

CHARTER REVIEW COMMITTEE
MONDAY, NOVEMBER 18, 2019, 6 P.M.
ORANGE TERRACE COMMUNITY CENTER
20010 ORANGE TERRACE PARKWAY

MINUTES

PRESENT: Chair Clarke, Vice-Chair McQuern, and Members Barnhart, Beeman, Bristow, Evans, Irving, MacKinney, Miller, Riemer, Teichert, Webb, and Zaragoza and Alternates Mabon and McKeith

ABSENT: Members Angel and Clymer

STAFF PRESENT: Eva Arseo, Susan Wilson, Elliot Min, and Christiana Kalawa

Chair Clarke convened the meeting at 6 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Gaurav Taneja spoke in support of the Mayor's veto power and the City Council as a full-time position in lieu of City Manager and Assistant City Managers. He also encouraged the Committee members to represent the people of Riverside rather than special interests.

CHARTER, COMMITTEE SCOPE OF WORK AND TIMELINE, COMMUNITY MEETING PURPOSE, AND BROWN ACT

Assistant City Attorney Wilson presented information to the Committee and public on the Charter, the Charter Review Committee's scope of work and timeline, the community meeting purpose, and the Ralph M. Brown Act. No formal action was required or taken.

COMMUNITY INPUT ON CITY CHARTER AND POTENTIAL AMENDMENTS

There were no comments from members of the public on potential City Charter amendments.

APPROVAL OF MINUTES

Following discussion, it was moved by Member Irving and seconded by Member MacKinney to approve the minutes of the meeting of October 21, 2019, as presented. Motion carried unanimously.

FILLING OF VACANCIES IN OFFICE OF MAYOR OR MEMBER OF THE CITY COUNCIL

Assistant City Attorney Wilson presented the draft Charter amendment language to Section 404 as requested by the Committee concerning filling of vacancies in the Office of the Mayor or Member of the City Council.

Following discussion, it was moved by Member Barnhart and seconded by Member Webb to approve the proposed language for Section 404 regarding vacancies as presented and adding that an appointed Mayor may also not refer to themselves as "Mayor" on a subsequent election for the same seat. Motion carried with Member Irving voting no.

MAYOR VOTE, VETO, AND OTHER POWERS

Assistant City Attorney Wilson presented sections of the City Charter for consideration related to granting the Mayor a vote and removal of the Mayoral veto including sections where the Mayor has powers or duties different from the City Council, sections related to the Mayoral veto, sections where no change is required if the definition of "City Council" is changed to include the Mayor as a member, sections requiring the vote of at least five members of the City Council, and potential additional Mayoral powers.

Following discussion of the sections where the Mayor has powers or duties different from the City Council, it was moved by Member Irving and seconded by Member Webb to leave Mayor's powers unchanged with respect to (1) serving as presiding officer at all meetings of the City Council, (2) serving as official head of the City for all ceremonial purposes, (3) having the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people and of any major change in policy or program, (4) delivering the State of the City message, (5) designation of a Mayor Pro Tem by the City Council; (6) having the ability to designate the location for emergency meetings, (7) signing of all City contracts, and (8) filling of positions on appointed boards and commissions where the position has remained vacant for 60 days. Motion carried with Members Riemer and Zaragoza voting no.

Following discussion, it was moved by Member Webb and seconded by Member Barnhart to grant the Mayor a vote and remove the veto power. Motion carried with Members Irving and Riemer voting no.

Rich Gardner stated opposition to granting the Mayor a vote. Jason Hunter stated that granting the Mayor a vote and removing the veto weakens the power of the Mayor and instead the Committee may consider granting the Mayor a seat on all City Council Standing Committees.

By consensus, the Committee concurred that the following sections require no changes if "City Council" is defined to include the Mayor and all City Councilmembers or specific references to the Mayor are deleted, as appropriate: (1) Section 401 Eligibility to hold the office; member of the City Council; Mayor, (2) Section 403 Compensation, (3) Section 404 Vacancies, (4) Section 407 Interference in administrative service, (5) Section 408 Meetings, (6) Section 412

Powers of Council and Mayor; additional, (7) Section 418 contracts-Restriction on duration, (8) Section 600 Creation of office, appointment; tenure, eligibility of elective officers, (9) Section 601 Powers and duties, (10) Section 603 Manager pro tempore, (11) Section 700 Appointment of City Attorney and City Clerk by Council; tenure, (12) Section 701 Organization of City operations and activities, (13) Section 702 Eligibility, powers and duties of City Attorney; (14) Section 703 Powers and duties of City Clerk, (15) Section 704 Chief Financial Officer/Treasurer, (16) Section 707 Appointive powers of department heads, (17) Section 709 Nepotism, (18) Sections 800 to 810 (but not Section 805) Appointive boards and commissions, (19) Section 900 Personnel Merit System, (20) Section 1000 Retirement, (21) Sections 1100-1114 Fiscal Administration, except for sections 1104 Same-Appropriations; transfer of funds and 1109 Public Works Contracts, and (22) Sections 1300-1303 Franchises.

The Committee discussed additional Mayoral powers including appointments to regional boards and Standing Committees, appointments to boards and commissions, and submission of the Budget. No formal action was required or taken.

