

EXHIBIT X



CITY OF RIVERSIDE

CITY COUNCIL MEMORANDUM



HONORABLE MAYOR AND CITY COUNCIL

DATE: July 27, 2004

ITEM NO: 82

SUBJECT: CHARTER AMENDMENTS – SPECIAL ELECTION

BACKGROUND:

On July 13, 2004, the City Council approved the recommendations of the Charter Review Committee and requested staff to prepare the necessary resolutions to call a special municipal election for November 2, 2004, to be consolidated with the State-wide general election for the purpose of considering twenty-three amendments to the City Charter.

For these matters to appear on the November 2, 2004, Statewide ballot, the attached resolutions (1) proposing amendments to the City Charter, and (2) calling a special election and requesting consolidation must be forwarded to the Registrar of Voters by August 6, 2004. The resolution further directs the City Clerk to transmit a copy of the ballot measures to the City Attorney for preparation of an impartial analysis showing the effect of the measure on the existing law and the operation of the measure. The analysis is printed in the sample ballot preceding the arguments for and against the measure.

The City Council or any member or members of the City Council authorized by the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument not to exceed 300 words in length for or against the measures. Those filing arguments may file rebuttals to the opposing position argument not to exceed 250 words.

A tentative calendar for the November 2, 2004, election follows:

August 6	Last day to call election
August 17	Deadline for submittal of ballot arguments
August 17	Impartial analysis due from City Attorney
August 27	Deadline for submittal of rebuttal arguments
Sep 23-Oct 12	Mail sample ballots
October 18	Close of registration
November 2	Election Day
November 30	Deadline for completion of canvass

82-1

FISCAL IMPACT:

The cost to add measures to the November 2004 Statewide ballot is \$60,000 and is available in the Fiscal Year 2004/05 City Clerk Budget.

ALTERNATIVES:

1. Decline to place these measures on the November 2, 2004, ballot;
2. Place these measures on the November 8, 2005, Mayor election ballot; or
3. Select an alternative stand-alone special election date.

RECOMMENDATION:

That the City Council adopt the attached resolutions proposing amendments to the City Charter, calling a special municipal election for November 2, 2004, and requesting consolidation with the state-wide election.

Prepared by:

Approved by:

COLLEEN J. NICOL
City Clerk

GEORGE CARAVALHO
City Manager

Approved as to form:

Approved as to funds availability:

GREGORY P. PRIAMOS
City Attorney

BRENT MASON
Interim Finance Director

Attachment: Resolutions

election\special\charterelection.cc072304

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
CALIFORNIA, PROPOSING AMENDMENTS TO THE CITY CHARTER.**

The City Council of the City of Riverside, does hereby resolve as follows:

Section 1: That the City Council, pursuant to its right and authority under California law, the
proposes that the City Charter be amended as shown in attachment "A".

Section 2: By separate resolution, the City Council will call the election for this proposal to be
presented to the electors.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this
day of

Mayor of the City of Riverside

Attest:

City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of
3 said City at its meeting held on the day of , by the following vote, to wit:

4 Ayes:

5

6 Noes:

7 Absent:

8 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the
9 City of Riverside, California, this day of

10

11

City Clerk of the City of Riverside

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26 03-1193.2

27 C:\Documents and Settings\cbalz.000\Local Settings\Temp\GWViewer\00031299.WPD

ATTACHMENT A

Redlining Codes: ~~Deletions~~; *Additions*

PREAMBLE

We, the people of the City of Riverside believe in promoting an inclusive community with shared economic, environmental and cultural prosperity, equal civil and political rights, social harmony and cohesion, and opportunities for all governed by responsible and responsive public officials who promote citizen participation, as well as just and equitable tax and financial policies; and these beliefs are rooted in our desire to enhance the uniqueness of the City of Riverside.

We, the people of the City of Riverside, to obtain and retain for ourselves the benefits of local government, do hereby exercise the express right granted by the Constitution and statutes of the State of California and enact this Charter for the City of Riverside.

Sec. 201. Access to public meetings and public records.

City agencies, boards, commissions, committees, officials, staff and officers, including the Mayor and members of the City Council, exist to conduct the people's business. It is fundamental that the people have full access to information, not to just what decisions have been made in their name but how those decisions were reached and how they were deliberated. The people insist on remaining informed so that they may retain control over the instruments they have created. The people do not give their agencies or public servants the right to decide what is good for the people to know and what is not good for them to know.

Our values lie in a government that helps its citizens in a timely way to obtain information. Our values lie in a broadening base of public participation, involvement and interest, providing new ideas and energy.

Our values lie not in hiding embarrassment and unpleasant occurrences. Our values lie not in preventing dissent.

To carry out the purposes set forth in this section, the provisions of the Ralph M. Brown Act (California Government Code Section 54950 et seq.) and the Public Records Act (California Government Code section 6250 et seq.) shall apply to the City Council, and any commission, committee, board or other body created by Charter, ordinance, resolution or formal action of the City Council, or the Mayor.

Special circumstances dictate that there must be exceptions to access. But those exceptions should be narrowly drawn and narrowly exercised. Public employees must be protected from unwarranted invasions of privacy while the public's right to fundamental information must be protected. Citizen right to privacy must be protected with the knowledge that involvement in government matters necessarily reduces an expectation of privacy.

In general, the value of access should be given a strong presumption of public benefit.

Sec. 202. Adoption of ethics code.

The City of Riverside shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation. The City Council shall adopt the Code of Ethics and Conduct by ordinance or resolution within six months of the effective date of this Charter section.

Sec. 403. Compensation.

The Mayor and members of the City Council shall receive compensation for their services as such, and in addition, when on official duty, shall receive reimbursement for their necessary expenses on order of the City Council. In January of every odd-numbered year, the City Council shall review the compensation including salary and benefits, of the Mayor and members of the City Council, and shall establish any increase in compensation of the Mayor and/or the members of the City Council. No increase in salary shall exceed 5 percent of their then-existing salary. Compensation shall ~~Each member shall receive as compensation such amount as may be fixed by ordinance, adopted by not fewer than five affirmative votes of the City Council, after a noticed, public hearing, notice of which has been given by publication at least fourteen days prior to such hearing.~~

~~The Mayor shall receive compensation for services in such amount and at such stated times as shall be prescribed by ordinance.~~

~~Five affirmative votes of the City Council are necessary to establish a level of compensation for the City Council and the Mayor.~~

~~Once a level of compensation for City Council members and the Mayor is established, such level will not be permitted to change automatically by linking such compensation to internal or external factors. an external factor, every change in such compensation must be approved by five affirmative votes of the City Council.~~

Sec. 405. Duties of Mayor; mayor pro tempore; council tie--mayor's vote.

The Mayor shall be the presiding officer at all meetings of the City Council and shall have a voice in all its proceedings but shall not vote except to break a City Council tie-vote which exists for any cause. The Mayor shall be the official head of the City for all ceremonial purposes. The Mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and of informing the people of any major change in policy or program. The Mayor shall advise the City Council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter. *The Mayor shall appoint the chairperson to all City Council standing committees.* During the months of January or February, the Mayor shall deliver a State of the City message at any location within the City that the Mayor deems appropriate at which the Mayor will present the Mayor's programs, objectives and priorities.

The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. In the absence of the Mayor, the Mayor Pro

Tempore shall assume the duties of the Mayor. The Mayor Pro Tempore shall conduct the Council meetings and shall vote only as a member of the Council, not as Mayor Pro Tempore. In the event of a tie vote, the Mayor Pro Tempore shall not have a tie-breaking vote and Council vote shall be recorded as a negative or "nay" vote. With regards to the veto power, the Mayor Pro Tempore shall not have the power to veto acts of the City Council.

Notwithstanding any other provisions of this Charter, when a tie-vote exists for any cause, in order to break that tie, the Mayor shall have the same voting right as a member of the City Council for or against the item before the City Council. The Mayor's vote shall be deemed a City Council member's vote for all purposes, including the introduction or adoption of both ordinances and resolutions.

Sec. 408. Meetings.

The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Special meetings may be called in accordance with State law.

Meetings of City Council-appointed *and Mayoral-appointed* standing *and ad hoc* Council committees, regardless of the number of City Council members who might be on such committees, shall be open to the public and the time and place of such meetings shall be publicly announced at the City Council meetings prior to such committee meetings.

All meetings of the City Council conducted in closed session under the Ralph M. Brown Act (California Government Code sections 54950 et. seq.) shall be audio recorded. The recording shall be confidential and shall be available for inspection only as permitted by state law. The recording shall be retained for a period of at least two years.

Sec. 703. Powers and duties of City Clerk.

The City Clerk shall have power and be required to:

(a) Be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose and attend all meetings of the City Council either in person or by deputy.

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and

business of the City and certify copies of official records.

(f) Have charge of all City elections.

(g) *Facilitate and help members of the public examine and copy all appropriate public records, in accordance with the Government Code of the State of California.*

Sec. 802. Appointments; terms.

The members of each such board or commission shall serve at the pleasure of the Mayor and City Council and shall be nominated and appointed by the Mayor and City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. *Each such board or commission shall have at least one member from each Council Ward.* They shall be subject to removal by the Mayor and City Council by a motion adopted by five affirmative votes with the Mayor entitled to vote. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified, and may serve for not more than two consecutive full terms.

Minors may be appointed to a youth commission or other boards or commissions if they would otherwise qualify as an elector under the Elections Code of the State of California. Minors appointed to a youth commission or other boards or commissions shall serve a term of one year and may serve for not more than two consecutive terms.

Except for minors appointed to a youth commission, a minor appointed to a board or commission shall serve as a preferential voting member of the board or commission but shall not be counted against the number of members established by ordinance of the City Council for each board or commission. The minor shall be seated with the members of the board or commission and shall be recognized as a full member of the board or commission at the meetings, including receiving all materials presented to the board or commission and participating in the discussion of issues. Preferential voting, as used in this section, means a formal expression of opinion that is recorded in the minutes and cast prior to the official vote of the board or commission. The non-voting or preferential voting member shall not be included in determining the vote required to carry any measure before the board or commission or affect the action taken by the board or commission.

Each minor member shall have the right to attend each and all meetings of the board or commission, except closed sessions. No preferential vote will be solicited on matters subject to closed session discussion.

Sec. 810. ~~Mayor and Council members salary commission:~~

~~There shall be a Mayor and Council members salary commission which shall have the power and duty to:~~

~~(a) In every even-numbered year, after study and public hearing and not later than ninety days before the end of the fiscal year, the commission shall make recommendations to the City Council concerning the compensation of the Mayor and members of the City Council. Such recommendations shall include salary and fringe benefits.~~

~~(b) The commission shall consist of seven members composed, if practicable, of one business executive, one representative of a nonpartisan voter organization, one person experienced in public~~

~~administration, one representative of a labor organization, one representative of an educational institute, and two other appointees:~~

~~—(c) No person shall be appointed to this commission while serving as Mayor, a member of the City Council, or employee of the City nor within two years after holding such positions:~~

~~—(d) The initial term of the members composing the initial commission shall be determined by the commission by lot so that four members shall serve a full four-year term and three members a two-year term.~~

Sec. 810. Community police review commission.

There shall be a community police review commission which shall have the power and duty to:

(a) Advise the Mayor and City Council on all police/community relations issues.

(b) Conduct public outreach to educate the community on the purpose of the commission.

(c) Receive, and in its discretion, review and investigate citizen complaints against officers of the Riverside Police Department filed within six months of the date of the alleged misconduct in writing with the commission or any other City office as established by ordinance of the City Council.

(d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.

(e) Conduct a hearing on filed complaints or commission-initiated investigations when such hearing, in the discretion of the commission, will facilitate the fact finding process.

(f) Exercise the power of subpoena to require the attendance of witnesses, including persons employed by the City of Riverside, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses and to take testimony to the extent permissible by law. Subpoenas shall only be issued by the commission upon the affirmative vote of six commission members.

(g) Make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.

(h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.

(i) Prepare and submit an annual report to the Mayor and City Council on commission activities.

Sec. 1108. General obligation bonded debt limit; vote required for issuing general obligation bonds; issuance of revenue bonds, notes and other evidence of indebtedness.

(a) The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

*(b) No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. *The City Council may by ordinance determine that the election shall be conducted as a mail-ballot election and prescribe the procedures for conducting the election.**

(c) The City Council by procedural ordinance or pursuant to State law, after a public hearing, notice of which has been given by publication at least fifteen days prior to such hearing, may issue revenue bonds, notes or other evidences of indebtedness without an election for any City purpose or purposes, and, any other provisions of this Charter notwithstanding, may make such covenants and exercise such powers as are deemed necessary in connection with the issuance and sale of such revenue bonds, notes or other evidences of indebtedness.

(d) Before issuing general obligation bonds or revenue bonds, notes or other evidences of indebtedness, the City Council shall determine by ordinance or resolution whether such bonds, notes or other evidences of indebtedness shall be sold at public sale by notice inviting bids or by negotiated private sale.

Sec. 1109. Public works contracts.

Every project for the construction and/or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the same exceed \$50,000 shall be let by the City Council ***or by the board of public utilities pursuant to Section 1202(b)***, by contract to the lowest responsible bidder after notice by publication in a newspaper of general circulation within the City by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the maintenance or repair of streets, drains or sewers are excepted from the requirements of this section if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City, ***or such other form of bidder's security as the City Council establishes by ordinance.*** Such security shall be in an amount not less than that specified in the notice inviting bids or in an amount not less than ten percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of the bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council ***or board of public utilities pursuant to Section 1202(b)*** may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to that effect by at least five affirmative votes of the City Council may proceed to have said work done or said supplies or materials purchased in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids if such work or supplies or materials shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least five affirmative votes of the City Council and containing a declaration of the facts constituting such urgency.

Projects for the construction and/or improvement of any public utility operated by the City or for

the purchase of supplies or equipment for any such utility may be excepted from the requirements of this section, provided the City Council so determines by at least five affirmative votes.

Sec. 1110. Cash management.

Adequate cash shall be maintained to meet lawful demands of the City. ~~Transfer~~*Transfers* and loans may be made by the City Council from one fund to another as may be required.

Sec. 1111. Capital projects funds.

(a) Funds for capital projects are hereby created. Capital projects initiated by the City Council which only require approval by the City Council are provided for in subsection B *(b)*. Capital projects initiated by the City Council which also require approval by the voters are provided for in subsection C *(c)*.

(b) A City Council approved capital project fund shall remain for the established purpose and the appropriation shall carry over to the completion of the project, as set forth in Section 1104. When a capital project has been completed, the City Council may transfer any unexpended or unencumbered surplus to any fund similarly restricted.

To the extent permitted by law, the City Council may levy and collect taxes for capital projects and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which such question is submitted.

(c) A fund for a voter approved capital project shall remain inviolate for the purpose for which it was created unless the use of such fund for other capital project purposes was authorized by the electors voting on such proposition at the general or special election at which such proposition was submitted. The majority or super-majority for passage of a voter approved capital project will depend on the enabling legislation under which it is proposed. Notwithstanding the above, the proposition approving a capital project may be amended as provided in the proposition or the enabling legislation.

Sec. 1113. Independent audit.

The City Council shall employ, at the beginning of each fiscal year, a qualified public accountant who shall, at such time or times as may be specified by the City Council, and at such times as such accountant shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, controller, treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public. *At least every five years, the City Council shall employ a qualified public accountant different from the qualified public accountant who submitted the immediately preceding year's audit report.*

Sec. 1114. Use of design-build procurement for public works projects.

Notwithstanding any provision to the contrary in the California Public Contracts Code, in Charter Section 1109, or any other law or regulation of the City of Riverside, the use of design-build procurement by competitive negotiation is authorized. The City Council shall establish by ordinance regulations for the award, use and evaluation of such design-build contracts, in which the design and construction of public works project are procured from a single entity.

Sec. 1202. Same--Powers and duties.

The board of public utilities shall have the power and duty to:

(a) Consider the annual budget for the department of public utilities during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(b) Authorize, ***and let public works contracts in compliance with Section 1109***, within the limits of the budget of the department of public utilities, any purchase of equipment, materials, supplies, ***goods or services***, or any acquisition, construction, improvement, extension, enlargement, diminution, or curtailment of all or any part of any public utility system when the amount exceeds \$50,000, ***and authorize the City Manager, or his designee, to execute contracts or issue purchase orders for the same.*** This amount may be increased in \$1,000 increments by ordinance to account for inflation whenever the cumulative increase in the consumer price index exceeds \$2,000 from the last increase. No such purchase, or acquisition, construction, improvement, extension, enlargement, diminution or curtailment shall be made without such prior authorization.

Notwithstanding the above, such a purchase, or acquisition, construction, extension, enlargement, diminution or curtailment may be made without prior approval ***(1) for work done at the request of and at the expense of a customer, pursuant to rules established by the board of public utilities and approved by the City Council, or (2) if there is an urgent necessity to preserve life, health or property (i) as determined by the director of public utilities or, (ii) if the amount exceeds \$100,000 by the director of public utilities and the City Manager.*** As soon as practicable thereafter, the director of public utilities shall take the matter ***under Section 1202(b)(2)*** to the board of public utilities for ratification.

(c) Within the limits of the budget of the department of public utilities, make appropriations from the contingency reserve fund for capital expenditures directly related to the appropriate utility function.

(d) Require of the City Manager monthly reports of receipts and expenditures of the department of public utilities, segregated as to each separate utility, and monthly statements of the general condition of the department and its facilities.

(e) Establish rates for all utility operations as provided under Section 1200 including but not limited to water and electrical revenue producing utilities owned, controlled or operated by the City, but subject to the approval of the City Council.

(f) ***Authorize the director of public utilities to negotiate and execute contracts with individual retail customers for water, electric and any other utility service as provided under Section 1200, consistent with rates for such individualized service established pursuant to Section 1202(e).***

(gf) Approve or disapprove the appointment of the director of public utilities, who shall be the department head.

- (hg) Designate its own secretary.
- (hh) Make such reports and recommendations in writing to the City Council regarding the department of public utilities as the City Council shall deem advisable.
- (hi) Exercise such other powers and perform such other duties as may be prescribed by ordinance not inconsistent with any of the provisions of this Charter.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON THE 2ND DAY OF NOVEMBER 2004, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF RIVERSIDE, CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF RIVERSIDE, AND GIVING NOTICE AND ORDERING THAT SAID SPECIAL MUNICIPAL ELECTION IS CONSOLIDATED WITH ALL OTHER ELECTIONS BEING HELD IN THE SAME TERRITORY ON THE SAME DATE.

WHEREAS, Section 1403 of the Charter of the City of Riverside requires that by February of 2004, and in February every eight years thereafter, the City Council appoint and appropriate adequate funds for a Charter review committee; and

WHEREAS, the Charter review committee shall have the power and duty to recommend to the City Council which, if any, Charter amendments should be placed on the ballot at the next regular municipal election for Mayor; hold public meetings to receive input on proposed Charter amendments; and present a final report with its recommendations to the City Council by the last Tuesday in May preceding the next regular municipal election for Mayor; and

WHEREAS, Section 1403 of the Charter of the City of Riverside also provides that the City Council may appoint Charter review committees more often if it desires; and

WHEREAS, the City Council so appointed such Charter review committee on May 22, 2003; and

WHEREAS, the City Council reaffirmed such appointment on February 10, 2004; and

WHEREAS, the committee was comprised of 17 members and met 21 times, from August 5, 2003, to July 1, 2004; and

WHEREAS, on July 13, 2004, the Committee presented its final report to the City Council recommending that numerous substantive and non-substantive Charter amendments should be submitted to the voters at the November 2004 statewide general election; and

WHEREAS, under Section 1403, the City Council shall act upon the recommendations of the Charter review committee prior to the last day to place measures on the ballot for the next regular municipal election for Mayor; and

1 WHEREAS, Article XI, Section 3, of the Constitution of the State of California, Elections
2 Code section 9255, and Government Code section 34458 further authorize the City Council, on its
3 own motion, to submit to the qualified electors of the City any ballot measure by ordinance or
4 resolution proposing amendments to the City Charter at any time; and

5 WHEREAS, the State of California will conduct an election on November 2, 2004, which
6 shall be prior to the next municipal election for Mayor; and

7 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside as
8 follows:

9 Section 1: The City Council, pursuant to its right and authority under California law, hereby
10 orders that the following questions be submitted to the qualified electors of the City of Riverside at
11 a special election on November 2, 2004:

12
13 Shall the Charter of the City of Riverside be amended by amending the
14 Preamble to better reflect the diversity and inclusiveness of Riverside,
15 changing the title of Article II, and correcting typographical errors in sections
16 1110 and 1111?

17
18 Shall the Charter of the City of Riverside be amended to (1) add a new Section
19 201, entitled "Access to public meetings and public records;" (2) provide that
20 meetings of ad hoc Council committees and Mayoral-appointed bodies be open
21 to the public; (3) all closed session meetings of the City Council be
22 audiorecorded; and (4) provide that the City Clerk shall help members of the
23 public examine and copy all public records?

24
25 Shall the Charter of the City of Riverside be amended by adding a new Section
26 202, entitled "Adoption of ethics code," which would require the City of
27 Riverside to adopt within six months a Code of Ethics and Conduct?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Shall the Charter of the City of Riverside be amended to (1) provide that the City Council review the compensation of the Mayor and City Council every two years and that any increase be limited to five percent every two years; and (2) eliminate the Mayor and Council members salary commission?

Shall the Charter of the City of Riverside be amended to provide that the Mayor shall appoint the chairperson to all City Council standing committees?

Shall the Charter of the City of Riverside be amended to provide that each City board or commission shall have at least one member from each Council Ward?

Shall the Charter of the City of Riverside be amended to provide that minors may be appointed to City boards or commissions with preferential voting privileges only or to a youth commission?

Shall the Charter of the City of Riverside be amended to add a new section 810, which would add the Community Police Review Commission to the Charter?

Shall the Charter of the City of Riverside be amended to allow the City Council (1) to conduct an election for a bonded indebtedness by a mail-ballot election; and (2) to sell such bonds, notes or other evidences of indebtedness at public sale by notice inviting bids or by negotiated private sale?

Shall the Charter of the City of Riverside be amended to (1) provide that bids on public works contracts can be accompanied by such other form of bidder's security as the City Council establishes by ordinance; and (2) add a new

1 Section 1114, entitled "Use of design-build procurement for public works
2 projects," which would permit the award of contracts for the combined design
3 and construction of public works projects?

4
5 Shall the Charter of the City of Riverside be amended to provide that the City
6 change its independent auditor at least every five years?

7
8 Shall the Charter of the City of Riverside be amended to (1) allow the board
9 of public utilities to award and execute contracts for construction, goods or
10 services for the public utility; (2) allow the director of public utilities to
11 approve work to be done at the customers' request and expense; and (3) allow
12 the director of public utilities to negotiate and execute contracts with individual
13 retail customers for utility services?

14
15 Section 2: That only the qualified electors of the City of Riverside are entitled to vote at said
16 election on these proposals to amend the City Charter and that if a majority of the qualified electors
17 voting on any of the Charter proposals votes in favor of one or more of the proposals, said proposal(s)
18 shall be deemed approved.

19 Section 3: The City Clerk is authorized, instructed and directed to take all action necessary
20 to place the measures described herein on the special municipal election ballot for the special
21 municipal election on November 2, 2004.

22 Section 4: The City Clerk is directed to transmit a copy of the measures to the City Attorney.
23 The City Attorney shall prepare an impartial analysis of the measures pursuant to Elections Code
24 section 9280, showing the effect of the measure on the existing law and the operation of the measure.
25 The analysis shall be printed preceding the arguments for and against the measure.

26 Section 5: That in accordance with the provisions of the Charter of the City of Riverside
27 and the Constitution and Election Laws of the State of California, a special municipal election be held

1 and the same is hereby called and ordered to be held in the City of Riverside on November 2, 2004,
2 for the purpose of submitting to the qualified electors of the City of Riverside such amendments to
3 the City Charter as may be proposed by the City Council.

4 Section 6: That the polls for said election shall be open at 7:00 a.m. of the day of said
5 election and shall remain open continuously from said time until 8:00 p.m. of the same day, when the
6 polls shall be closed, except as provided in section 14401 of the Elections Code of the State of
7 California.

8 Section 7: That the City Council consents to the consolidation of the special municipal
9 election hereby called with all other elections being held in the same territory on November 2, 2004,
10 and said elections, where possible, shall be held in all respects as if there were only one election within
11 the City of Riverside and only one form of ballot shall be used in the precincts, and polling places and
12 officers of election for said elections shall be the same as provided for the statewide general election.

13 Section 8: That for the purpose of holding said special municipal election, there shall be and
14 hereby are established consolidated voting precincts, consisting of a consolidation of the regular
15 election precincts in the City of Riverside established for the holding of state and county elections as
16 said regular election precincts exist on the date of this resolution.

17 Section 9: That the form and contents of the ballot to be used at said election shall be as
18 provided by law.

19 Section 10: That in accordance with section 10002 of the Elections Code, the Board of
20 Supervisors of Riverside County is hereby requested to consent to the Registrar of Voters rendering
21 election services to the City of Riverside as may be requested by the City Clerk of said city, the
22 County of Riverside to be reimbursed in full, for such services as are performed.

23 Section 11: That the elections services of the City of Riverside request the Registrar of
24 Voters, or such other official as may be appropriate, to perform, and that such officer is hereby
25 authorized and directed to perform if the said Board of Supervisors consents, include: the preparation,
26 printing and mailing of sample ballots and polling place cards; the establishment or appointment of
27 precincts, polling places, and election officers, and making such publications as are requested by law

1 in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or
2 materials for polling places; the canvassing of the returns of election and the furnishing of the results
3 of such canvassing to the City Clerk of the City of Riverside; and the performance of such other
4 election services as may be requested by said City Clerk.

5 Section 12: That the City Clerk of said City shall receive the canvass of the special
6 municipal election and shall certify the results to the City Council, as required by law.

7 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk
8 this day of

9
10 _____
Mayor of the City of Riverside

11 Attest:

12
13 _____
City Clerk of the City of Riverside

14
15 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
16 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council
17 of said City at its meeting held on the day of , by the following vote,
18 to wit:

19 Ayes:

20 Noes:

21 Absent:

22 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the
23 City of Riverside, California, this day of

24
25 _____
City Clerk of the City of Riverside

26
27 G:\CLK\COUNCIL\Resolutions\calling special election.wpd
03-1193.2

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

045



FROM: The Registrar of Voters

SUBMITTAL DATE:
August 31, 2004

SUBJECT: CONSOLIDATION OF SPECIAL ELECTION

RECOMMENDED MOTION: That the Board approve consolidation of special municipal and school district elections with the November 2, 2004 General Election and authorize the Registrar of Voters to conduct subject elections for the Cities of Palm Springs, Perris and Riverside, and the Beaumont Unified School District, Palm Springs Unified School District and Perris Union High School District pursuant to their respective resolutions.

