

WE, THE PEOPLE OF THE CITY OF CHULA VISTA, STATE OF CALIFORNIA, DO ORDAIN AND ESTABLISH THIS CHARTER AS THE ORGANIC LAW OF SAID CITY UNDER THE CONSTITUTION OF SAID STATE.

ARTICLE I. INCORPORATION AND CONTINUATION

Sec. 100.

Name and Boundaries.

The City of Chula Vista (“City”) is a chartered municipal corporation of the State of California (“State”) under the name of “City of Chula Vista.” The boundaries of the City shall be the boundaries established by law. Such boundaries may be expanded or reduced through valid annexation or de-annexation proceedings conducted in accordance with State law.

Sec. 101.

Property Rights and Liabilities.

The City shall own, possess and control all rights of property of every kind and nature owned, possessed or controlled by it and shall be subject to all debts, obligations and liabilities it shall incur in accordance with State law.

Sec. 102.

Continuation of Laws and Contracts.

All lawful ordinances, resolutions and regulations, or portions thereof, and all contracts entered into by the City, or for its benefit, that were in force and effect at the time this Charter originally took effect, or at the time of any amendment hereto, that are not in conflict or inconsistent herewith, shall continue in force and effect until the same shall have been duly repealed, amended, changed, expired or superseded by proper authority.

Sec. 103.**Original Effective Date of Charter; Subsequent Amendments.**

The original effective date of this Charter was December 15, 1949. This Charter has since been amended, with the effective date of each such amendment specified therein or occurring upon approval by the voters. This Charter was substantially revised with voter approval on June 6, 1978; it was substantially revised again with voter approval on November 8, 2022.

ARTICLE II. POWERS AND STRUCTURE

Sec. 200.**Powers of City.**

The City shall have the full power and authority to make and enforce all laws and regulations with respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State. It shall also have the power to exercise, or act pursuant to any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State or federal law. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Sec. 201.**Structure of Government; Powers Vested in Council.**

The structure of government established by this Charter shall be known as the “Council-Manager” form of government. On the terms set forth herein, the City Council shall establish City policy, and the City Manager shall carry out that policy. All powers of the City, except as otherwise provided in this Charter, shall be vested in the City Council.

ARTICLE III. MAYOR AND CITY COUNCIL

Sec. 300.

Members, Eligibility, and Terms.

(A) *Members.* There shall be a City Council of five members, consisting of four Councilmembers and a Mayor, elected at the times and in the manner provided in this Charter.

(B) *Mayor Eligibility.* The Mayor shall be elected from the City at large, in the same manner provided in Section 901 for Councilmembers, except without any reference to districts. To be eligible to seek election to the office of Mayor, a person must be a Resident and registered voter of the City at the time they are issued their nomination papers for such office. To be eligible to hold the office of Mayor, a person must be a Resident and registered voter of the City and maintain such status throughout their term.

(C) *Councilmember Eligibility.* Each of the four Councilmembers shall be elected by district in the manner provided in Charter Section 901. To be eligible to seek election to the office of Councilmember, a person must be a registered voter of the City and a Resident of the Council district which that person seeks to represent at the time they are issued their nomination papers for such office. To be eligible to hold the office of Councilmember, a person must be a registered voter of the City and a Resident of the Council district which that Councilmember represents and maintain such status throughout their term.

(D) *Councilmember and Mayor Terms of Office.* The term for each Councilmember and the Mayor shall be four years. Each such term shall commence upon taking the oath of office and shall continue until a qualified successor takes the oath of office. The oath of office shall be administered at the first scheduled City Council meeting following certification of the election results, or as soon thereafter as practicable.

(E) *Limitation on Consecutive Terms.* Councilmembers and Mayors may serve up to, but no more than, two consecutive terms in their respective offices. Any person who has held the office of Councilmember or Mayor for a period of two consecutive terms may again seek election to the office of Councilmember or Mayor, respectively, by submitting nomination papers to the City Clerk for such office, but may not do so until a period of one year has elapsed from the termination of their second term as Councilmember or Mayor, respectively. Any person appointed by the Council to fill the office of Councilmember or Mayor may not seek election to said office of Councilmember or Mayor by submitting nomination papers to the City Clerk for such office until a period of one year after the termination of the appointed term has elapsed. Said appointee shall be eligible to seek nomination and election for two full terms thereafter. Any person elected in a special election for the balance of a regular term of Councilmember or Mayor for a period of two years or less may seek nomination and election for two full terms thereafter.

Sec. 301.

Powers to Judge Qualifications and Election Results.

The City Council may judge the qualifications of the City's Elected Officials as set forth by the Charter, and may judge all election returns for such positions, subject to the terms and conditions of rules and procedures it shall adopt for such purposes by ordinance, and the requirements of applicable State and federal laws. In matters involving the determination of the qualifications of its Elected Officials, and on other matters prescribed by ordinance, the City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Refusal to comply with any subpoenas issued for these purposes, or the refusal to testify (for other than constitutional grounds), shall be punishable in the same manner as other violations of this Charter.

Sec. 302.

Compensation for Councilmembers.

The four Councilmembers shall receive, as compensation for their services, a salary equal to 40% of the salary of the Mayor. They shall also be entitled to receive reimbursement for Council-authorized and budgeted travel and other expenses when on official duty of the City consistent with City policies. The City Council may also provide, by resolution, for the payment to Councilmembers of an allowance of a sum certain per month to reimburse them for the additional demands and expenses made upon and incurred by them in serving as Councilmembers.

Sec. 303.

Vacancies.

(A) *When a Vacancy Occurs.* A City Councilmember or Mayor shall be deemed to have vacated their office on the date such office holder:

(1) is absent from four consecutively scheduled and held regular meetings of the City Council without permission or excuse approved by the City Council;

(2) is convicted of a felony or a crime involving moral turpitude;

(3) resigns from office;

(4) is sworn in to another office or position requiring the surrender of the City office;

(5) is removed from office by judicial procedure;

(6) forfeits the office under any provisions of this Charter;

(7) no longer meets the qualifications necessary to hold the position;

(8) is judicially-determined to be an incompetent;

(9) is permanently so disabled as to be unable to perform the duties of the position. A finding of disability shall require the affirmative vote of at least two-thirds of the members of the Council after considering competent medical evidence bearing on the physical or mental capability of the officer; or

(10) dies.

The City Council shall declare by resolution the existence of any vacancy as soon as practicable.

(B) *Anticipated Vacancies with Intervening Consolidated Elections; Duration of Elected Replacer's Term.* If

(1) a vacancy is expected to occur in an office of any member of the City Council or Mayor because of the election of the current office holder to another office requiring the surrender of the City office seat, and (2) if, between the time the expectation of vacancy occurs (by final election results for the other election contest having been announced) and the time the actual vacancy is expected to occur, any other federal, State or local (non-City) election involving all the electors of the City is scheduled to be held at such a time that permits a special election to be called and consolidated with such other federal, State or local election, then (a) the City Council shall declare an anticipated vacancy and call and request consolidation of such special election with such other election or elections, and (b) the vacancy so expected to be created shall be filled by such special election. A person elected in such special election to fill a vacancy shall serve for the remainder of the term of the office and until a successor qualifies.

(C) *Filling Vacancies: Appointments and Special Elections.* Except under the circumstances provided in Charter Section 303(B), the City Council shall fill such vacancy by election or appointment as set forth herein.

(1) *One Year or Less Remaining in Term.* If a vacancy is declared by the Council with respect to an elected office with one year or less remaining in the term of such office from the date of such declaration, the Council shall use their good faith, best efforts to fill that vacancy by Council appointment by no later than forty-five days after the date of such declaration. In the event Council shall make such an appointment, the appointed office holder shall be entitled to hold such office until a qualified successor is subsequently sworn in at the expiration of the term. If the Council is unable to make an appointment during the prescribed forty-five day time period, the Council's power to appoint to fill the vacancy shall terminate and the seat shall remain vacant for the remainder of the term.

(2) *Twenty-Five Months or More Remaining in Term.* If a vacancy declared by the Council occurs with twenty-five months or more remaining in the term from the date of said declaration, the Council shall call a special election to be held on the next established election date, as specified in Charter Section 901 and the Elections Code, or within 120 days from the declaration of vacancy, whichever is practical, unless there is a federal, State, or local election scheduled to be held within 180 days of the declaration of the vacancy. If there

is a federal, State, or local election scheduled to be held within 180 days of the declaration of the vacancy, the Council may consolidate the special election with that election, as provided by the Elections Code.

(a) *Special Election.* In the special election, the voters in the district for which a vacancy shall be filled shall be entitled to vote for one candidate from the district. If a candidate receives the majority of the votes cast in that candidate's district, that candidate shall be deemed and declared by the Council to be elected to the vacant office. Ties among candidates shall be resolved in the manner provided in Charter Section 901(B).

(b) *Special Run-Off Election.* If no candidate receives a majority of votes cast in the special election to fill a vacancy, a special run-off election shall be held in the district in which the vacancy exists, on the next established election date, as specified in Charter Section 901 and the Elections Code, or within 120 days following the certification of the special election results, whichever is practical, unless there is a federal, State, or local election scheduled to be held within 180 days following the certification of the special election results, at which time the Council may consolidate the special run-off election with that election, as provided by the Elections Code. The two candidates receiving the highest number of votes cast for the vacant seat in the first special election shall be the only candidates for the vacant Council seat and the name of only those two candidates shall be printed on the ballot for that seat. If a special run-off election is required under this Charter Section 303, a write-in candidate may participate in such election only if the candidate qualified as a write-in candidate for the election initially held pursuant to Charter Section 902(A).

(c) A vacancy in the office of Mayor shall be filled in the same manner as provided in Charter Section 303(C)(2)(a) and (b) except that the voters of the City at-large shall be entitled to vote.

(3) *More than One Year But Less Than Twenty-Five Months Remaining in Term.* If a vacancy is declared by the Council with more than one year but less than twenty-five months remaining in the term from the date of declaration, the Council may either appoint a person to fill the vacant seat on the City Council, pursuant to Charter Section 303(C)(1), or call a special election to fill the vacancy, pursuant to Charter Section 303(C)(2). The Council shall determine, by majority vote within fourteen days of the declaration of vacancy, whether to fill the vacancy by appointment or by special election.

If the Council determines to fill the vacancy by appointment and is unable to make an appointment within forty-five days of the Council declaring a vacancy, the Council's power to appoint is terminated and the Council shall call a special election pursuant to Charter Section 303(C)(2).

(4) *Exception When Appointment Would Result in Majority of Appointed Councilmembers.* Notwithstanding any other provision to the contrary in Charter Section 303(C), if an appointment would result in a majority of the members serving on the City Council being appointed, the Council shall not fill the vacancy by appointment; rather: (a) where the vacancy is for a remaining term of one year or less, the office shall remain vacant; and (b) where the vacancy is for a remaining term of more than one year but less than twenty-five months, the Council shall call a special election to fill the office in accordance with Charter Section 303(C)(2).

(5) *Future Election of Appointee to Elected Office.* Any person who is appointed by the Council to fill the office of Councilmember or Mayor as provided in Charter Section 303(C), may not seek nomination and election to said offices of Councilmember or Mayor until a period of one year from the termination of the appointed term has elapsed. Said appointee shall be eligible to seek nomination and election for two full terms thereafter.

(6) *Mail Ballot Only Option in Case of Special Election.* If a vacancy in the office of an Elected Official is to be filled utilizing a special election that is not consolidated with a scheduled federal, State or local polling place election, the City Council may authorize such election to be conducted wholly by mail ballot.

Sec. 304.

Presiding Officer, Mayor.

(A) *Duties.* The Mayor shall be a member of the City Council and shall perform all the functions and have all the powers and rights of a duly elected Councilmember. In addition to said powers and duties, the Mayor shall have the power and duty:

(1) to report to the City Council annually on the affairs of the City and to recommend for its consideration such matters as the Mayor deems appropriate;

(2) to be the official head of the City for all political and ceremonial purposes and, in the name and on behalf of the City, to sign all legal instruments and documents to which the City is a party except where otherwise provided herein or by applicable law, ordinance, or resolution, minute action, or order of the Council;

(3) to take command of the police, maintain order, and enforce the law during a time of extreme public danger or emergency, with the consent of the Council, and for such period as the council may fix, with the advice and support of the City Manager and City Attorney;

(4) to assume the primary, but not the exclusive responsibility, for describing to the people the policies, programs and needs of the City government and for informing the people of any major change in policy or program. The Mayor may represent the City in any and all matters involving other governmental agencies, provided that no act, promise, commitment or agreement entered into or committed by the Mayor shall be binding upon the City unless duly authorized or ratified by the City Council;

(5) to represent the City in all regional public agencies which require an elected City official, unless otherwise determined by the City Council;

(6) to supervise the operation of the mayor/council office and personnel assigned thereto;

(7) to perform such other duties consistent with the office as may be prescribed by this Charter or delegated to the Mayor or imposed on the Mayor by the City Council if not inconsistent with the provisions of this Charter; and

(8) to exercise the full-time function as Mayor of the City during the usual business hours that the offices of the City are open, and such other hours and times as shall be necessary to discharge in full the duties imposed upon the Mayor.

(B) *Compensation.* The Mayor shall receive an annual salary equivalent to 66% of the salary of a Judge of the Superior Court of the State. The Mayor shall also be entitled to receive reimbursement for Council-authorized and budgeted travel and other expenses when on official duty out of the City consistent with City policies. The City Council may also provide, by resolution, for the payment to the Mayor of an allowance of a sum certain per month, as reimbursement for the additional demands and expenses made upon and incurred by the Mayor.

(C) *Deputy Mayor.* The Mayor shall designate, subject to the approval of the City Council, a City Councilmember to serve as Deputy Mayor, who shall serve in such capacity at the pleasure of the City Council. The Deputy Mayor shall perform the duties of the Mayor during the Mayor's absence or disability.

Sec. 305.

Limitations on Authority.

(A) *Prohibition on Undue Influence.* No member of the Council shall, directly or indirectly, by suggestion or otherwise, attempt to unduly influence the City Manager or other officer appointed or confirmed by the Council in their performance of duties.

(B) *Prohibition on Certain Administrative or Executive Functions.* The Mayor and the Councilmembers are hereby individually and collectively prohibited from performing any administrative or executive functions except as same may be authorized by this Charter or by ordinance of the City. Neither the City Council nor any of its members shall order or request of the City Manager, or any other officer or employee, the appointment of any person to any position of employment within the City, or the removal of any person from employment, with the City.

(C) *Prohibition on Giving Orders to Subordinates of the City Manager.* Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager, and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately.

(D) *Penalties for Violation.* A violation of the provisions of this Charter Section 305 by any member of the Council shall constitute misconduct for which the offending member may be censured or removed from office by the Council.

Sec. 306.

Limitations on Powers of Eminent Domain.

(A) *In General.* Eminent domain is not to be used to further private economic development. The City of Chula Vista shall not initiate or participate in any proceedings, or take any action to condemn private property for the purpose of making such property available for private development, nor shall the City participate, directly or indirectly, in such takings. "Participation" means contributing, lending, providing, pledging, or foregoing, any funds, property, credit, in-kind services, or incurring any debt or lease obligation, or providing any other thing of value to any agency, organization, or project. Notwithstanding these prohibitions, the City of Chula Vista may participate in proceedings to condemn private property for the purpose of making such property available for private development if such participation is approved by a majority of the voters in the City.

(B) *Minimum Public Use Period.* Property acquired by the City of Chula Vista through the use of eminent domain after June 6, 2006 must be held or used for a public use by the City for a minimum ten-year period prior to sale, lease, transfer or other disposition by the City.

Sec. 307.

Council Meetings.

(A) *Generally.* All City Council meetings shall be fully and properly noticed, open to the public, and otherwise held in accordance with all applicable State open meetings laws.

(B) *Regular Meetings.* The City Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution. The City Council shall adjourn or readjourn any regular meeting to a date and hour certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings.

(C) *Special Meetings.* Any meeting of the City Council that is not a "regular meeting" under the terms of Charter Section 307 shall be considered a "special meeting." Subject to the laws applicable to Charter cities, any Council action that may be taken at a "regular" Council meeting may also be taken at a "special" Council meeting.

(D) *Place of Meetings.* All regular City Council meetings shall be held in the City Council Chambers in the Civic Center or other appropriate location within the Civic Center complex, if City Council Chambers are not otherwise available or suitable. If, by reason of fire, flood or other emergency it shall be unsafe to meet in the place designated or it is unavailable, the meetings may be held for the duration of the emergency or unavailability at such place as is designated by the Mayor, or, if the Mayor should fail to act, by three members

of the City Council. Any special meeting may be held within any place suitable and desirable for public assembly within the City to facilitate the public participation in the business of the City, subject to the requirements of notice as provided in this Charter and State law.

(E) *Joint Session with Other Governing Bodies.* The City Council may meet in joint session outside the City with the governing body or bodies of any other governmental agency, in the County of San Diego, at an appropriately designated place of meeting, subject to notification as required in this Charter and State law.

Sec. 308.

Quorum Required to Conduct City Business

Three members of the City Council shall constitute a quorum to conduct City business at a properly noticed public meeting. Less than a quorum, however, may act for the sole purpose of adjourning such meeting to a specified future date and time. If a quorum is lost during a meeting, less than a quorum shall either recess the meeting until a quorum can be re-established or adjourn the meeting to a specified date and time. In the absence of all the members of the City Council from any meeting, the City Clerk may declare the same adjourned to a specified date and time. When a meeting is adjourned under this Charter Section 308 to any date or time other than the next scheduled regular meeting, the City Clerk shall provide special notice of such meeting in accordance with the standards provided in this Charter and the laws of the State.

Sec. 309.

Citizen Participation.

All citizens shall have the right personally, or through counsel, to appear and present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council.

Sec. 310.

City Council Action Generally.

(A) *Votes Required.* Unless a higher vote is required by other provisions of this Charter, or other applicable laws, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or the taking of any other action requiring City Council consideration or approval. At the time of adoption of an ordinance or resolution, the title and full text thereof shall be read into the record by the City Clerk; provided, however, the title alone may be read and the full reading of the text waived, with consent of the Council.

(B) *Execution and Attestation.* All ordinances and resolutions shall be signed by the Mayor, attested by the City Clerk, and approved as to legal form by the City Attorney.

Sec. 311.

Ordinances.

(A) *Generally.* In general, except for emergency ordinances as provided in Charter Section 311(B), or otherwise required by law, ordinances shall be adopted in a two-step process. First, the City Council must approve the introduction of an ordinance. Second, no sooner than five days thereafter, the City Council shall again consider the proposed ordinance and take final action to adopt or reject it. In the event that any ordinance is altered after its initial introduction, the same shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration for purposes of this Charter Section 311.

(B) *Emergency Ordinances.* Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety, and general welfare and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least a four-fifths vote of the Council.

