting minutes

5.1 Approval of Regular Meeting Minutes of June 16, 2021 <

Attachments (1) | **Public Comments (0)**

1. [Post-Meeting Minutes - VACRV_Jun16_2021 - English.pdf](#)

Rules of Order

Chair leads the meeting and maintains order

Majority rules

Minority has right to be heard but must respect decision of majority

Opposition must be verbalized

When a member has the floor, do not interrupt

INTRODUCTION

PRESENTATION

QUESTIONS

PUBLIC COMMENT

DISCUSSION



- Chair announces agenda item and clearly states the subject

- Chair invites presentation or report from staff, including any recommendations

- Chair invites B/C/C member questions on the item for clarification

- Chair invites Public Comment

- Chair leads B/C/C member discussion and further questions

MOTION

SECOND

VOTE

RESULTS



- Chair invites a motion and announces the name of the member who made the motion

- Chair invites a second to the motion and announces the name of the member who seconds

- Chair repeats the motion or asks the maker of the motion or the secretary to repeat it and asks for a vote on the motion

- Chair announces the result of the vote (e.g., “The motion passes with 5 voting in favor,” “The motion fails with Members X, Y, and Z opposed.”)

Typical Process for Hearing Agenda Items

FAQ – Meeting Procedures

▶ Q: How do I make a motion?

▶ A: Depending on the situation, the following are examples of how to make a motion, after hearing public comments and being recognized by the Chair:

- ▶ *"I move approval of Item 5."*
- ▶ *"I move to add an item to next month's agenda to discuss XYZ."*
- ▶ *"I move to [insert action]."*

Be sure to make your motion clear so that the public, staff, and B/C/C know exactly what the vote pertains to. Refrain from saying "so moved" – the action can be easily misunderstood.

Minutes

CVMC 2.25.230 calls for the secretary to take action minutes

▶ Action Minutes INCLUDE:

- ▶ The actions (votes) that took place at the meeting
- ▶ The members who were present and absent at the meeting
- ▶ The name, city of residence, and whether they were in support or opposed to a particular item
- ▶ Confirmation of legal processes that were followed (e.g., if there was a public hearing item, there may be a statement that the hearing was held at the time in the public hearing notice)

▶ Action Minutes DO NOT include

- ▶ A transcript or summary of the discussions that occurred during the meeting
- ▶ A transcript or verbatim record of public speaker comments

FAQ - Minutes

- ▶ Q: Can the B/C/C direct the staff or secretary to produce summary or verbatim minutes?
 - ▶ A: No. The form of the minutes is decided by the City Council via the Chula Vista Municipal Code. In addition, the Charter and Municipal Code prohibit B/C/Cs from directing the work of staff. The City Council minutes are also prepared in the same form.

Many B/C/Cs have audio recordings of the meetings posted on their websites, if members or residents would like to listen to the full discussion.

Conflicts of Interest Recusal

- ▶ Types of conflicts
 - ▶ Financial (general, property-based, contract)
 - ▶ Common Law Bias

- ▶ Recusal
 - ▶ Should recuse oneself when there is an actual conflict or when the appearance of conflict is so great that it may taint the process
 - ▶ You were placed on the B/C/C to participate - recusal should be reserved only for conflicts and not be used solely to avoid making a decision on a matter

RECUSAL

Steps to Follow

- ▶ When a member has a conflict of interest, he or she must:
 - ▶ Publicly state the nature of the conflict (e.g., “I own property within 500 feet of the subject project”); and
 - ▶ Unless the item is on the Consent Calendar, he or she must leave the dais or table until consideration of the item is finished.

Tips to Avoiding Conflicts of Interest



Review each agenda statement carefully.



If you are aware of any basis for a potential conflict on any item, contact the City Attorney in advance for advice.



Report any changes in property holdings to the secretary.



When in doubt, don't vote.