Departmental Concurrence

BACKGROUND: California Elections Code §10403 allows jurisdictions to request consolidation of special elections by submitting a resolution to the Board of Supervisors not later than the 88th day before the November 2, 2004 General Election. The Cities of Palm Springs, Perris and Riverside, and the Beaumont Unified School District, Palm Springs Unified School District and Perris Union High School District have complied with this requirement and request consolidation of their special elections. These jurisdictions normally hold elections in the odd-numbered years. The measures to be placed on the ballot are attached as Exhibit A.

The department has the resources to consolidate these elections concurrently with this year's General Election. The Cities and School Districts will reimburse the department based on associated direct costs for each jurisdiction.

Attachments: Exhibit A

Barbara Dunmore

BARBARA DUNMORE
Registrar of Voters

**FINANCIAL
DATA**

Current F.Y. Total Cost:

\$

In Current Year Budget:

Current F.Y. Net County Cost:

\$

Budget Adjustment:

Annual Net County Cost:

\$

For Fiscal Year:

SOURCE OF FUNDS: Jurisdictions will reimburse the department

Positions To Be
Deleted Per A-30

☐

Requires 4/5 Vote

☐

C.E.O. RECOMMENDATION:

APPROVE

Lisa Brandt

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley

Noes: None

Absent: None

Date: September 14, 2004

xc: Registrar of Voters, Cities of Palm springs, Perris & Riverside, Deputy
BUSD, PSUSD, Perris Union HSD

Nancy Romero
Clerk of the Board
By: *[Signature]*

Dep't R
Per Exec. Ofc.:

Policy

Consent

☒

Policy

Consent

☒

Prev. Agn. Ref.:

District:

Agenda Number:

219

00630

EXHIBIT "A"

City of Palm Springs

Measure "U"	Shall Resolution 20866 approving amendments to the General Plan Use and Circulation Plan for Section 14 be adopted?	Yes ☐ No ☐
-------------	---	---

Measure "V"	Shall the ordinance to permit the Council to increase the existing utility users tax by up to three percent for a period of no more than three years, be adopted?	Yes ☐ No ☐
-------------	---	---

City of Perris

Measure "NN"	POLICE AND FIRE PROTECTION SERVICES WITHIN THE CITY OF PERRIS Shall Ordinance 1141 enacting a special parcel tax to fund additional police and fire protection services in the City of Perris be adopted?	Yes ☐ No ☐
--------------	--	---

City of Riverside

Measure "BB"	Shall the Charter of the City of Riverside be amended by amending the Preamble, changing the title of Article II, and correcting typographical errors in sections 1110 and 1111?	Yes ☐ No ☐
--------------	--	---

Measure "CC"	Shall the Charter of the City of Riverside be amended to (1) add Section 201, "Access to public meetings and public records," (2) provide that meetings of ad hoc Council committees be open to the public and that closed session Council meetings be audio recorded; (3) provide that citizens shall have the right to make comments at ad hoc Council committee meetings; and (4) provide that the City Clerk help the public examine and copy public records?	Yes ☐ No ☐
--------------	---	---

Measure "DD"	Shall the Charter of the City of Riverside be amended by adding a new Section 202, entitled "Adoption of ethics code," which would require the City of Riverside to adopt within six months a Code of Ethics and Conduct?	Yes ☐ No ☐
--------------	---	---

Measure "EE"	Shall the Charter of the City of Riverside be amended to (1) provide that increase to the compensation of the Mayor and City Council be limited to five percent every two years; and (2) eliminate the Mayor and Council members salary commission?	Yes ☐ No ☐
--------------	---	---

Measure "FF"	Shall the Charter of the City of Riverside be amended to provide that the Mayor shall appoint the chairperson to all City Council standing committees?	Yes ☐ No ☐
--------------	--	---

Measure "GG"	Shall the Charter of the City of Riverside be amended to provide that each City board or commission shall have at least one member from each Council Ward?	Yes ☐ No ☐
--------------	--	---

Measure "HH"	Shall the Charter of the City of Riverside be amended to provide that minors may be appointed to a youth commission or other boards or commissions?	Yes ☐ No ☐
--------------	---	---

Measure "II"	Shall the Charter of the City of Riverside be amended to add a new section 810, entitled "Community police review commission" which would add the Community Police Review Commission to the Charter?	Yes ☐ No ☐
--------------	--	---

