

CHARTER REVIEW COMMITTEE
MONDAY, AUGUST 12, 2019, 5 P.M.
LA SIERRA SENIOR CENTER

MINUTES

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

ABSENT: Member Bristow

STAFF PRESENT: Colleen Nicol, Susan Wilson, Elliot Min, and Lorena Verduasco

Chair Clarke convened the Charter Review Committee at 6:01 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Scott Andrews spoke regarding filling of City Council vacancies, Charter language clarifications to explain the meaning of provisions, conversion to three election cycles, and low attendance at Charter Review Committee community meetings.

CHARTER, COMMITTEE SCOPE AND TIMELINE, AND RALPH M. 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 Clymer and seconded by Member Angel to approve the minutes of the meeting of June 10, 2019, as presented and amending (1) page 2, Interview with City Attorney, third paragraph to read, in part, "City Attorney Geuss explained that when a citizen..."; (2) page 5, Interview with City Attorney, first paragraph to read, in part, "City Attorney Geuss explained that the Charter..."; (3) page 4, Interview with City Clerk – Elections – Vacancies, second paragraph to read, in part, "The City Clerk agreed to ensure..."; and (4) page 4, Interview with City Clerk – Election – Vacancies, second paragraph to read, in part, "...The City Attorney agreed to draft language...". Motion carried unanimously.

SUBCOMMITTEE PRESENTATION OF RUBRIC TO EVALUATE PROPOSED CHARTER AMENDMENTS

Member Beeman presented the draft Charter Review rubric tool for Charter Review Committee members and the public to evaluate proposed Charter amendments as published in the agenda materials and provided clarification in response to questions and comments. No formal action was required or taken.

INTERVIEW WITH BOARD OF ETHICS CHAIR GLORIA HUERTA AND CODE OF ETHICS REVIEW AD HOC COMMITTEE CHAIR VIRGINIA BLUMENTHAL

Code of Ethics Review Ad Hoc Committee Chair Blumenthal and Board of Ethics Chair Huerta introduced themselves and answered questions from the Committee. Ms. Blumenthal reported that the Ad Hoc Committee was divided on whether the Charter Officers should be included as being subject to the Code. She noted the potential impact on future recruitments in light of ethics complaints which may be filed against current and future Charter Officers. Charter Officers follow direction of the Mayor and City Council which may conflict with the direction citizens are seeking.

In response to Alternate McKeith's comment as to inclusion of the Code of Ethics aspirational goals being included in Charter Officer contracts, Chair Blumenthal responded that the Ad Hoc Committee unanimously agreed that ethics complaints not be filed for violation of aspirational goals. Chair Blumenthal explained the Ad Hoc Committee's assigned scope to review the Code with respect to filing of complaints. She reported that the Committee did not discuss whether any aspects of the Code of Ethics and Conduct should be included in Charter Officer contracts.

Board of Ethics Chair Huerta reported that the Board has not sustained any complaints filed to date. Chair Huerta explained the procedures for ethics complaint hearings which are conducted in public by five-member panels. She reported that the Ethics Board has not discussed whether Charter Officers should be subject to the Code, however, she personally does not feel that the Board's charge is to review complaints filed against City employees. She believes that if employees were subject to the Code, that complaint procedures would have to be changed. Ms. Huerta noted that the core aspirational goals are reflected in the Code's prohibited behaviors.

Member Beeman reported that the Community Police Review Commission reviews employee conduct in closed session with findings and conclusions reported in public session. Ms. Huerta stated it would be difficult to combine employees with elected and appointed officials as the chain of command differs and she is unsure if a process similar to the Community Police Review Commission would meet the goal of those who propose adding the Charter Officers as being subject to the Code.

Member Barnhart reported his prior service on several ethics complaint hearing panels as a very dissatisfying experience with no independent investigation of unresolved issues brought forward by the public lacking of facts and evidence.

Ms. Huerta confirmed that the Board of Ethics does not have a budget for independent investigations and makes determinations based upon the evidence presented by the complainant and respondent.