To Vote or Not To Vote

Situation	Good Reason NOT to Vote?	Why?
The member owns a house that is next door to the project being considered.	Probably	Member likely has a conflict of interest because of the property owned within 500 -1,000 feet of the project.
The decision is very controversial, and the member doesn't want to upset anyone.	Probably Not	Members are appointed to make certain decisions, and sometimes the decisions may be uncomfortable. Members should review the materials thoroughly and consider all points carefully in order to make a thoughtful decision. Feel free to ask questions and engage in discussion during the meeting so that you can feel confident in your vote.
The issue being discussed would financially benefit the member's business.	Probably	This scenario could constitute a conflict of interest. If you're not sure, always ask!

If any question, seek advice from the City Attorney in advance.

To Vote or Not To Vote

Situation	Good Reason NOT to Vote?	Why?
The item involves the member's own request for an excused absence	Probably not	Members can vote on their own excused absences
The member isn't sure if they have a conflict of interest	Yes	When in doubt, don't vote. Always make an effort to review materials in advance and request advice from the City Attorney.
The item is approving minutes from a meeting the member was absent	Probably not	There is no legal requirement that a member abstain from voting on minutes when they were absent. Voting to approve minutes is a ministerial action that indicates your confidence in the secretary's production of accurate minutes. You can also ask for the audio recording of a meeting you may have missed to review the meeting.

If any question, seek advice from the City Attorney in advance.

Member Communications

- ▶ When making statements, members must ensure that:
 - ▶ Their comments are factual
 - ▶ They indicate that actions taken by the B/C/C are recommendations, with final actions to be taken by City Council, when appropriate
 - ▶ They represent themselves as private residents, unless the views or recommendations they express have been officially voted upon

Individual members making recommendations or expressing views that have not been officially voted on must indicate they are expressing themselves as private residents, not as representatives of their B/C/C.

FAQ – B/C/C Duties

- ▶ Q: If there is a topic the B/C/C is passionate about and wants to discuss, but it's not part of the duties, can the B/C/C still discuss and make recommendations on the topic?
 - ▶ A: No. B/C/Cs are charged with a specific scope and duties by the City Council. If the subject matter is not within the scope of the B/C/C duties, the B/C/C doesn't have jurisdiction over the matter.
 - ▶ What you can do: pursue the matter as a private resident or include a recommendation in your annual report to the City Council that the topic be incorporated into your B/C/C's duties.

Recommendations to Council

B/C/Cs may have topics, ideas, suggestions, and requests for direction to bring forward to the City Council. These items require majority approval of the B/C/C.

The following processes are in place to communicate with the Council:

- ▶ By July 30 each year, all B/C/Cs provide an annual report to the City Council on the previous fiscal year's activities. B/C/Cs may also make recommendations to the City Council as part of that report.
- ▶ B/C/Cs may have written reports distributed to the City Council through staff, by way of an "Informational Memorandum" to the Council, or the placement of "Written Communications" on the Council agenda.
- ▶ B/C/Cs, upon affirmative vote of a majority, may add an item to the City Council agenda.
- ▶ From time to time, the City Council holds joint meetings with B/C/Cs to discuss items requiring significant discussion.

The Ralph M.
Brown Act
*Cal. Govt. Code §§
54950, et. seq.*

Core Principles

Local agencies can only deliberate and take action at public meetings

Public must be notified in advance of all meetings and matters to be considered

Public must be given access to information and opportunity to provide input to decision-makers