Measure "JJ"	Shall the Charter of the City of Riverside be amended to allow the City Council (1) to conduct an election for a bonded indebtedness by a mail-ballot election and (2) to sell such bonds, notes or other evidences of indebtedness at public sale by notice inviting bids or by negotiated private sale?	Yes ☐ No ☐
--------------	---	---

Measure "KK"	Shall the Charter of the City of Riverside be amended to (1) provide that bids on public works contracts can be accompanied by such other form of bidder's security as the City Council; and (2) add a new Section 1114, entitled "Use of design-build procurement for public works projects"?	Yes ☐ No ☐
--------------	--	---

Measure "LL"	Shall the Charter of the City of Riverside be amended to provide that the City Council change its independent auditor at least every five years?	Yes ☐ No ☐
--------------	--	---

Measure "MM"	Shall the Charter of the City of Riverside be amended to (1) allow the board of public utilities to award and execute contracts for construction, goods or services for the public utility, (2) allow the director of public utilities to approve work to be done at the request and expense of customers; and (3) allow the director of public utilities to negotiate and execute contracts with individual retail customers for water, electric and any other utility services?	Yes ☐ No ☐
--------------	---	---

Beaumont Unified School District

Measure "AA"	To relieve severe classroom overcrowding caused by unprecedented population growth, to replace aging portable classrooms and make repairs and renovations to existing schools, shall the Beaumont Unified School District issue bonds not to exceed \$54 million at legal rates to build new schools and additional classrooms, to repair roofs and upgrade electrical and plumbing systems as needed, to qualify local schools for state matching funds and appoint a Citizens Oversight Committee with annual audits to review all expenditures?	Bonds - Yes ☐ Bonds - No ☐
--------------	--	---

Palm Springs Unified School District

Measure "T"	To renovate and repair schools in the District, relieve student overcrowding by building and acquiring new schools and classrooms, and become eligible for State matching funds, shall the Palm Springs Unified School District issue \$122,000,000 in bonds at interest rates below legal limits provided spending is annually reviewed and audited by an Independent Citizens' Oversight Committee, no money is used for administrative salaries and no money is transferred to the State of California?	Yes ☐ No ☐
-------------	--	---

Perris Union High School District

Measure "Z"	To ensure the health and safety of students, repair or replace old inadequate roofs, electrical, heating/air conditioning systems, improve technology, and reduce overcrowding by building a new high school and purchasing a Menifee area school site, shall the Perris Union High School District issue \$46,000,000 in bonds, with all funds spent in local community schools and qualify the District for State matching funds and appoint a Citizens Oversight Committee with annual audits to review expenditures?	Bonds - Yes ☐ Bonds - No ☐
-------------	--	---

If Measure LL is approved, the fiscal impact to the City is unknown.

**Impartial Analysis by City Attorney
City of Riverside Measure MM
(City of Riverside's Board of Public Utilities)**

This measure contains three proposed amendments to the City of Riverside Charter.

The first portion of this measure concerns the power of the City's Board of Public Utilities ("the Board") to award and authorize public utilities department contracts. The current Charter provides that most procurements of goods, services and construction for the public utilities department be approved by both the Board of Public Utilities and the City Council if the procurement exceeds \$50,000. If passed by a majority of voters, this measure would authorize the Board, instead of the City Council, to award contracts for public utilities public works projects, purchases of equipment, materials, supplies, goods and services, if the procurement exceeds \$50,000, and authorizes the City Manager or his designee to execute such contracts or issue purchase orders, as appropriate. The limitation on such power is that the funds for such contracts must be included in the City Council-approved budget for public utilities.

The second portion of this measure concerns work done at the request and expense of a customer of the City's Public Utilities. Current law provides that such work be approved by both the Board of Public Utilities and the City Council. If passed by a majority of voters, this measure would allow the Director of Public Utilities to authorize and execute contracts for such work. The two limitations on the director's power would be that the work must be done pursuant to rules established by the Board and approved by the City Council, and if the cost of such work exceeds \$100,000, that the City Manager must approve as well.

The third portion of this measure concerns individual contracts with public utilities department customers for water, electric and any other utility service. Current law provides that all such individualized contracts be approved by both the Board of Public Utilities and the City Council. If passed by a majority of voters, this measure would allow the Director of Public Utilities to negotiate and execute such individualized contracts for such utilities. The limitation on the director's power would be that the rate under such utility contracts would be established by the Board and approved by the City Council in accordance with existing Charter provisions.

If Measure MM is approved, there would be no direct fiscal impact to the City.

C:\Documents and Settings\gpriamos\Local Settings\Temp\00032820.WPD