

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



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Charter Review Commission

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

The Charter Project

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

Current Charter Project Goal

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

Three Categories of Changes

- **Level 1**

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

- **Level 2:**

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

- **Level 3**

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

Level 1 Changes

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

Level 2 Changes

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

Level 3 Changes

1. *Board & Commission Membership Requirement*

- Referral from previous Council to Commission
- Changes from qualified elector requirement to residency requirement for most boards and commissions

2. *Suspension of Elected Officials with Felony Charges Pending*

- Recommended by previous CRC in 2020
- Updated to clarify no salary during period of suspension, but maintain health benefits and includes back pay provision

3. *City Attorney Residency and Experience Requirements*

- Residency requirement recommended by previous CRC in 2020
- Increased experience requirement from seven years practicing law to ten years

Level 3 Changes (cont.)

4. *Converts Legislative Council Provisions to Conflict Council Provisions*

- Drafted by the City Attorney
- Maintains an alternative legal advisor to Council when the City Attorney has a conflict of interest but limits to situations where conflict actually exists

5. *Mail in Ballot System for Special Elections*

- Suggested for consideration by the City Clerk's Office and recommended by previous CRC in 2020
- Allows use of an all-mail ballot option to fill Council vacancies at special elections

Value and Costs of Moving Forward

■ Charter Project Purpose/Value:

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

■ Costs

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

Ballot Options

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

Next Steps

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

Questions?

Staff and the CRC Chair are available for questions.