(C) *Publication of Ordinances.* Within fifteen days after its passage, the City Clerk shall cause each ordinance to be published at least once in a newspaper of general circulation published and circulated in the City, or if there is none, the Clerk shall cause it to be posted or published as otherwise allowed in accordance with State law. The City Clerk may satisfy the requirement to publish each ordinance by causing a fair and impartial summary of the ordinance to be published within fifteen days after the ordinance's adoption and making a copy of the full ordinance available in the office of the City Clerk. Each fair and impartial summary to be published shall be approved as to form by the City Attorney.

(D) *Codification of Ordinances.* The City shall create and maintain a comprehensive code of the local laws and rules that have been adopted by ordinance governing the conduct of the City, and the conduct of City businesses, residents and visitors within the City ("Municipal Code"). The Municipal Code may be amended, and any such amendment must be approved by ordinance. The Municipal Code may incorporate other codes, or portions thereof, including statutes or published compilations of rules, regulations or standards adopted by the federal, State, or County government or by any agency of any of them. Nationally recognized or approved published compilations of proposed rules, regulations or standards of any private organization or institution, may also be incorporated by reference into the Municipal Code in accordance with the provisions of this Charter Section 311. At least one physical copy of the Municipal Code shall be maintained in the Office of the City Clerk and made available for use and examination by the public. Copies of such code, or any provision(s) thereof, duly certified by the City Clerk, shall be received without further proof as prima facie evidence of the provisions of such code in all courts and administrative tribunals of this State.

(E) *Effective Date of Ordinances.* Ordinances shall take effect thirty days after their final adoption except where otherwise required by applicable law, and except for the following which shall take effect upon adoption:

- (1) An ordinance calling or otherwise relating to an election;
- (2) An improvement proceeding ordinance adopted under State or local law or procedural ordinance;
- (3) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property; or
- (4) An emergency ordinance adopted in the manner provided for in this Article.

(F) *Amendment of Ordinances.* The amendment of any ordinance, or any section or sections of an ordinance, may be accomplished solely by the adoption of another ordinance. Where such amendment relates to a section or sections of the Municipal Code, it shall be effected through the reenactment of such section or sections at length as amended.

Sec. 312.

Legal Notices.

Upon request, the City Clerk may publish or notice or facilitate the publication of all City Council-related matters required to be published or noticed in accordance with applicable laws.

ARTICLE IV. CITY MANAGER

Sec. 400.

In General.

(A) *Appointment, Salary.* There shall be a City Manager who shall be the executive officer of the City. The City Manager shall be appointed by and serve at the pleasure of the City Council. The City Manager shall be chosen on the basis of qualifications and experience and shall be paid a salary, fixed by the Council, commensurate with their responsibilities.

(B) *Removal.* The City Manager may be removed from office by action of the City Council.

(C) *Ineligibility.* No person shall be eligible to receive appointment as City Manager while serving as an Elected Official, nor within one year after ceasing to be an Elected Official.

Sec. 401.

Powers and Duties.

The City Manager shall be the head of the administrative branch of the City government and be responsible to the City Council for the proper administration of all departments, agencies and business of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

- (A) appoint, suspend, or remove all department heads and officers of the City (subject to the provisions of Charter Section 500 , and excluding the City Attorney, the City Clerk, and their appointees), and pass upon and approve all proposed appointments and removals by department heads and other appointive officers;
- (B) prepare the City budget, which shall include a capital improvement plan, submit such budget to the City Council for its consideration and approval as required by Article X of the Charter, and administer the approved budget after adoption;
- (C) prepare and submit to the City Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year;
- (D) keep the City Council advised of the financial condition and future needs of the City and make such recommendations as the City Manager determines to be necessary or appropriate;
- (E) prepare and periodically update rules and regulations governing the contracting for, purchasing, storing, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and submit them to the City Council for adoption by ordinance;
- (F) recommend to the Council for adoption such agreements, actions and ordinances as the City Manager may deem necessary or appropriate;
- (G) appoint such advisory boards and committees as may be necessary or desirable to advise and assist in the work of the City Manager; provided, however, that the members of such boards shall not receive any compensation;
- (H) ensure, in coordination with the City Attorney's office, City compliance with the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City; and
- (I) perform such other duties consistent with this Charter as may be required by the City Council.

Sec. 402.

Participation at Council Meetings.

The City Manager shall have a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council but shall not have a vote.

Sec. 403.

Absence or Disability of the City Manager.

The City Manager shall appoint, subject to the approval of the City Council, an officer of the City to serve in their place during their temporary absence or disability.

ARTICLE V. OFFICERS AND EMPLOYEES

Sec. 500.

Election, Appointment and Removal of Certain Officers, Department Heads and Other Positions in the Unclassified Service.

(A) *City Manager and City Clerk.* The City Manager and City Clerk shall be appointed by and serve at the pleasure of the City Council and shall be in the Unclassified Service.

(B) *Executive Secretaries.* In addition, there shall be in the Unclassified Service an executive secretary for each of the City Manager, the City Attorney and Mayor and Council, who shall be appointed by, and subject to removal by, the City Manager, City Attorney and Mayor, respectively.

(C) *Assistant and Deputy City Managers and Department Heads.* Assistant and Deputy City Managers and department heads of the City (excluding the City Clerk, and the City Attorney) shall be appointed by the City Manager, subject to the ratification of the City Council, and shall be in the Unclassified Service.

(D) *Other Unclassified Service Positions.* The City Council may place additional management level positions in the Unclassified Service by a four-fifths vote. The head of the Human Resources Department shall maintain a master list of all Unclassified Service positions within the City.

(E) *Removal.* The City Manager and the City Clerk may be removed at any time by a majority vote of the City Council. Other Officers and employees in the Unclassified Service may be removed at any time by their appointing authority, and said removal shall be final and conclusive. The position of said Officers and

employees shall be forfeited and declared vacant if said Officer or employee is convicted of a felony or crime involving moral turpitude.

Sec. 501.

Administrative Departments.

(A) *City Council Authority.* The City Council may by ordinance not inconsistent with this Charter provide for the creation of additional departments and the assignment of general functions to such added departments, and may also abolish specific functions performed and the department performing such abolished functions

(B) *City Manager Authority.* The City Manager shall be responsible for the organizational structure of all departments subject to the City Manager's direction, including department divisions, sections, crews and other necessary unit components, The City Manager shall also assign duties, delegate administrative powers, and provide staff for such departments.

(C) *Number and Compensation of Positions.* The City Council shall control by budget the number and compensation ranges of all positions, unless otherwise mandated by this Charter.

Sec. 502.

City Clerk; Powers and Duties.

(A) *Powers and Duties.* The City Clerk shall be the department head for the City Clerk's office and shall have power and be required to:

- (1) staff all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all proceedings of the City Council;
- (2) maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;
- (3) maintain a record of all written contracts and official bonds;
- (4) be the custodian of the seal of the City;
- (5) administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;
- (6) administer all City elections; and

(7) oversee the management of all City records.

(B) *Publication and Noticing of City Council-Related Matters.* Upon request, the City Clerk may publish or notice or facilitate the publication of all City Council-related matters required to be published or noticed in accordance with applicable laws.

(C) *Assistant and Deputy City Clerks.* In order to assist with such responsibilities, the City Clerk may appoint Assistant or Deputy City Clerks who shall be in the Unclassified Service, and other employees, subject to City Council approval as to number of positions and funding therefor.

Sec. 503.

City Attorney: Election, Powers and Duties.

(A) *Designation as Officer; Election.* The City Attorney shall be an Officer of the City and the department head of the City Attorney's Office. The City Attorney shall be elected to said position by the voters of the City as set forth in Charter Section 503(C). Except as otherwise provided by this Charter, it is the intent of the voters that the City Attorney shall be sufficiently independent of the City Council and other City officials to advise the City while also acting in the best interests of the public.

(B) *Powers and Duties.* The City Attorney shall:

(1) represent and advise the City Council and all City Officers in all matters of law pertaining to their offices and advise all boards, commissions, and other agencies of the City on legal matters referred to the City Attorney, and render written legal opinions when the same are requested in writing by the City Council or the City Manager, the City Clerk, or any board or commission of the City with decision making authority;

(2) represent, defend, and appear for the City, and any City Officer or employee, or former City Officer or employee as may be required by law or in accordance with City policy in any or all legal actions and proceedings in which the City or any such Officer or employee in or by reasons of the City Attorney's official capacity, is concerned or is a named party;

(3) attend and advise at all regular and special meetings of the City Council;

(4) oversee the preparation of all contracts made by and all bonds given to the City, and approve the form of same in writing;

(5) oversee the preparation of any and all proposed ordinances or resolutions for the City, and approve the form of same in writing;

(6) prosecute, in the City Attorney's professional discretion, all offenses against the ordinances of the City and such offenses against the laws of the State as may be authorized or required by law; the City Attorney shall also have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons

charged with or guilty of the violation of the State laws occurring within the City limits of the City of Chula Vista for offenses constituting criminal misdemeanors or infractions;

(7) exercise discretion as to when to commence or maintain legal proceedings whenever a civil cause of action exists in favor of the City and when the basis for such action is within the knowledge of the City Attorney, subject to the approval or ratification by the City Council;

(8) consistent with all applicable ethical rules and guidance, commence or maintain legal proceedings as directed by the City Council; and

(9) surrender to the City Attorney's successor all books, papers, files and documents pertaining to the City's legal affairs.

In order to assist with such responsibilities, the City Attorney may appoint Assistant or Deputy City Attorneys, who shall be in the Unclassified Service, and other employees, subject to City Council approval as to number of positions and funding therefor.