Exceptions are limited

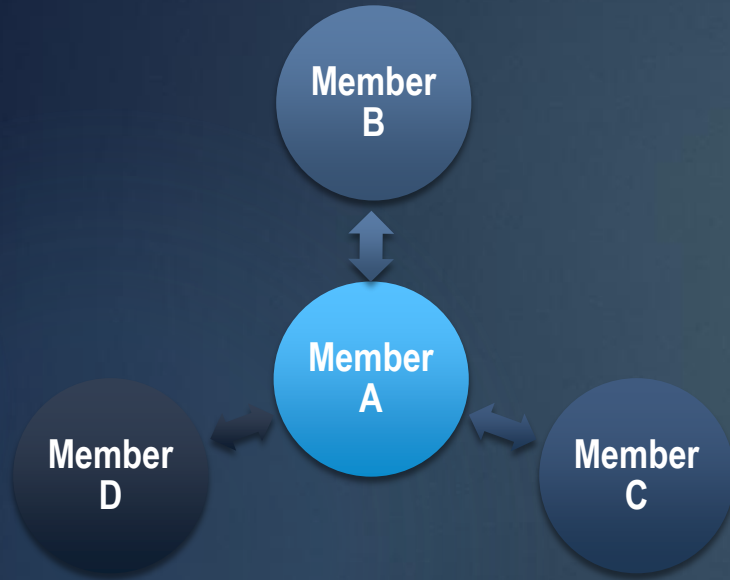
Meeting Rules

- ▶ Cannot consider, discuss, deliberate or take action on matters not on the agenda
- ▶ Otherwise, only appropriate action is to refer item to staff and/or for consideration on a future agenda
- ▶ Brief response, question or statement is allowed
- ▶ Very limited exceptions

When in doubt, best **NOT** to act and agendize for the next meeting

What to Avoid - Serial Meetings

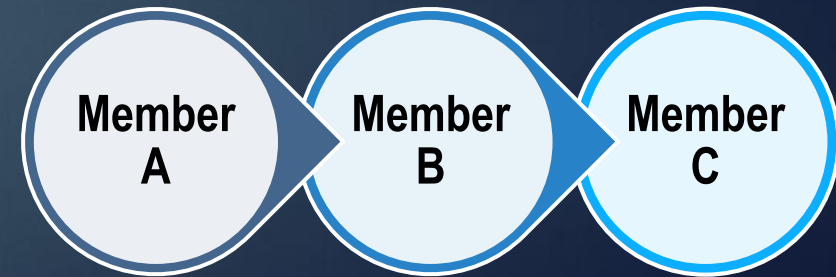
Hub & Spoke



When a person acts as the hub of a wheel (Member A) and communicates individually with the various spokes (Members B and C) regarding a matter under the jurisdiction of the B/C/C a serial meeting may have occurred.

Daisy Chain

A chain of communications (via phone, email, in person, etc.) involving contact from Member A to Member B, who then communicates with Member C would constitute a serial meeting in the case of a five-person body.



Examples

Email between two members regarding their support for a project, with copies to two other members

One member to another: "I've talked with Member Z, and they think. . ."

Staff tells a member that two other members are "on board" with a pending item

Subcommittees

- ▶ The Brown Act may or may not apply to subcommittees created by the B/C/C
- ▶ Contact City Clerk or City Attorney for direction *before* forming a subcommittee
- ▶ Formation of a subcommittee must be a noticed item on a meeting agenda before it can be created



Rights of the Public: Attendance

- ▶ Public must be allowed to attend, observe and speak at meetings
- ▶ Cannot be required to register, or fulfill any “condition precedent” to attend; name and address can be requested, but no obligation to provide
- ▶ Allowed to record the meeting with audio or video recorder; take photographs
- ▶ Public may be critical of B/C/C in comments
- ▶ Public may not engage in conduct that disrupts a meeting. Disruption is a very high standard and literally must be to the point where the meeting cannot go on.



Rights of the Public: Public Comment

- ▶ Regular Meeting
 - ▶ **Agenda Items:** Comment must be allowed; reasonable time limits can be adopted by local agency.
 - ▶ **Non-agenda matters:** Regular meeting agenda must provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public within its purview.
 - ▶ No action or discussion can occur
 - ▶ Can refer to staff for information; request a report back; request item be placed on future agenda
- ▶ City Council speaker time limits:
 - ▶ Agenda Items: 3 minutes
 - ▶ Non-Agenda-Item Public Comments: 3 minutes
 - ▶ Consent Calendar: 3 minutes (for any or all items on the consent calendar)
- ▶ Individuals using an interpreter are allotted twice the amount of time for public comments.

FAQ – Public Speakers

- ▶ Q: What happens when a speaker brings up an issue that's not on the agenda?
 - ▶ The Brown Act doesn't allow discussion or action on items that are not on the agenda, but the B/C/C or staff can "briefly respond" to comments or questions, request information from staff, or place the item on a future agenda for discussion.
 - ▶ Examples of acceptable responses:
 - ▶ "I would like to request consensus of the B/C/C to add this item to the next meeting agenda. At that time, can staff please provide additional information regarding the matter?" *Discussion among the B/C/C must be limited to whether to add the matter to the agenda – no discussion of the matter brought forward can take place at that time.*
 - ▶ "Staff, do you know the answer to the speaker's question about the timing of the budget preparation?" *Staff can respond with a brief explanation of the timeline. Any further discussion about the budget or B/C/C recommendations should be added as an item on a future agenda.*

FAQ – Public Speakers

- ▶ Q: How should the B/C/C address speakers who may be disruptive, critical of the B/C/C's or staff's work, or just plain rude?
 - ▶ A: Brown Act provisions protect the public's right to attend, observe, and participate in meetings. B/C/Cs cannot prohibit public criticism of policies, procedures, programs or services of the City or the acts or omissions of the B/C/C itself.
 - ▶ Tips:
 - ▶ The B/C/C members should always listen and make an effort to understand the concerns and statements of all public speakers.
 - ▶ A simple "Thank you for your comments. The next speaker is..." is a sufficient reply.
 - ▶ The time allotted to public speakers is an opportunity for them to voice their opinion. B/C/C members are not obligated to engage in discussion or respond to questions.
 - ▶ Members may ask follow up questions, if desired, but should be mindful of the speaker time limit to ensure all speakers have equal opportunity to speak.

Social Media and the Brown Act

Increased risk of “serial” meetings

Emails, texts, tweets or posts during meetings deny public access to decision-making process

Using icons to react to other B/C/C members' posts may constitute a violation

The California Public Records Act

- ▶ Intended to hold government accountable to the public – secrecy is antithetical to a democratic government
 - ▶ Gives the public access to information/records that enable them to monitor the functioning of their government
- ▶ Public record = any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of form (i.e., electronic, paper)
 - ▶ Some types of records are exempted, but legal authority is required
- ▶ Most documents the B/C/C handles are public records
 - ▶ Includes texts/emails on personal devices if they involve City business

FAQ - Records

- ▶ Q: If I've been emailing back and forth with a resident about a project that will be discussed at the next B/C/C meeting, can someone obtain that by filing a public records request?
 - ▶ Yes! Even communications on private devices and accounts can be public records that must be disclosed.
- ▶ **Best Practice:** Encourage members of the public to attend meetings and send communications through your B/C/C email address. Staff will distribute communications to the B/C/C so all members have the benefit of receiving the information. It will also be made available to the public as required by law
- ▶ **Acceptable Practice:** Copy your secretary on B/C/C communications and consider creating a separate email account for your B/C/C duties.

Additional Duties

- ▶ **Ethics training:** Required to be completed within one year of being appointed, and every two years thereafter. The City Attorney conducts periodic trainings that you can attend in person. The FPPC offers free, online training at: <http://localethics.fppc.ca.gov/login.aspx>. Provide your certificate to cityclerk@chulavistaca.gov.
- ▶ **Form 700 filing:** Required for some B/C/Cs. Filings are due within 30 days of assuming or leaving office, and annually on April 1.
- ▶ **Reappointments:** You will hear from the City Clerk's office shortly before the end of your term, if you are eligible to serve a second term. Please respond and let us know if you're interested in being considered for another term.

Additional Resources

- ▶ League of California Cities Publications: www.cacities.org/home/resources
 - ▶ “Open & Public VI: A Guide to the Ralph M. Brown Act”
 - ▶ “The People's Business: A Guide to the California Public Records Act”
- ▶ Institute for Local Government: www.ca-ilg.org/meeting-resource-center-tools-effective-meetings
 - ▶ “Meeting Resource Center: Tools for Effective Meetings”
- ▶ Your staff liaison and secretary
- ▶ City Attorney and City Clerk

QUESTIONS?