



Governmental Processes Committee

City of Arts & Innovation

TO: GOVERNMENTAL PROCESSES COMMITTEE **DATE: JUNE 4, 2025**

FROM: CITY CLERK **WARDS: ALL**
CITY ATTORNEY

SUBJECT: REVIEW CITY COUNCIL RULES OF PROCEDURE AND ORDER OF BUSINESS – RESOLUTION NO. 24255

ISSUE:

Per the request of GPC Chair Falcone, this staff report was prepared in order for the Governmental Processes Committee to review the City Council Rules of Procedure and Order of Business and to consider changes to Resolution No. 24255.

RECOMMENDATIONS:

That the Governmental Processes Committee:

1. Review the City Council Rules of Procedure and Order of Business documented in Resolution No. 24255; and
2. Request staff to bring forth any specific change recommendations made by the Governmental Processes Committee, along with a corresponding Resolution, to the full City Council for discussion.

BACKGROUND:

Resolution No. 24255 outlines the City Council Rules of Procedure and Order of Business. These rules were established to ensure that meetings are conducted in an orderly and efficient manner, while also providing opportunities for public participation. The Resolution also requires City Council to review and revise the rules of procedure and order of business as needed or every two (2) years.

The Governmental Processes Committee (GPC) reviewed and discussed the Rules of Procedure and Order of Business during a series of meetings held from January 2022 to November 2023. As a result, several revisions were made to the Resolution addressing public comment, the sequence of the agenda, the distribution of meeting packets, number of meetings to be held and parliamentary procedures.

Most recently, on May 6, 2025, the City Council amended the rules of procedure and order of business resolution to clarify the use of technology by the public during the public comment section of the City Council meetings.

DISCUSSION:

GPC Chair Falcone identified several provisions within the current City Council Rules of Procedure and Order of Business (Resolution) for GPC's review. Per his request, the City Clerk's Office surveyed surrounding cities and prepared this report, which was reviewed by the City Attorney's Office. Following this review, the GPC will provide recommendations to the City Council for consideration.

This report reviews current processes and practices, identifies the advantages and disadvantages of existing methods, and examines similar processes and practices from other agencies, when applicable.

Ten California cities similar in size and demographics were selected for a comparable review. Cities selected include Anaheim, Bakersfield, Chula Vista, Fresno, Irvine, Long Beach, Oakland, Sacramento, Santa Ana and Stockton.

Section IV. D – Decorum

The current Resolution has language related to preserving order and decorum during sessions, which includes not delaying or interrupting proceedings, disturbing any member while speaking, or refusing orders from the City Council or the presiding officer. It further states that the use of electronic communication devices is discouraged with limited access.

However, the Resolution does not mention a dress code for City Council meetings. The GPC may consider introducing a dress code to enhance the formality and decorum of the meetings by incorporating guidelines specifying professional attire or limiting the guidelines to identifying only prohibited attire.

None of the agencies reviewed for similar processes had a specific dress code provision and implementing a dress code could pose challenges in enforcement. However, GPC could consider adding language to the Resolution that presents a dress code as aspirational, encouraging adherence without strict enforcement.

Section VIII. D - Meeting Schedules

During the most recent review of the Resolution, the City Council revised the provisions regarding the meeting schedule. Due to holiday and summer schedules, the City Council is averaging three monthly meetings. Meetings are held on the second, third, and fourth Tuesday of April, June, and October. However, the Cesar Chavez Holiday affects the first Tuesday in April, and June's schedule is impacted by the Memorial Day holiday, resulting in the cancellation of two consecutive meetings for both months. Additionally, the summer schedule significantly affects the October schedule, which could lead to a four-week gap with no City Council meetings.

Looking back at the summer meeting schedule, July and September include city-observed holidays, typically occurring in the first week or the first Monday of the month. As a result of this holiday provision, the meetings during those months are automatically canceled, allowing for only one meeting to be held.

During the agenda-setting meeting, the Mayor and Mayor Pro Tem, charter officers, and city staff set the agendas. The start times for meetings may vary based on timing considerations and the sensitivity of items on the agenda. The current provision states that the appointed hours are established for the convenience of the City Council and are subject to change. To clarify, language could be added to the appointed hour provision indicating that the presiding officer can adjust these times.

Here are options for consideration by the GPC:

1. Eliminate the last sentence of section VIII. D that reads, *'For the months of April, June, and October, the meeting shall occur the second, third, and fourth Tuesday of the month.'*
2. Change the summer schedule for July, August, and September from the 1st and 3rd Tuesday of the month to the 2nd and 4th Tuesday of the month.
3. Amend Section VIII.D Line 15, to Add language *'by the presiding officer'* to the end of the sentence.