The City Attorney may also employ special legal counsel and appraisers, engineers or other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter as the City Attorney deems necessary or appropriate, to assist with performance of the above-described duties, subject to available funds and the City's procurement policies. Upon the City Attorney's recommendation and the approval of the Council, when the City Attorney has a conflict of interest in litigation involving another Officer or employee of the City acting in their official capacity, such other Officer or employee may be authorized to retain special legal counsel at City expense. Nothing in Charter Section 503 shall be construed to prevent the City Attorney from giving confidential advice to the City when otherwise allowed by law.

(C) *Election; Compensation.* The City Attorney shall be nominated and elected in the same manner and at the same election as the Mayor, except as otherwise provided in this Charter Section 503. The annual salary of the elected City Attorney shall be equivalent to the salary of a Judge of the Superior Court of the State. The City Attorney shall also receive reimbursement for budgeted travel and other expenses when on official duty out of the City consistent with City policies. The City Council may also provide, by resolution, for the payment of an allowance of a sum certain per month, as reimbursement for additional demands and expenses made upon and incurred by the City Attorney. In addition, the City Attorney shall be entitled to such benefits as are granted to other department heads of the City, as established by the City Council.

(D) *Residency Requirements.* To be eligible to seek election to the office of City Attorney, a person must be a Resident and registered voter of the City at the time they are issued their nomination papers for such office. To be eligible to hold the office of City Attorney, a person must be a Resident and registered voter of the City and maintain such status throughout their term.

(E) *Qualifications Requirements.*-The City Attorney shall be licensed to practice law in all courts of the State, and be so licensed for at least ten years preceding their assumption of office following election under this Charter.

(F) *Term of Office* The City Attorney shall be elected to a term of four years, which term shall commence upon the taking of the oath of office and shall continue until a qualified successor takes the oath of office, or until the City Attorney vacates the seat, whichever occurs first. The oath of office shall be administered at, or immediately prior to, the first City Council meeting held following the Friday after which the official election results are certified. The City Attorney shall be subject to the same limits on terms of service as are applicable to the Mayor and the City Council under Charter Section 300(D).

(G) *Vacancy, Filling of.* Upon a declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the City Council; provided, that if the Council shall fail to fill a vacancy by appointment within sixty days after such office becomes vacant, or if the unexpired term of the City Attorney shall exceed twenty-four months at the time of the appointment, the City Council shall cause a special election to be held to fill such vacancy, as provided in Charter Section 303(C)(2). An appointee or the person elected to the Office of City Attorney for the balance of an unexpired term shall hold office until the next regularly scheduled election for the Office of the City Attorney.

(H) *Vacancy, What Constitutes.* The Office of City Attorney shall be declared vacant by the Council under any of the circumstances described in Charter Section 303(A)(1)-(10) with respect to City Councilmembers and the Mayor. Additionally, the Office of City Attorney shall be declared vacant by the Council when the person elected or appointed thereto either (1) is absent continuously from the State for a period of more than thirty days without permission from the Council, or (2) is no longer licensed as an attorney in the State

Sec. 504.

Office of Legislative Counsel; Duties.

Notwithstanding any other provision of this Charter, the Council may establish by ordinance the office of Legislative Counsel, as described in this Charter Section 504.

(A) *Appointment or Dismissal.* Legislative Counsel may be selected by the Council and serve at the pleasure of the Council, on terms and conditions prescribed by Council. Appointment or dismissal of the Legislative Counsel shall be approved by a majority vote of the Council.

(B) *Advice Regarding Legislative Duties.* Legislative Counsel may advise the Council regarding its legislative duties. Legislative Counsel shall neither oppose nor urge enactment of any legislation.

(C) *Advice Regarding Conflicts of Interest.* Legislative Counsel may also advise the Council regarding conflicts of interest involving the City Attorney, and whether the hiring of special counsel is therefore

warranted. If the Council approves the hiring of special counsel, Legislative Counsel may assist the Council in the selection and appointment of special counsel.

(D) *Advice to Board of Ethics and Charter Review Commission.* Legislative Counsel may further advise the Council or the City's Board of Ethics concerning the City's Code of Ethics and alleged violations thereof and further may advise the City's Charter Review Commission. Legislative Counsel may also provide such other assistance to the Board of Ethics in investigating or assisting the Board in the conduct of hearings, including the hiring of special counsel to the Board.

(E) *Additional Provisions By Ordinance.* The Council may further provide by ordinance that the advice of the Legislative Counsel on the matters set forth in this Charter Section 504 shall be in lieu of that of the City Attorney. The Council may additionally or alternatively provide by ordinance for the prevention or resolution of conflicts and/or disputes between the City Attorney and Legislative Counsel.

Sec. 505.

Director of Finance; Powers and Duties.

There shall be a Finance Department headed by a Director of Finance, who shall have power and be required to:

- (A) administer the financial affairs of the City under the direction of the City Manager;
- (B) compile the budget expense and income estimates for the City Manager;
- (C) supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded; review all purchase orders before issuance; review and approve before payment all bills, invoices, payrolls, or demands against the City government and with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges;
- (D) maintain a general accounting system for the City government and each of its offices, departments and agencies;
- (E) keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of the receipts and disbursements from each receiving and expending agency of the City government to be made daily or at such intervals as deemed appropriate;
- (F) submit to the City Council, through the City Manager, a quarterly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; as of the end of each fiscal year and within 120 days thereafter, submit to the City Council a summary statement of receipts and

disbursements by departments and funds, including opening and closing fund balances in the treasury, and cause said statement to be made available for inspection by the public;

(G) collect all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or federal government; or from any court or from any office, department or agency of the City;

(H) have custody of all public funds belonging to or under the control of the City or any office, department or agency of the City government and deposit all funds in such depository as may be designated by resolution of the City Council, or if no such resolution be adopted, by the City Manager, and in compliance with all the provisions of the State Constitution and the laws of the State governing the handling, depositing and securing of public funds; and

(I) supervise the keeping of current inventories of all personal property of the City by all City departments, offices and agencies.

Sec. 506.

City Council Authority to Add or Consolidate Functions

(A) *Assignment of Additional Functions or Duties.* The City Council, may assign, by ordinance or resolution, additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty otherwise assigned by this Charter to a particular office, department or agency.

(B) *Combining Powers and Duties of Offices.* Where the positions are not incompatible, the City Manager may combine in one person the powers and duties of two or more offices created or provided for in the Charter, subject to City Council approval. No office provided in this Charter to be filled by appointment by the City Manager may be combined with an office provided in this Charter to be filled by appointment by the City Council.

(C) *Transfer To or Consolidation With State, County, or Other City Governments.* The City Council may also transfer or consolidate functions of the City government to or with appropriate functions of the State, County, or other city government, or may make use of such functions of the State, County, or other city governments to supplement or replace City functions. In such case, the provisions of this Charter providing for the function of the City government so transferred or consolidated shall be suspended and shall be covered by ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Sec. 507.

Administering Oaths.

Each department head or their designee shall have the power to administer oaths and affirmations in connection with any official business pertaining to that department, subject to the approval of the City Manager.

Sec. 508.

Department Heads; Appointment Powers.

Each department head shall have the power to appoint and remove such deputies, assistants, subordinates and employees as are provided for by the City Council in the City's budget for their department, subject to the civil service provisions, or as provided by ordinance of the Council as authorized by Charter Section 500, and subject to the approval of the City Manager.

Sec. 509.

Illegal Contracts; Financial Interest.

(A) *Financial Interest Prohibited.* No member of the City Council, department head, or other Officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale, or transaction to which the City is a party, or as otherwise described in Article 4 of Division 4 of Title 1 (commencing with Charter Section 1090) of the Government Code of the State.

(B) *Forfeiture of Office in the Event of Violation.* Any member of the City Council, department head, or other Officer of the City who has a financial interest in any contract, sale, or transaction made by such person in their official capacity, or by any body of which they are a member, in violation of Article 4 of Division 4 of Title 1 (commencing with Charter Section 1090) of the Government Code of the State, or any successor provision thereto, upon conviction thereof, and in addition to any other penalty imposed for such violation, shall forfeit their office or position of employment with the City.

(C) *Option to Void Contract, Sale or Transaction.* Any contract, sale, or transaction, in which there shall be such an interest, as specified in this Charter Section 509, shall become void at the election of the City, when so declared by resolution of the City Council.

Sec. 510

Acceptance of Other Office.

Any full-time Elected Official of the City who accepts or retains any salaried public office shall be deemed thereby to have vacated their office under City government.

Sec. 511.

Limitations on Appointment of Relatives.

(A) *City Council.* The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more members of such City Council, provided that such prohibition shall not apply to persons who achieved permanent salaried status prior to the date upon which any such relative became elected or appointed to such City Council.

(B) *Department Heads and Other Officers.* No department head or other Officer having appointive power shall appoint to a salaried position under the City government any person who is a relative by such appointing authority within the third degree by blood or marriage, provided that such prohibition shall not apply to persons who achieved permanent salaried position prior to the effective date of such appointing authority assuming such position, and provided the City Manager approves such appointment in writing.

Sec. 512.

Official Performance Bonds.

The City Council shall fix by ordinance or resolution which Officers shall give bonds for the performance of their official duties and fix the amounts and terms of such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on such bonds shall be paid by the City.

Sec. 513.

Oath of Office.

Each member of the City Council, every board and commission member, and each Officer, department head and full-time employee, before beginning the duties of their office, shall take, subscribe to and file with the City Clerk the required oath of office under State law.

ARTICLE VI.

APPOINTIVE BOARDS AND COMMISSIONS

Sec. 600.

In General.

There shall be the boards and commissions enumerated in this Article which shall have the powers and duties set forth in this Charter. In addition, the City Council, may create, by ordinance, such boards or commissions as, in its judgment, are required and may grant to them such powers and duties as are consistent with the provisions of this Charter. Such boards and commissions shall consult with and advise the Mayor, Council or City Manager as may be provided herein or in the ordinances establishing such boards and commissions, but they shall have no authority to direct the conduct of any department.

Sec. 601.

Funding and Compensation.

(A) *Funding.* The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of City boards and commissions.

(B) *Compensation.* Unless otherwise specified by City ordinance, members of boards and commissions shall serve without compensation for their services , but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures are approved in advance by the City Manager in accordance with City policies .

Sec. 602.

Appointments, Terms, and Vacancies.

(A) *Appointments and Terms.* The members of each City board or commission shall be appointed, and shall be subject to removal, by action of the City Council. The members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified. Board and commission members shall be limited to a maximum of two consecutive terms and an interval of two years must pass before a person who has served two consecutive terms may be reappointed to the body upon which the member had served. For the purpose of this Charter Section 602, an appointment to fill an initial term or an unexpired term of less than two years in duration shall not be considered as a term; however, any appointment to fill an initial term or an unexpired term in excess of two years shall be considered to be a full term.

(B) *Initial Classification of Appointees.* The members appointed to such boards and commissions shall so classify themselves by lot so that the first day of July of every year, the term of one of their number shall expire. If the total number of members of such body to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on the first day of July of every year.

(C) *Vacancies.* Vacancies in any board or commission shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. A board or commission member shall have been deemed to have vacated their position under any of the circumstances described in Charter Section 303(A)(2)-(10) with respect to City Councilmembers and the Mayor. Additionally, if a member of a board or commission is absent from three regular meetings of such body consecutively, unless by permission of such board or commission expressed in its official minutes, then such member shall forfeit their office and the office shall become vacant once so declared by the City Council.

(D) *Eligibility.* All voting members of City boards and commissions must be Residents of the City of Chula Vista and at least 18 years of age. Notwithstanding the foregoing, the City Council may appoint non-Residents to boards and commissions (1) where expressly allowed under this Charter for the boards and commissions specifically provided for herein, and (2) where the City Council has specifically provided for non-Residents to be qualified for boards and commissions created by ordinance. Appointment of non-Residents to such boards and commissions must be passed by at least four-fifths vote. The age requirement shall not apply to members of boards and commissions on which youth members are permitted to serve by City ordinance. Redistricting Commission members must also be registered voters of the City, pursuant to Charter Section 903. No person may be appointed nor shall serve on more than one board or commission simultaneously unless otherwise approved by the City Council in accordance with City Council policy.

Sec. 603.

Meeting Procedures.

(A) *Presiding Officer.* As soon as practicable, following July 1st of every year, each boards and commissions shall select one of its members to serve as presiding Officer for the ensuing year.

(B) *Meetings.* Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All proceedings of Charter or City Council created boards and commissions shall be open to the public, except as authorized by applicable law.

(C) *Votes Required for Action.* Unless a higher number of votes is required by this Charter or by ordinance, the affirmative vote of a majority of the then appointed and sworn in board or commission members shall be necessary for it to take any action except to adjourn.

(D) *Staff Liaison.* The City Manager shall designate a staff liaison to staff and record the minutes for each such board and commission, and to keep a record of its proceedings and actions.

(E) *Additional Rules and Regulations Allowed.* Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and other applicable laws. Such rules and regulations shall be kept on file in the office of the City Clerk where they shall be available for public inspection. If established by ordinance, a board or commission may have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it .

Sec. 604.

Planning Commission.

(A) *In General.* There shall be a City Planning Commission to be appointed by the City Council from the Residents of the City, none of whom shall hold any paid office or employment in the City government. The number of members to comprise the Planning Commission shall be established by ordinance of the City Council at not less than five nor more than nine.

(B) *Powers and Duties.* The Planning Commission shall have the power and duty to:

- (1) recommend to the City Council, after a public hearing thereon, the adoption or amendments to the General Plan, a Sectional Planning Area Plan, a General Development Plan, a Specific Plan, a Precise Plan, and Rezonings for the physical development of the City; and
- (2) exercise such functions with respect to land subdivisions, planning, and zoning, use permits, and project design as may be prescribed by ordinance and State law.

(C) *Staff Support.* The services of the Director of Development Services, or their designee, and the City Attorney's Office shall be made available to support the activities of the Planning Commission.

Sec. 605.

Board of Library Trustees.

(A) *In General.* There shall be a Board of Library Trustees consisting of at least five members to be appointed by the City Council from the Residents of the City. No member of said board shall hold any paid office or employment in the City government. The number of members to comprise the Board may be changed by ordinance of the City Council.

(B) *Powers and Duties.* The Board of Library Trustees shall have the power and duty to:

- (1) Act in an advisory capacity to the City Council in all matters pertaining to City libraries; and

(2) Recommend to the City Council the adoption of such rules and regulations as it may deem necessary and appropriate for the administration and protection of City libraries.

Sec. 606.

Civil Service Commission.

(A) *In General.* There shall be a Civil Service Commission consisting of five members to be appointed by the City Council from the Residents of the City. No member of such commission shall hold any paid office or employment in the City government.

(B) *Appointment Process.* The members of the Civil Service Commission shall be nominated and appointed in the following manner:

(1) two members shall be appointed by the City Council from a list of at least four persons to be nominated by election of the employees in the Classified Service;

(2) two members shall be appointed by the City Council directly; and

(3) the fifth member shall be appointed by the City Council from a list of three persons nominated by the four thus appointed. The successor of any member of the Commission shall be nominated and appointed in the same manner as such member was nominated and appointed.

(C) *Powers and Duties.* The Civil Service Commission shall have the power and duty to:

(1) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of civil service rules and regulations not in conflict with this Article;

(2) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal;

(3) Conduct any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council; and

(4) Such other duties and powers as the City Council may, by ordinance or resolution, confer upon the Commission in order to carry out the principles of civil service in accordance with the laws of the State and this Charter and to assist in the implementation of proper employer-employee relations.

Sec. 607.

Parks and Recreation Commission.

(A) *In General.* There shall be a Parks and Recreation Commission consisting of at least five members to be appointed by the City Council from the Residents of the City. No member of said Commission shall hold any

paid office or employment in the City government. The number and qualifications of members to comprise the commission may be changed by ordinance of the City Council.

(B) *Powers and Duties.* The Parks and Recreation Commission shall have the power and duty to:

- (1) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation centers, sports fields and playgrounds;
- (2) Consider the annual budget for parks and recreation purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager, and
- (3) Assist in the planning of a recreation program for the inhabitants of the City, promote and stimulate public interest therein and, to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

ARTICLE VII. CIVIL SERVICE

Sec. 700.

Composition of the City Workforce.

The City workforce shall be comprised of Unclassified Service employees and Classified Service Employees. Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with civil service rules and regulations adopted in the manner provided in this Charter.

Sec. 701.

Unclassified and Classified Service Designations.

The employees of the City shall be divided into the Unclassified Service and the Classified Service as follows:

(A) *Unclassified Service.* The Unclassified Service shall include the following Officers and positions:

- (1) all Elected Officials;
- (2) the positions expressly identified as “Unclassified” in Charter Section 500;
- (3) all members of boards and commissions;

(4) positions in any class or grade created for a special or, temporary purpose and which may exist for a period of not more than ninety (90) days in any one calendar year;

(5) persons employed to render professional, scientific, technical or expert service of any occasional and exceptional character;

(6) part-time employees paid on an hourly or per diem basis;

(7) persons employed to fill positions which have been created for work and/or projects funded entirely or in part by grants made to the City; and

(8) any additional management level positions in the Unclassified Service approved by an ordinance adopted by a four-fifth's vote of the City Council in accordance with Charter Section 500(D).

(B) *Classified Service.* The Classified Service shall comprise all positions not specifically included by this Charter Section 701 in the Unclassified Service.

Sec. 702.

Civil Service Rules and Regulations.

The Civil Service rules and regulations shall provide for the following matters, in addition to such others as the City Council may deem necessary, proper or appropriate to carry on the intent and purpose of the Civil Service provisions of this Charter.

(A) The classification of all positions in the Classified Service.

(B) The selection, employment, advancement, suspension, demotion, and discharge of all persons in the Classified Service.

(C) The recruitment of applicants for City positions through public advertisement inviting applications and by the establishment of lists according to the merit and fitness of the applicants, to be determined by free examinations in accordance with such rules.

(D) The holding of promotional examinations to fill vacancies where promotional examinations are practicable in the opinion of the Civil Service Commission.

(E) The process for certification of names from the eligible list to fill a position in the Classified Service, including the role of the Civil Service Commission in such process.

Sec. 703.

Appointments from Classified Service Positions.

In the event an Officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service and, within six months thereafter, such Officer or employee is removed or resigns from such Unclassified Service position, the Officer or employee shall revert to their former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as though service had been continuous in said position.

Sec. 704.

Temporary Appointments.

(A) *Heads of Departments.* Temporary appointments to the head of any department where a vacancy may occur shall be made by the City Manager, subject to Council ratification if the duration of the appointment exceeds one year].

(B) *Classified Service.* Temporary appointments for positions in the Classified Service shall be made by the head of each department in which such a vacancy may occur, subject to the approval of the City Manager, of persons not on the eligible list in the event that no eligible list has been prepared for this position, or that those on the eligible list are not immediately available, or during the suspension of an employee or Officer, or pending final action on proceedings to review a suspension, demotion or dismissal of an employee or Officer. Such temporary appointments may continue for up to one year. No credit shall be allowed in the giving of examinations for service rendered under a temporary appointment.

Sec. 705.

