

# Presentation of a Charter Update Proposal for Council Consideration for Possible Placement on the November 2022 Ballot



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# Charter Review Commission

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- Established by Ordinance in 1990 and codified in Chula Vista Municipal Code Chapter 2.29
- Purpose and intent of the City Council in establishing the CRC was for it to serve as a resource to advise and make recommendations to the City Council and the City Manager on issues affecting the provisions of the City Charter (CVMC 2.29.020)
- Commission tasks:
  - reviews the organizational framework of City government
  - helps coordinate citizen and staff ideas with regard to potential Charter changes
  - formulates language to amend the City Charter to clarify or improve the workings of City government
  - recommends changes for Council review and determination of whether to place the matter on the ballot
  - prepares and submits proposed ballot arguments in favor or against proposed Charter changes
- Current composition:
  - Chair James Scofield, Commissioner Jan Buddingh, Commissioner Larry Disharoon, Commissioner Todd Glanz, Commissioner Edgar Hopida, Commissioner Michael Inzunza, and Commissioner Rachel McDonald-Hernandez

# The Charter Project

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- Ongoing Effort since 2012 to implement a “top to bottom” review of the City’s Charter
- Update of Charter Section 1009 Approved by Voters in 2014 to Streamline City Public Works Process
- Current Proposal for a Comprehensive Charter Update
  - Initiated in 2021
  - Builds on work started in 2018
  - Solicited input from all City departments
  - Ad Hoc Subcommittees
  - 9 meetings of the CRC

# Current Charter Project Goal

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- Implement a Comprehensive Charter Update that:
  - Corrects Typos, Grammar, and Formatting Errors/Inconsistencies
  - Improves Readability and Usefulness
  - Eliminates Ambiguities
  - Addresses Changes in Law Since Last Comprehensive Update in 1978
  - Aligns Charter provisions with Modern Best Practices

# Three Categories of Changes

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- **Level 1**

- Non-substantive; corrections; clarifications; elimination of redundancy; reorganization

- **Level 2:**

- Minimally substantive; reflect changes in law, technology, and best practices; would not alter current City practices or the general intent of existing Charter provisions

- **Level 3**

- More substantive
- Most derived from previous Council referrals or otherwise recommended by CRC and presented to Council in 2020

# Level 1 Changes

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- Not substantive; corrections; clarifications; elimination of redundancy; reorganization
- Reflected throughout the Charter
- Examples:
  - moving and consolidating Article III elections provisions to Article IX entitled “Elections”
  - deleting outdated provisions regarding the creation of and transition to council districts
  - deleting previously repealed Charter Sections and renumbering accordingly
  - replacing gender specific references
  - adding subheadings to sections with substantial text to make more readable/accessible
  - adding key defined terms

# Level 2 Changes

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- minimally substantive; reflect changes in law, technology, and best practices; would not substantially alter current City practices or the general intent of existing Charter provisions
- Examples:
  - makes Council-City Manager form of government explicit [Section 205]
  - specifies what it means to run again (submit nomination papers) in the context of a previously termed-out candidate [Section 300(E)]
  - Allows any action taken at a “regular” meeting to also be taken at a “special” meeting [Section 308]
  - allows City to publish legal notices as permitted by law (instead of always in a newspaper) [Section 313]
  - section regarding “illegal contracts” references extensive state law in this area [Section 509]
  - requires Council ratification of temporary department head appointments that exceed one year in duration; temporary appointments for Classified Service positions now allowed for one year [Section 704]
  - changes the nomenclature for City elections to align with terms used state-wide [throughout]
  - deletes obsolete Capital Outlays and Department Trust Funds [Old Sections 1013 and 1014]
  - makes violations of the Charter punishable as infractions or misdemeanors instead of just \$50 infractions
- Note: Proposed changes to Civil Service rules, although not substantive, are nonetheless subject to “meet and confer obligations with bargaining groups [Section 606 and Article VII]

# Level 3 Changes

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1. *Board & Commission Membership Requirement*
  - Referral from previous Council to Commission
  - Changes from qualified elector requirement to residency requirement for most boards and commissions
2. *Suspension of Elected Officials with Felony Charges Pending*
  - Recommended by previous CRC in 2020
  - Updated to clarify no salary during period of suspension, but maintain health benefits and includes back pay provision
3. *City Attorney Residency and Experience Requirements*
  - Residency requirement recommended by previous CRC in 2020
  - Increased experience requirement from seven years practicing law to ten years

# Level 3 Changes (cont.)

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4. *Converts Legislative Council Provisions to Conflict Council Provisions*
  - Drafted by the City Attorney
  - Maintains an alternative legal advisor to Council when the City Attorney has a conflict of interest but limits to situations where conflict actually exists
  
5. *Mail in Ballot System for Special Elections*
  - Suggested for consideration by the City Clerk's Office and recommended by previous CRC in 2020
  - Allows use of an all-mail ballot option to fill Council vacancies at special elections

# Value and Costs of Moving Forward

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## ■ Charter Project Purpose/Value:

- Make the Charter easier for constituents, staff, and all to read, understand, and implement
- Enhance/clarify City's "home-rule" authority
- Reduce costs (eliminate of newspaper publication requirements; mail ballot alternative for special elections)
- Reduction in staff time in analyzing and interpreting Charter provisions

## ■ Costs

- One comprehensive measure, with link to draft on City's website: \$195,000
- Full charter language presented (a) within the general sample ballot - \$450,000; or (b) in a separate supplemental booklet - \$625,000. Note that option (a) or (b) would be determined by the Registrar of Voters, depending on the available space in the general sample ballot.
- Any additional, shorter measures (6 pages or less): \$165,000

# Ballot Options

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- Level 1 and 2 changes may be combined into a single, comprehensive ballot measure [recommended by CRC]
- Some or all Level 3 changes could be combined into the Level 1 and Level 2 comprehensive measure [supported by CRC]; and/or
- One or more Level 3 changes could be presented as separate ballot measures [in Council discretion]

# Next Steps

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- Tonight:
  - Questions of staff regarding process and substance of proposed changes
  - Receive public input
  - Provide initial feedback
  
- July 26<sup>th</sup> Council Meeting:
  - CRC/staff will come back with any requested additional information or Charter changes, including draft ballot language
  - Council take such action as it deems appropriate to proceed, or not, with November 2022 ballot measure(s)
  - Schedule an item for the August 9<sup>th</sup> City Council meeting if necessary
  
- Prior to August 12th:
  - Complete any required meet and confer process
  - City Clerk to forward all necessary documents to the County Registrar

# Questions?

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Staff and the CRC Chair are available for questions.