Section IX. E – Consent Calendar

The consent calendar consists of items the Mayor, City Council, and City Manager deem to be routine in nature and not likely to be subject to debate or inquiry. The Consent Calendar is mentioned several times throughout the Resolution. This section is specifically addressing the process for City Council questions related to items on the consent calendar. The provision states that questions related to consent calendar items should be submitted to staff prior to the City Council meeting.

The stated intent of this provision is to minimize discussion and approve the items in a single action. When questions need to be addressed, Section X.B. call for items to be removed from the agenda and discussed *"immediately after"* the adoption of the Discussion Calendar.

City Council members typically make comments or ask staff questions and register a 'no' vote on specific items before a roll call vote takes place. Additionally, at the chair's discretion, any items removed from the agenda are discussed immediately after the approval of the Consent agenda, which allows for public comments on those items.

In Oakland, City Council members can request that an item be removed from the consent calendar by obtaining the agreement of another member through a second. This process does not require a roll call vote. In contrast, in Fresno, Council members can pull specific items from the consent calendar for separate discussion. They also can register a "no" vote or abstain from voting on one or more items on the consent calendar. Additionally, Fresno includes a section on its agenda titled "Contested Consent."

Other than Fresno, no other cities have specified when items removed from the agenda by the City Council will be discussed during meetings. Like Fresno, Riverside's practice permits City Council members to express their opinions and cast no votes before the roll-call vote.

The GPC may want to review the language that specifies when items removed from the consent calendar should be addressed. Additionally, they could consider whether items that require commentary should be pulled for discussion or if the current practice—where such items are taken up immediately after the discussion calendar—should remain unchanged.

Placing contested consent calendar items at the end of the meeting has its advantages and disadvantages. One advantage is that participants will know precisely when the City Council will address those items. However, a disadvantage is that this practice may slow the meetings, as more items could be pulled from the consent calendar. Additionally, positioning these items at the end of the agenda could lead to staff and members of the public waiting longer for their issues to be discussed.

Section IX. F & I- Agenda Sequence

The agenda sequence provision of the resolution establishes the order the business is to be conducted. However, there are times during the agenda setting meeting, items are moved around to accommodate timing considerations and the sensitivity of items on the agenda. The current language in the provision does not address the Presiding Officer having the authority to change the sequence and order of business.

The current agenda sequence includes brief reports on conferences, seminars, regional events, ward updates, council comments, and announcements of upcoming events, all scheduled after the Public Hearings. However, during a short beta period, the City Council announcements were moved to the beginning of the meeting. This adjustment has proven effective, preventing these announcements from occurring immediately before ceremonial presentations.

Here are options for consideration by the GPC:

4. Include language in the resolution section IX that gives the Chair the authority to adjust the sequence during the agenda-setting meeting before publishing the agenda at their discretion.
5. City Council brief reports, ward updates, and announcements should be sequenced first on the agenda after public comment.

Sections IX. H – Public Comment; X. C – Communication from Audience; X. F – Public Hearings and Public Discussion; and XII. F - Addressing City Council

When the public speaks to the City Council during the public comment segment of the agenda, each speaker is typically given three (3) minutes. However, during quasi-judicial hearings, the applicant or appellant is permitted a presentation lasting ten (10) minutes, followed by five (5) minutes for surrebuttal. The Brown Act allows the City Council to adopt reasonable regulations of public comment, including limiting total time.

The general rule across all the surveyed cities is that speakers are limited to three (3) minutes per item. However, Oakland and Sacramento allow only two (2) minutes per item, while Bakersfield permits two (2) minutes per item but imposes a twenty (20) minute limit on public comment for each agenda item.

Long Beach has implemented a unique process for public comment. During the business meeting, the total number of speakers is limited to the first ten (10) individuals who submit a written request to address the City Council on matters not listed on the agenda. This segment lasts thirty (30) minutes unless the City Council consents to waive the time limit. Additionally, members of the public who could not speak during the business meeting are given another opportunity to express their comments at the end of the meeting.

Resolution 24255 does not require that additional time be provided for speakers needing language interpreters. Moreover, the City Council retains the right, by majority vote, to alter the time allotted for public remarks. However, the Mayor is responsible for presiding over the city council meetings, having a voice in all its proceedings but shall not vote; and preserving order and decorum in the chamber. The GPC may consider deferring some discretion for altering time limits to the Presiding Officer.

Deferring discretion to the presiding officer for public comment timing has some advantages, including greater flexibility in managing the meetings and ensuring the discussions remain productive and focused. Additionally, it allows the presiding officer to respond to unforeseen circumstances, such as technical issues or urgent matters, during the meeting.

A disadvantage could be that concentrating authority on a single individual may reduce the collaborative nature of decision-making within the City Council. Involving the City Council in setting time limits can create greater opportunities for diverse perspectives and a more democratic process.