Abolishment of Positions; Rights of Reinstatement.

Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the City Council may abolish or reduce any position(s) in the Classified Service. Should such employee or officer holding such position or employment involving all or the major part of the same duties be reinstated or created within two years, the employee or Officer discharged or reduced shall be entitled to be appointed thereto in preference to any other qualified persons on the eligible list for such position.

Sec. 706.**Contract for Performance of Administrative Functions.**

The City, with approval of the City Council, may contract with the governing body of a city or county within this State, or with a State department or other public or private agency for the preparation or conducting of examinations for positions in the City service or for the performance of any other personnel administration service.

Sec. 707.**Improper Political Activity.**

No elective or appointive Officer or employee of the City of Chula Vista, whether employed in the Classified or Unclassified Service, shall:

- (A) directly or indirectly use, promise, threaten or attempt to use any official influence in the aid of any partisan political activity, or to affect the result of any election to partisan or political office or otherwise act or fail to act, in their official capacity as a result of any or partisan or political consideration;
- (B) solicit or coerce from any other Officer or employee of the City of Chula Vista, any political payment, or contribution or membership; or
- (C) use any office or position with the City in any activity in support or opposition to any person running for any elected office.

Nothing in this article shall be construed to prevent any such Officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting their vote or from seeking or accepting election or appointment to public office.

Any willful violation, or violation through gross negligence, of the prohibitions in this Charter Section 707, in addition to any other remedies provided in this Charter for violations hereof, shall be sufficient grounds to authorize the discharge of an Officer or employee from their employment with the City.

No person in the Unclassified or Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief, except that no one shall be eligible to hold a position with this City who advocates the overthrow of our form of government by force or violence.

ARTICLE VIII. RETIREMENT

Sec. 800.

State System.

Plenary authority and power are hereby vested in the City, its City Council and its several Officers, agents and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or may hereafter be replaced or amended, to enable said City to continue as a contracting city participating in the said retirement system. The City Council may terminate any such contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at any election at which such proposal is presented.

ARTICLE IX. ELECTIONS

Sec. 900.

In General.

(A) *Procedure for Holding Elections.* Unless otherwise provided in this Charter or by ordinance, all municipal elections shall be held in accordance with the provisions of the Elections Code for the holding of elections in general law cities.

(B) *Timing.* Primary municipal elections for the election of Mayor, Councilmembers, and City Attorney, and for such purposes as the City Council may describe, shall be held in the City of Chula Vista on the same date in each election year as the State primary elections. General municipal elections for the election of Mayor, Councilmembers, and City Attorney, and for such purposes as the City Council may describe, shall be held in the City of Chula Vista on the same date in each election year as the State general elections.

(C) *Nominations.* Only a Resident and registered voter of the City can nominate a person to be a candidate for Mayor and to be a candidate for City Attorney. Only a Resident and registered voter of a district can nominate a person to be a candidate for Councilmember for that district. For any election contest, no person can nominate more than one candidate for a single office.

(D) *Designation of Council District.* Each Council district shall be numbered one through four respectively. Any person running for the office of Councilmember shall designate one of the numbered Council districts as the office for which such person seeks election on their nominating papers. Should a vacancy occur at any time in any Council district, if said vacancy is to be filled by a special election as provided in Charter Section 901,

candidates for said vacancy shall similarly designate the appropriate numbered district on their nominating papers.

(E) *Mail Ballot Option Allowed in Limited Circumstances.* Subject to the requirements of State law, elections for ballot measures, may, at the discretion of the City Council, be conducted by means of a mailed ballot. Elections to choose Elected Officials, however, may not be conducted by mail ballot except for special elections to fill vacancies as provided in Charter Sections 303 and 503(G).

Sec. 901

Primary, General, and Special Municipal Elections.

(A) *Primary Municipal Elections.* In the primary municipal election for Councilmembers, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one candidate from their district. The two candidates for Councilmember in each district receiving the highest and second highest number of votes cast by the voters of their district shall be the candidates in the general municipal election to be held on the same date as the statewide election date immediately following the primary municipal election. Notwithstanding the foregoing, if only two qualified candidates for the office of Mayor, or for a Councilmember district seat, file nomination papers to participate in the primary municipal election for such office, no primary municipal election shall be held for such office. Instead, such candidates shall be the only two candidates in the general municipal election for that office. If two or more candidates for an office tie in the receipt of the highest number of votes for such office in the primary municipal election, all such candidates shall appear on the general municipal election ballot for such office to the exclusion of all other candidate(s). If one candidate for an office receives the highest number of votes and two or more candidates for that same office tie in the receipt of the second-highest number of votes, all such candidates for such office shall appear on the general municipal election ballot. These same rules apply for the Mayoral and City Attorney elections, except without reference to districts.

(B) *General Municipal Election.* If no statewide election is conducted, the general municipal election will be held on the first Tuesday after the first Monday of November of each even numbered year. In the general municipal election for Councilmembers, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one candidate from their district. The candidate for Councilmember from each such district receiving the highest number of votes cast shall be elected. Ties at any general municipal election shall be resolved by random selection method chosen and administered by the City Clerk. These same rules apply for the Mayoral and City Attorney elections, except without reference to districts.

(C) *Special Municipal Elections.* All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Sec. 902

Special Rules for Candidates.

(A) *Write-in Candidates.* In order to participate as a write-in candidate in a municipal election, a prospective write-in candidate must qualify to run in the primary municipal election pursuant to the standards set forth in this Charter Section 902 and State law. In order to participate in a run-off general municipal election, a qualified write-in candidate must be one of the top two vote getters for the seat for which they qualified in the primary municipal election per the standards set forth above. Notwithstanding the foregoing, in the event that a primary municipal election is cancelled for any office because two or less candidates qualify for such election, a write-in candidate may qualify to participate as a candidate for such office in the general election by qualifying to run as a write-in candidate for such general election under State law. Except as expressly provided in this paragraph, no write-in candidate shall be eligible to run for office in any municipal election.

(B) *Death of a Candidate.* If one of the two eligible candidates in a run-off general municipal election dies, and the City Clerk is notified of and confirms the death on or before the deadline to file the names of the candidates with the County elections official for such election, the deceased candidate's name shall not be placed on the ballot. Instead, immediately upon confirming the death, the City Clerk shall offer, in writing, to the candidate receiving the third highest number of votes in the primary municipal election, the opportunity to be placed on the ballot in lieu of the deceased. Such candidate shall notify the City Clerk in writing whether they have accepted or rejected the offer within five calendar days of receipt of the City Clerk's offer. Any acceptance must be accompanied by all required candidate documents for that election. If the candidate timely accepts, and timely files the required documents, they will be added to the ballot and the run-off general municipal election will be held. If the candidate rejects the offer or fails to timely respond, there shall be no run-off election, and the remaining candidate shall be deemed elected as of the date the death of the deceased candidate was confirmed.

Sec. 903.

Redistricting Commission Establishment and Redistricting Process.

(A) *Establishment of Redistricting Commission; Composition; Powers and Duties.*

(1) *Establishment of Commission.* There shall be established a seven member Redistricting Commission, hereinafter "Commission," for the purpose of recommending to the City Council adjustments to the boundaries of the City's Council districts in response to shifts or increases in district populations indicated in each Federal Decennial Census and other factors more particularly set forth in this Charter Section 903. As used in this Charter Section 903, the term "Federal Decennial Census" shall mean the national decennial census that is taken under the direction of the United States Congress at the beginning of each decade.

(2) *Redistricting Plan Recommendations.* Each Commission shall recommend, and the City Council shall approve, a Redistricting Plan for adjusting the boundaries of the four Council districts within one year of

receipt of the final Federal Decennial Census information for use commencing with the next scheduled primary municipal election occurring at least three months after adoption of the Final Redistricting Plan. The City Council may amend this timeline, or other timelines set forth in this Charter Section 903, by resolution, as necessary to respond to State statutory deadlines or other exigent circumstances.

(3) *Consultants.* As necessary, one or more independent consultants experienced and competent in the skills necessary for the redistricting work shall be utilized to assist the Commission in developing the Redistricting Plans detailed in this Charter Section 903.

(B) Ordinances Implementing Redistricting Commission Powers and Duties; Appropriations to Support Redistricting Commission.

(1) The City Council shall adopt such ordinances as are necessary to provide for and support the Commission, and to ensure timely selection of Commission members and full implementation of the Commission's powers and duties under this Charter Section 903.

(2) The City Council shall ensure, through the budget process, the appropriation of funds sufficient to allow the Commission to carry out its powers and duties under this Charter Section 903.

(C) Eligibility to Serve on the Commission.

(1) Only persons who are both Residents and registered voters of the City are eligible to apply for and serve on the Commission.

(2) Notwithstanding that they may be a Resident and registered voter of the City, the following persons are ineligible to apply for and serve on the Commission:

(a) the Mayor, a Councilmember, any other Elected Official, or a member of the City Charter Review Commission;

(b) a relative by blood or marriage within the second degree, or any domestic partner within the meaning of California law (including Family Code section 297), of the Mayor, any Councilmember, or any other Elected Official;

(c) a person who, at any time within the four years immediately preceding the date of their application for selection to the Commission, has served as the Mayor, a Councilmember, or an Elected Official;

(d) a current employee of the City or a current employee of any organization representing any employee bargaining unit for employees of the City;

(e) a person who, at any time within the four years immediately preceding the date of their application for selection to the Commission, has worked as a lobbyist. For purposes of this provision, the term "lobbyist" means a person who, for compensation, has direct communication with a City official, including the Mayor, a Councilmember, or any Elected Official, for purposes of influencing a municipal decision;

(f) a person who is currently an officer in any local political party organization, including, but not limited to, officers of a political party county central committee; and

(g) a person who, at any time within the four years immediately preceding the date of their application for selection to the Commission, has served as a paid campaign worker or paid campaign or political consultant for an Elected Official.

(D) *Selection of Commission Members; Filling of Vacancies.*

(1) The City Charter Review Commission shall review and verify the information contained in the applications submitted by persons interested in serving on the Commission, including applicants' eligibility to serve on the Commission under Charter Section 903 (C). From the reviewed and verified applications, the City Charter Review Commission shall select ten persons to constitute the pool of eligible applicants.

(2) Four Commission Members shall be randomly selected from the pool of eligible applicants.

(3) Three Commission Members shall be selected by the randomly selected Commission Members from the pool of eligible applicants, subject to approval by the City Council. The goal of such selections shall be to ensure that, to the extent possible and as permitted by law, the Commission includes:

- (a) persons who reflect the racial, ethnic, gender and geographic diversity of the City;
- (b) persons who have relevant knowledge and/or demonstrated analytical abilities that would allow the Commission to carry out its responsibilities with a high degree of competence;
- (c) persons who have demonstrated the ability to serve impartially in a nonpartisan role;
- (d) persons who have experience in the areas of public communication and/or public outreach in the City; and
- (e) persons who have experience in civic and/or volunteer activities in the City.

The City Council shall approve nominees for selection to the Commission unless the City Council finds by a four-fifths vote that the approval of one or more of the nominees would be inconsistent with this goal. In such case, the City Council shall approve for selection to the Commission one or more persons from the remaining pool of eligible applicants.

(4) In the event that not enough eligible persons apply for the Commission to allow selection in the manner provided in Charter Section 903 (D), the City Council shall appoint persons as necessary to fill all seven seats on the Commission. Such appointments shall be consistent with the eligibility restrictions in Charter Section 903(C) and the goals described in Charter Section 903(D)(3).

(5) *Vacancies.* A vacancy of the Commission shall be declared for the same reasons described in Charter Section 602(C). Vacancies on the Commission, shall, if possible, be filled using the same process described in Charter Section 903(D), and if not possible, then by the City Council consistent with the eligibility restrictions

in Charter Section 903(C) and the goals described in Charter Section 903(D). Vacancies on the Commission shall be filled within forty-five days of the date upon which the vacancy existed.

(E) *Commission Member Compensation; Restriction on Commission Members Seeking Election to City Council.*

(1) Commission Members shall serve without compensation, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

(2) A person who serves as a Commission Member is ineligible to serve on, and shall not submit nomination papers to the City Clerk to seek election to, the City Council in any district whose boundaries were drawn or adjusted by the Commission on which such person served for a period of four years immediately following the end of the person's service on the Commission.

(F) *Redistricting Criteria.* The Commission and City Council shall adhere to the following criteria in considering and approving or disapproving any Redistricting Plan:

(1) District shall have reasonably equal populations as required by the federal and State constitutions.

(2) District boundaries shall be geographically compact and contiguous.

(3) District boundaries shall follow visible natural and man-made features, street lines and/or City boundary lines whenever possible.

(4) District boundaries shall respect communities of interest to the extent practicable. A community of interest is defined as a geographic area comprised of Residents who share similar interests including, but not limited to, social, cultural, ethnic, geographic or economic interests, or formal government or quasi-governmental relationships, but not including relationships with political parties, incumbents, or candidates.

(5) District boundaries shall be drawn without regard for advantage or disadvantage to incumbents or challengers.

(6) District boundaries shall be drawn without regard for advantage or disadvantage to any political party.

(G) *Procedures for Creation of Draft and Recommended Redistricting Plans.* The Commission and City shall abide by the following procedure in any redistricting process:

(1) The Commission and City should actively encourage City Residents to participate in the redistricting process. Such efforts should include, but not be limited to, encouraging City Residents to attend Commission meetings and provide public comments to the Commission, and facilitating the submission of redistricting plans for consideration by the Commission. To the extent practicable, Commission meetings should be held in different geographic areas of the City so as to facilitate participation by persons residing in different areas of the City.

(2) The Commission shall approve a Draft Redistricting Plan based on application of the redistricting criteria specified in Charter Section 903(F) and consideration of all public comments submitted. Approval of a Draft Redistricting Plan shall require the affirmative vote of at least five Commission members. The Commission shall hold at least two public meetings prior to approving a Draft Redistricting Plan.

(3) A Draft Redistricting Plan approved by the Commission shall be made publicly available for at least thirty days before the Commission may take any action to approve a Recommended Redistricting Plan. The Commission shall hold at least two public meetings between the release of a Draft Redistricting Plan and approval of a Recommended Redistricting Plan provided that the first such public meeting shall not be held sooner than seven days following the release of a Draft Redistricting Plan.

(4) The Commission shall thereafter approve a Recommended Redistricting Plan for consideration by the City Council. Approval of a Recommended Redistricting Plan shall require the affirmative vote of at least five Commission Members.

(5) For each Recommended Redistricting Plan prepared by the Commission and submitted to the City Council, the Commission shall prepare a report that describes the process, criteria, and evidence used by the Commission to prepare the Recommended Redistricting Plan. Such a report shall accompany any Recommended Redistricting Plan submitted by the Commission to the City Council.

(H) City Council Consideration of Recommended Redistricting Plan; Approval of Final Redistricting Plan.

(1) The City Council shall hold at least one public hearing on the Recommended Redistricting Plan of the Commission before the City Council takes any action to approve or disapprove the Recommended Redistricting Plan.

(2) The Recommended Redistricting Plan shall be made publicly available for at least fourteen days before any vote by the City Council to approve or disapprove a Recommended Redistricting Plan.

(3) The City Council shall not alter the Recommended Redistricting Plan. Rather, the City Council shall approve or disapprove the Recommended Redistricting Plan in its entirety.

(4) If the City Council approves a Recommended Redistricting Plan it shall immediately become the Final Redistricting Plan which shall be implemented by the City.

(5) If the City Council disapproves a Recommended Redistricting Plan, the City Council shall immediately state in writing to the Commission the reasons for such disapproval, including any deviations by the Commission from the redistricting criteria specified in Charter Section 903(F). Thereafter, the Commission shall consider the City Council's stated reasons for disapproval and may consider and approve alterations to the Recommended Redistricting Plan in response to those reasons. After such consideration, the Commission shall submit its Final Redistricting Plan to the City Council for immediate implementation by the City. Approval of such Final Redistricting Plan shall require the affirmative vote of five Commission Members.

(I) *Referendum or Legal Challenge to Final Redistricting Plan.*

(1) Any Final Redistricting Plan approved under this Charter Section 903 shall be subject to the referendum provisions of this Charter. If a referendum qualifies against any Final Redistricting Plan approved under this Charter Section 903, the City shall continue to elect Councilmembers by district elections as provided in Charter Section 900 using the existing Council districts until an election on the referendum is held. In either event, if the voters approve such a Final Redistricting Plan, the Council districts established in the Final Redistricting Plan shall become effective as soon as practicable. If the voters reject such a Final Redistricting Plan, the Commission shall, as soon as practicable, prepare and submit a new Recommended Redistricting Plan for consideration and approval by the City Council consistent with the process described in Charter Section 903(G).

(2) If a court of competent jurisdiction invalidates a Final Redistricting Plan, the Commission shall, as soon as practicable, prepare and submit a new Recommended Redistricting Plan for consideration and approval by the City Council consistent with the process described in Charter Section 903(G).

(J) *Dissolution of Redistricting Commission.* Each Commission established under Charter Section 903 shall cease operations and dissolve on the ninety-first day following approval of a Final Redistricting Plan, unless a referendum against the Final Redistricting Plan has qualified or a lawsuit has been filed to enjoin or invalidate the Final Redistricting Plan, in which case the Commission shall continue operations until a Final Redistricting Plan is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a Final Redistricting Plan is filed later than the ninety-first day following approval of a Final Redistricting Plan, the Commission shall automatically revive and continue operations during the pendency of such lawsuit and until a Final Redistricting Plan is implemented by the City.

Sec. 904.

Initiative, Referendum and Recall.

There are hereby reserved to the electors of the City the powers of initiative, referendum, and recall of Elected Officials subject to the terms and conditions of the Elections Code to the extent such provisions of the Elections Code are not in conflict with this Charter.

Sec. 905.

Regulations of Campaign Contributions.

It is the policy of the City to avoid the potential for undue or improper influence over Elected Officials resulting from excessive campaign contributions. In furtherance of that purpose, the City Council shall adopt reasonable regulations related to campaign contributions which shall be contained in the Municipal Code.

ARTICLE X. FISCAL ADMINISTRATION

Sec. 1000.

Fiscal Year.

The fiscal year of the City shall begin on the first day of July each year and end on the thirtieth day of June of the following year.

Sec. 1001.

Annual Budget Preparation by the City Manager.

The City Manager shall set a date for obtaining from each department head or other responsible City Officer estimates of revenues and expenditures for their department or office for the upcoming fiscal year in such form the City Manager prescribes. In preparing the proposed budget, the City Manager shall review the estimates and confer with the party submitting such estimates and revise such estimates as the City Manager deems appropriate.

Sec. 1002.

Budget Submission to the City Council.

At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit the City Manager's proposed budget to the City Council. After reviewing same and making such revisions as it may deem advisable, the City Council shall (1) conditionally approve such budget as the City Council's proposed budget, (2) set a public hearing no sooner than ten days thereafter at which the City Council shall hear and consider all public testimony and be authorized then to take final action to approve a final City budget, and (3) direct that copies of the proposed budget be made available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Sec. 1003.

Public Hearing on the City Council's Proposed Budget.

At the properly noticed time and date for the public hearing, or at any time to which such public hearing shall be continued, the City Council shall hold a public hearing on the proposed budget and consider all public testimony presented.

Sec. 1004.

Final Budget Consideration and Adoption.

After the conclusion of the public hearing the City Council shall (1) further consider the proposed budget, (2) make any revisions thereto they may deem advisable based on any new information, considerations, or testimony presented, and (3) adopt the budget with revisions, if any, by the affirmative votes of at least three members. City Council action to approve the budget must be taken by no later than June 30. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be placed and shall remain on file in the Office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices, and agencies of the City.

Sec. 1005.

Budget Appropriations; Amendment.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices, and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered except appropriations for specific capital projects incomplete at the end of the fiscal year. At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by an affirmative four-fifths vote.

Sec. 1006.

Taxes.

(A) *Limits.* The tax limit for any ad valorem tax on real property shall be as prescribed by Article XIII A of the Constitution of the State.

(B) *Procedures.* To the extent permitted by the State Constitution, the procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes may be prescribed by ordinance of the City Council.

Sec. 1008.

Bonded Debt Limitations.

(A) *Assessed Valuation Limits.* The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of 15% of the total assessed valuation, for the purposes of City taxation, of all the real and personal property within the City.

(B) *Voting Requirements.* No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. No bonds payable out of any revenues of the City or of any department thereof, shall be issued without assent of a majority of the voters voting upon the proposition of issuing the same, at an election at which such propositions shall have been duly submitted to the qualified electors of the City, except to the extent State law provides otherwise for general law cities.

(C) *Special Rules for Public Utilities and Industrial or Commercial Facilities.* The City may issue bonds, notes or other obligations, any portions of the proceeds of which will be used to finance in whole or in part the acquisition, construction, equipping or improvement of any public utility, industrial or commercial facility and which will be payable in whole or in part out of any revenues derived from the operation of such public utility system or payments received from such industrial or commercial facility without the assent of the voters provided that neither the faith and credit of the City or any department thereof nor the taxing power of the City is pledged to the payment of principal or interest of such bonds, notes or other obligations.

(D) *Other Limitations.* All other limitations, terms and procedures for the City's issuance of debt shall be governed by State law applicable to Charter cities and/or to the extent allowed by State law or City ordinance.

Sec. 1009.

Contracts on Public Works.

When the City contracts for the construction, reconstruction, improvement or repair (excluding routine maintenance) of public buildings, streets, drains, sewers, utilities, parks, playgrounds and similar public facilities (each a "Public Work" and collectively, "Public Works"), the furnishing of labor, supplies, materials, equipment or other contractual services for same shall be done by written contract approved as to form and legality by the City Attorney.

The City Council shall, by ordinance, adopt specific policies and procedures for the award of Public Works contracts. This ordinance must contain provision for the following:

- (A) City Council reservation of authority to approve what it defines as “major” contracts or “special” contracts, based on factors such as contract cost, value or other relevant factors;
- (B) competitive bid processes for all contracts, with formal advertisement for bids and sealed bids required for all “major” contracts;
- (C) the award of contracts to the lowest responsive and responsible bidder;
- (D) the ability to reject any and all bids, to re-advertise for bids, or to waive minor defects in any bid, where determined by the designated contract-approving authority that such action is necessary or appropriate for the benefit of the public;
- (E) emergency authority to waive the applicable competitive bid process requirements if the City Manager determines that the work required is of urgent necessity for the preservation of life, health or property; and
- (F) such other provisions consistent with this section as may be necessary or appropriate to implement a Public Works procurement process that is consistent with best practices.

The ordinance may also provide for one or more exceptions to the approval and competitive bid processes described in (A) through (C), above, provided that any such exception is implemented as part of a City-wide policy or program that has been approved and determined to be in the best overall interests of the City by a four-fifths vote of the City Council.

Notwithstanding any provisions of this Charter to the contrary, the City may employ a design-build process for the construction, reconstruction or repair of public works. A “design-build process” shall mean a process in which the design and construction of a project are procured from a single entity. Prior to employing the design-build process, the City shall establish, by ordinance, specific procedures and standards to be used to solicit, qualify, evaluate and select design-build proposals by competitive bid or negotiation process.

Sec. 1010.

Procurement System and Competitive Bidding for Non-Public Works.

The following provisions shall apply with respect to the procurement of non-public works:

- (A) A purchasing system shall be established for the purchase, lease or other acquisition of all property, supplies, materials or equipment required by all City departments, offices and agencies.

(B) The City Manager shall recommend and the City Council shall consider and adopt, by ordinance, rules and regulations governing the purchase, lease or other acquisition of all such property, supplies, materials and equipment.

(C) The ordinance described in Charter Section 1010(B), shall include provisions for competitive bidding. It shall also include such other provisions as may be necessary or appropriate to implement a procurement process that is consistent with best practices. The ordinance may also provide for one or more exceptions to the competitive bidding procedures, provided that any such exception is implemented as part of a City-wide policy or program that has been approved and determined to be in the best overall interests of the City by a four-fifths vote of the City Council.

Sec. 1011.

Property Storage, Distribution, Inventory and Disposition.

The City Manager shall establish a system for the storage, distribution and inventory of all City property. The City Manager shall also prepare and recommend for City Council approval policies and procedures for the disposition of surplus City property.

Sec. 1012.

Independent Audit.

The City Council shall employ, at the beginning of each fiscal year, a qualified accountant who, at such time or times as may be specified by the City Council, shall examine the books, records, inventories and reports of all Officers and employees who receive, handle or disburse public funds and all such other Officers, employees, or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be presented to the City Council at a public meeting and a copy shall be made available to each City Council member, to the City Manager, Director of Finance and City Attorney, respectively. One additional copy shall be placed on file in the office of the City Clerk where it shall be available for inspection by the general public.

ARTICLE XI. FRANCHISES

Sec. 1100.

Granting of Franchises.

Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, or other public utility or service, or using the public streets, ways, alleys, or other public places for the operation of plants, works, or equipment for the furnishing of such utilities or services, or, to the extent allowed by law, traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, subject to the provisions of this Charter. Nothing in this Charter Section 1100 or elsewhere in this article shall apply when the City, or any department thereof, is itself furnishing any such utility or service.

Sec. 1101.

Resolution of Intention. Notice and Public Hearing.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof. Said notice shall be published at least ten days prior to the date of hearing.

At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and modify the proposed terms and conditions, if desired, and its decision thereon shall be final and conclusive. Thereafter, it may grant or deny the franchise on the terms and conditions specified in the resolution of intention to grant the same, or as modified, subject to the right of referendum of the people.

Sec. 1102.

Term of Franchise.

To the extent authorized by law, every franchise, other than an indeterminate franchise shall state the term for which it is granted, the initial term for which shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State, shall be voluntarily surrendered or abandoned by its possessor, or until the State, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Sec. 1103.

Grant to be in Lieu of all Other Franchises.

Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the Grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said Constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Sec. 1104.

Eminent Domain.

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to codify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any grantee of a franchise under this Article.

Sec. 1105.

Duties of Grantees.

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

- (A) comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment;
- (B) pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;
- (C) indemnify and hold harmless the City and its Officers from any and all liability for damages proximately resulting from any operations under such franchise;
- (D) remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct or if the public health, comfort, welfare, convenience, or safety so demands; and
- (E) pay to the City during the life of the franchise a percentage to be specified in the grant of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Sec. 1106.

Exercising Rights without Franchise.

The exercise by any person, firm, or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be an infraction and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

ARTICLE XII. MISCELLANEOUS

Sec. 1200.

Definitions.

Unless the provision or the context otherwise requires, as used in this Charter:

“City” means the City of Chula Vista.

“County” means the County of San Diego.

“Elected Official” means any person who holds an elective office of the City.

“Elections Code” means the Elections Code of the State of California.

“Municipal Code” means the Chula Vista Municipal Code.

“Officer” means a person who holds the position of City Manager, Assistant City Manager, Deputy City Manager, City Clerk, City Attorney, or Department Head.

“Resident” means any person whose domicile, as that term is defined in the California Elections Code, is within the City, unless otherwise provided by City ordinance.

“State” is the State of California.

Sec. 1201.

Violations.

Every act punishable by fine or penalty shall be prescribed by ordinance. The violation of any provision of this Charter shall be deemed a misdemeanor and shall be punishable upon conviction by a fine or imprisonment, or both, not exceeding the maximum fine or term of imprisonment, or both, as authorized by Section 19 of the Penal Code of the State, or any successor provision thereto. At the sole discretion of the prosecuting authority, any violation of any provision of this Charter may in the alternative be cited and prosecuted as an infraction.

Sec. 1202.

Validity.

If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of the Charter, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Sec. 1203.

City Clerk Authority to Make Minor Corrections.

The City Clerk shall be authorized to make minor amendments to the Charter to correct typographical errors or to make other similar non-substantive corrections, subject to ratification by the City Council and approval as to form by the City Attorney.

Sec. 1204.

Implementing Actions.

The City Council may enact additional rules or regulations, either by ordinance or resolution, as appropriate, in order to implement some or all of the terms of this Charter, provided that any such rule or regulation shall be consistent with the terms of this Charter.

Sec. 1205.

Governing Law in the Event of Inconsistency.

To the extent of any inconsistency between State law and any provision of this Charter or of any provision of any City ordinance, resolution, or administrative policy that implements or is consistent with this Charter (“Local Law”), the provisions of Local Law shall govern. To the extent no Local Law exists, any State law applicable to charter or general law cities shall govern.