Following discussion, it was moved by Member Teichert and seconded by Member Bristow to require (1) five affirmative votes to adopt an ordinance or resolution (Section 413), (2) six affirmative votes to adopt an emergency ordinance (Section 413), (3) six affirmative votes to amend or supplement the annual budget, which would require the transfer of unused funds between departments or to appropriate available funds not yet included in the budget (Section 1104), and (4) six affirmative votes for certain exceptions to competitive bidding requirements for public works construction projects (Section 1109). Motion carried with Member Riemer voting no.

Assistant City Attorney Wilson stated she will prepare a redlined version of the language amendments and proposed ballot language at the next meeting for consideration.

DEFINITION OF CRIME INVOLVING MORAL TURPITUDE

Deputy City Attorney Min presented the definition of "crime involving moral turpitude" as defined by the California Supreme Court and appellate courts. In consideration of the explanation provided by the City Attorney's Office, Member Beeman withdrew the proposal to remove the language from the Charter. No formal action was required or taken.

Member Irving left the meeting during the following item.

CITY MANAGER RECOMMENDATIONS REGARDING BUDGET CYCLE, MANAGER PRO TEMPORE, URBAN FOREST MANAGEMENT, AND ENFORCEMENT OF RESOLUTIONS AND ORDINANCES

Assistant City Attorney Wilson presented the proposed Charter amendments from the City Manager and the identified prioritization regarding the budget cycle, quarterly financial updates, capital projects, appointment of manager pro tempore, responsibility for the City's urban forest, and enforcement of ordinances and resolutions.

The Committee took no action and requested placement of these matters on the agenda for the December 9, 2019, meeting. Chair Clarke requested that the Committee consider these amendments with respect to voter fatigue. The committee requested more information from the City Manager's Office be provided to better define the problems to be solved with the proposed changes.

SUBCOMMITTEE REPORT UPDATE - CHARTER OFFICERS AS SUBJECT TO CODE OF ETHICS AND CONDUCT

Alternate Member McKeith reported that the subcommittee recommends that the Charter not be amended to include Charter Officers as being subject to the Code of Ethics and Conduct due to legal employment complications. Further, the Committee does not believe the proposal addresses the complaints from the public seeking more accountability for complaints of fraud, abuse, and waste.

Following discussion, motion was made by Member Evans and seconded by Member Barnhart to amend Charter Section 202 to include Charter Officers as being subject to the Code of Ethics and Conduct. Subsequently, the second was withdrawn. Motion failed for lack of second.

SUBCOMMITTEE REPORT - CITIZEN PRIVATE RIGHT OF ACTION TO ENFORCE CHARTER - INSPECTOR GENERAL

Alternate Member Mc Keith stated that the Committee continues study of the proposal to include a citizen private right of action to enforce the Charter or an inspector general position in the Charter. The City Manager will be providing information regarding improvements to the handling of whistleblower and fraud complaints and the internal audit function. The subcommittee committed to making their final recommendation at the next meeting.

Jason Hunter spoke in support of an elected Inspector General.

INFORMATIONAL AND RESEARCH MATERIALS

Assistant City Attorney Wilson presented the conceptual approval list of proposed Charter amendments, the updated ideas log from the public and committee members, and the work plan including the next community meeting on December 9, 2019, at Hunt Park. The subcommittee report regarding citizen

private right of action to enforce Charter and the draft language granting the Mayor a vote are listed for inclusion on the next agenda.

Alternate Member McKeith requested the subcommittee report on the citizen private right of action and inspector general be moved to the January 13, 2020, meeting. Chair Clarke reminded the Committee of the aim to complete the work in February 2020 to enable community interaction prior to City Council consideration of the Committee's recommendations. Chair Clarke directed the subcommittee report be agendized for the December 9, 2019, meeting and that City staff be invited. Chair Clarke suggested the Committee not forward recommendations on issues the City is still working on.

Assistant City Attorney Wilson stated that a draft of the final report to the City Council will be presented in March 2020 for review by the committee. In response to Member Beeman's comments, Chair Clarke requested that items not submitted as final recommendations but important to committee be listed in the report.

COMMUNICATIONS FROM THE AUDIENCE

Rich Gardner expressed appreciation for the citizens in attendance and the committee for volunteering their time.

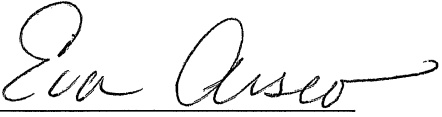
Jason Hunter requested Charter amendments to define "gross operating revenues" of the utility related to the General Fund Transfer in Charter Section 1204. The Committee requested a report on this matter for consideration at a future meeting including retroactivity. Member Barnhart requested staff provide again the information on General Fund Transfers in other cities previously provided.

ITEMS FOR FUTURE COMMITTEE CONSIDERATION AS REQUESTED BY CHARTER REVIEW COMMITTEE MEMBERS

Member Riemer requested that clarification of the Mayor's right to veto Charter Officer employment agreements be brought forward for discussion at a future meeting in the event the voters do not grant the Mayor a vote. Following discussion, Chair Clarke requested Member Riemer's proposal for clarification of the Mayor's veto power with respect to Charter Officer employment agreements be agendized.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eva Arseo". The signature is written in black ink and is positioned above a horizontal line.

EVA ARSEO
Assistant City Clerk