The Resolution requires individuals who wish to speak to the City Council to complete a speaker card. According to the Brown Act, legislative bodies may request that members of the public fill out speaker cards or sign-up sheets to help manage public comment periods. However, they cannot make this a requirement for speaking. Therefore, refusing to complete a speaker card does not prevent someone from offering public comment.

Additionally, the City cannot require a speaker to provide their name or address as a condition for speaking. However, Section X.5 mandates that each individual must complete and submit a form provided by the city clerk.

Resolution 24255 contains several sections related to public comment, which may cause confusion and misinterpretation for readers trying to implement the Resolution.

Here are options for consideration by the GPC:

6. Eliminate the term "shall" and replace with 'may' for participants to complete a speaker card during public comment.
7. Consider revising the language in the relevant sections to grant the Presiding Officer/Chair the discretion setting time limits on public comment.
8. Consider consolidating all public comment provisions into a single section of the resolution.

Section XII – Procedural Matters

This section sets forth the procedural matters of the meeting, such as decorum, enforcement, precedence of motions, and rules of discussion. Within this section the rules ensure that public comments do not hinder the smooth and efficient legislative function of the City Council meetings.

The presiding officer or a majority of the Council has the discretion to bar any person making personal, impertinent, slanderous or profane remarks to any member of the City Council, staff or general public, which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting. The rules further offer enforcement provisions should the need arise.

Provision D sets forth seven procedural motions for rules of engagement:

- Motion to Adjourn
- Motion to Lay on the Table
- Motion to Call for the Question (Close Debate)
- Motion to Postpone To a Certain Time/Day
- Motion to Substitute
- Motion to Amend
- Motion to Reconsider

Each motion and the procedures related to it are detailed in the Resolution. Motions generally require four votes of the City Council to pass (see Art. IV.E), with the exception of the Motion to Call for the Question, which specifies that it must be a two-third vote.

Section E details the rules for discussion of individual items. Currently, there are no time limitations included for City Council discussion of items during debate. The GPC may want to review the language specifying the City Council rules of engagement and discussion and provide clarity specifically related to the tie-vote rule.

Section XIII - Standing Committees and Regional Organizational Representation

This section of the rules outlines the structure and responsibilities of the City Council's standing committees and regional organizational representation, including the appointment process for various boards and the referral procedures.

The City Clerk's Office conducted research for this report which revealed that City Council members do not occupy several regional board positions. For instance, city staff or community members fill boards such as Vector Control and various utility boards. The GPC may consider this issue and provide direction to staff accordingly.

Section XIV - Boards, Commissions and Committees

This section outlines the structure, roles, and responsibilities of various City boards, commissions, and committees (BBC). It details the procedures for appointing members and terms of service. The guidelines for appointing members are in unison with City Charter, section 802, which indicates that members serve at the pleasure of the City Council and that each board and commission must include at least one member from each council ward.

Moreover, the text states that vacancies will be filled according to the guidelines outlined in the same section. This provision often challenges wards where it is difficult to recruit members of the public to serve on specific boards and commissions.

Charter Section 805 specifies that appointments have a term length of four years, with a limitation of two full terms. Additionally, Resolution 24255, Section XIV.G states that a term exceeding two years and one day will be considered a full term. In cases where a board member or commissioner is appointed to fill an unexpired term lasting more than two years but less than four, they may complete the two full terms provision of the City Charter in less than eight years.

Refer the BBC procedures for appointing members and their terms of service to the Charter Review Committee for charter amendment considerations.

STRATEGIC PLAN ALIGNMENT:

This item contributes to Strategic Priority No. 5 *High Performing Government* and Goal 5.2 – Utilize technology, data, and process improvement strategies to increase efficiencies, guide decision making, and ensure services are accessible and distributed equitably throughout all geographic areas of the City.

The item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – This item builds community trust by identifying City Council process and procedure and providing transparency in municipal operations.
2. **Equity** – Regular review and revision to City Council Rules of Procedure and Order of Business, ensures the City Council, Boards, and Commissions operate in a manner that is equitable to all City of Riverside residents.
3. **Fiscal Responsibility** – This item ensures fiscal responsibility of City resources by outlining and reviewing processes to be used when conducting City Council business.
4. **Innovation** – Riverside is committed to meeting community needs in a changing environment.
5. **Sustainability & Resiliency** – This item ensures sustainability through ongoing evaluation of City Council Rules of Procedure and Order of Business to allow for adaptation to meet the changing needs of the community ensuring the City's capacity to persevere, adapt and grow.

FISCAL IMPACT:

There is no immediate fiscal impact from this report.

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Approved by: Ruthann Salera, Senior Deputy City Attorney
Approved as to form: Rebecca McKee, Interim City Attorney

Attachments:

1. Resolution R-24255