Member Evans stated his belief that Charter Officers should be held to the same standard as Board of Library Trustee members. Ms. Blumenthal stated that employees have privacy rights, unlike appointed members of boards and commissions.

Chair Huerta expressed support for inclusion of the Board of Ethics in the Charter.

SETTING OF MAYOR AND CITY COUNCIL SALARIES - CONTINUED

Chair Clarke briefly introduced the topic of setting Mayor and City Council salaries as discussed in the report from the City Attorney's Office.

Following discussion, it was moved by Member Webb and seconded by Member Barnhart to retain the existing Charter language regarding Mayor and Councilmember salaries.

Further discussion included the City Council's ability to convene a citizen advisory committee at any time, designation as full-time or part-time, a salary cap, a tie to the salary of judges, the ability to support a family on an elected official's salary, growth and diversity of the candidate pool, reliance on professional staff, complexity of service as a Councilmember, separation of the Mayor's salary setting provisions from the City Council, and health insurance and other benefits provided.

Following further discussion, a substitute motion was made by Member Angel and seconded by Member Mac Kinney to table this matter to a future meeting for a full discussion.

Member Miller requested information on comparable salaries of Councilmembers in other cities of the same size as Riverside. Member Angel requested inclusion of surrounding cities and the salary average. Member Beeman requested information on how often the comparable City Councils convene, staffing, and comparison with Riverside's community income levels. Member Teichert requested examples of Charters of other cities larger than Riverside and how those Charters provide for Councilmember compensation. Member Riemer

requested research on how salaries are set in other agencies where the Mayor does not have a vote.

The substitute motion carried with Members Beeman, Barnhart, Angel, Zaragoza, Clarke, Webb, Teichert, Miller, Riemer, and MacKinney voting yes and Members Clymer, McQuern, Irving, and Evans voting no.

CHARTER REVIEW COMMITTEE CONVENING REQUIREMENT FOR ALL PROPOSED CHARTER AMENDMENTS

Member Evans introduced the proposal to require that all Charter Amendments be reviewed by a citizen Charter Review Committee prior to City Council consideration to place the measure on the ballot.

Following discussion, it was moved by Member Evans and seconded by Member Beeman that Charter Section 1404 be amended to require the City Council to convene a citizen committee to consider any recommended Charter changes.

Member Riemer suggested amending the motion to provide convening of a Charter Review Committee for approval of any proposed amendment before placement on the ballot; and if a proposed amendment is not approved by the Committee, it may not be placed on the ballot.

Following discussion, the motion was amended, with concurrence of the seconder, to state that Charter Section 1404 be amended to require the City Council to submit Charter Amendment proposals to a citizen Charter Review Committee for recommendation to the City Council prior to placement on the ballot.

The motion carried with Members Irving and McQuern voting no.

INFORMATIONAL AND RESEARCH MATERIALS

Chair Clarke called for discussion on the informational and research materials provided in the agenda materials.

Member Clymer requested that the research requested relative to how other cities set Mayor and City Council salaries include cities that have regional relevance.

In consideration of limiting the number of Charter amendment recommendations forwarded for City Council consideration of ballot measures, Member Beeman withdrew proposals for a Housing Commission, Civil Rights Commission, and Neighborhood Councils.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Scott Andrews spoke regarding City Clerk acceptance of complaints filed with the Community Review Police Commission to ensure that all complaints are presented to the Commission and discussion of average vs median salary comparisons with other cities. Mr. Andrews further noted compensation received by the Mayor and City Council for service on some regional organizations.

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

Alternate McKeith noted that October 7, 2019, is a holiday. Assistant City Attorney Wilson clarified that the October meeting is scheduled for October 21, 2019.

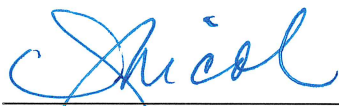
Member Beeman requested information on compensation received by the Mayor and Councilmembers for service on regional organizations.

Member Clymer requested discussion of appointments to regional organizations based upon seniority.

Assistant City Attorney Wilson noted that the Charter Review Committee recommendations are scheduled for presentation to the City Council on April 13, 2020.

The meeting adjourned at 7:53 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk