



Charter Review Committee

City of Arts & Innovation

TO: CHARTER REVIEW COMMITTEE MEMBERS DATE: January 13, 2020

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

SUBJECT: VOTING REQUIREMENTS FOR EMERGENCY ORDINANCES

ISSUE:

Receive and file staff research as to state law requirements for a super-majority vote of City Council to adopt an urgency ordinance.

RECOMMENDATION:

Receive and file staff research as to state law requirements for requirements for a super-majority vote of City Council to adopt an urgency ordinance

BACKGROUND:

Current City Charter Requirements for Adopting Urgency Ordinances

Under City Charter section 413, an ordinance must be introduced at a regular City Council meeting, then adopted at a second regular meeting with at least 4 affirmative votes. Furthermore, under Charter section 416, that ordinance does not take effect until 30 days following adoption.

Charter section 413 has an exception for “any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency . . .” Such “urgency” ordinances may be introduced and adopted “at one and the same meeting if passed by *at least five affirmative votes*”, and take effect immediately.

The City is Not Bound by State Law

State law provides that such an urgency ordinance, for general law cities, must be passed by a “four-fifths” vote of the governing body (Government Code sections 36934 and 36937). Four fifths of the current Riverside seven member council would be five votes, and an eight member Council would be six votes.

City's Emergency Procedures

The procedures for adopting "urgency" ordinances is different than the City's emergency procedures, which generally do not require the adoption of a new ordinance.

The City's emergency procedures are set forth in Riverside Municipal Code chapter 9.20. That chapter sets forth detailed procedures for the City in the event of "actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city cause by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, drought, sudden and severe energy shortage, plant or animal infestation or disease, or other conditions, including conditions resulting from war or imminent threat of war, severe or imminent threat of terrorist attack, but other than conditions resulting from a labor controversy, which conditions are or are likely to require the combined services, personnel, equipment and facilities of this city." (RMC § 9.20.020).

For example, in the event of an "emergency" as defined in RMC Ch. 9.20, the City Manager serves as the designated Director of Emergency Services and has "full authority" over a declared emergency, including the ability to proclaim a local emergency in the City Council's absence, make rules and regulations reasonably related to the protection of life and property as affected by such emergency, and approve contracts and waive normal purchasing requirements as necessary. (RMC § 9.20.050).

Furthermore, the City Council during a local emergency may "promulgate orders and regulations necessary to provide for the protection of life and property, including orders and regulations imposing curfew within designated boundaries where necessary to preserve the public order and safety, orders against price fixing, and all other orders necessary to protect lives and property." (RMC § 9.20.260).

Lastly, RMC chapter 9.20 provides for at least 3 "standby officers" to stand in for each City Council member is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his/her duties. (RMC §§ 9.20.270-290).

FISCAL IMPACT:

None.

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