



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: APRIL 19, 2022**

FROM: CHARTER REVIEW COMMITTEE **WARDS: ALL**

**SUBJECT: AMENDMENT TO CITY CHARTER REGARDING MAYOR'S POWERS/
VETO**

ISSUE:

Receive a presentation and consider whether to place on the November 8, 2022 ballot an amendment to the City Charter to include within the Mayor's veto power the power to veto all formal actions taken by the City Council, except an ordinance proposed by initiative petition; the Mayor's veto authority shall include but not be limited to a veto over any emergency ordinance, the annual budget and any action taken to appoint, adjust compensation, suspend or remove any officer or employee appointed by the City Council.

RECOMMENDATIONS:

That the City Council:

1. Consider an amendment to the City Charter to include within the Mayor's veto power the power to veto all formal actions taken by the City Council, except an ordinance proposed by initiative petition; the Mayor's veto authority shall include but not be limited to a veto over any emergency ordinance, the annual budget and any action taken to appoint, adjust compensation, suspend or remove any officer or employee appointed by the City Council; and
2. Placing a ballot question on the November 8, 2022 ballot for voter approval for such veto authority.

BOARD RECOMMENDATION:

The Charter Review Committee ("Committee") met on March 16, 2022, and approved the proposed charter amendment and ballot question referenced herein, with seven members voting yes, one member voting no, and two members absent. The Charter Review Committee approved the report to the City Council and designated Chair Benavidez and Member Goldman to present the report.

BACKGROUND:

At the February 15, 2022 City Council meeting, the City Council received a presentation from the Charter Review Committee as to their proposed Charter amendment. The City Council asked for clarification on the following questions and directed the Charter Review Committee to hold one further meeting, in March of 2022, to respond to discuss these questions and return to the City Council with a response thereafter:

1. Under the proposed Charter amendment, can the Mayor veto emergency ordinances.
2. Clarification related to when the veto should take place
 - If the Mayor is present at the meeting, should the veto should take place before adjournment.
 - If the Mayor is absent from the meeting, should the veto take place not more than five days following the formal action.
3. Is the time within which the City Council must vote to override the veto (30 to 45 days from the date of the veto), too long?

The Charter Review Committee met on March 16, 2022, to discuss. The Committee confirmed that the Mayor can veto emergency ordinances. The Charter Review Committee also considered the proposed Charter amendment, which provides that the Mayor's time for a veto is always five days after the formal action, and the City Council has between 30 to 45 days to vote to override the veto.

The Charter Review Committee reviewed the comments from the City Council, and made the following changes to the proposed Charter Amendment:

At any time before adjournment of the meeting or no more than five days following the formal action if the Mayor was absent from the meeting, the Mayor shall, ~~no more than five days following the formal action,~~ provide to Council members, in writing, a veto with the reasons for the Mayor's veto. The City Clerk shall immediately make the written veto available to the public. Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or formal action shall be deemed neither approved nor adopted. If the Mayor fails to provide a written veto within the time allotted, the original formal action of the Council shall stand. At any regular or adjourned meeting held not ~~less than thirty days~~ ~~nor~~ more than forty-five days after the veto, the City Council shall reconsider such ordinance, resolution or formal action and vote on the question of overriding the veto. Five affirmative votes shall be required for its adoption or approval. The Mayor shall have no right to veto the veto override of any formal action.

DISCUSSION:

Here is the final recommendation that was approved by the Charter Review Committee:

Charter Amendment (new Charter section)**Sec. 405.1 Mayor's veto.**

The Mayor may veto any formal action taken by vote of the City Council including any ordinance or resolution, except an ordinance proposed by initiative petition. The Mayor's veto authority shall include a veto over any action taken to appoint, adjust compensation, suspend or remove any officer or employee appointed by the City Council.

At any time before adjournment of the meeting or no more than five days following the formal action if the Mayor was absent from the meeting, the Mayor shall provide to Council members, in writing, a veto with the reasons for the Mayor's veto. The City Clerk shall immediately make the written veto available to the public. Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or formal action shall be deemed neither approved nor adopted. If the Mayor fails to provide a written veto within the time allotted, the original formal action of the Council shall stand. At any regular or adjourned meeting held not more than forty-five days after the veto, the City Council shall reconsider such ordinance, resolution or formal action and vote on the question of overriding the veto. Five affirmative votes shall be required for its adoption or approval. The Mayor shall have no right to veto the veto override of any formal action.

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Sec. 413. Adoption of ordinances and resolutions.

With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Council members present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the adoption of any ordinance or resolution.

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, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

~~At any time before the adjournment of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, veto any formal action taken by vote of the City Council including any ordinance or resolution, except an emergency ordinance, the annual budget or an ordinance proposed by initiative petition. Thereupon, pending the vote to~~

~~override the veto as herein provided, such ordinance, resolution or action shall be deemed neither approved nor adopted. The Mayor shall, no more than twenty days following the veto, provide to Council members, in writing, reasons for the Mayor's veto. If the Mayor fails to provide a written veto message within the time allotted, the original action of the Council shall stand. At any regular or adjourned meeting held not less than thirty days, nor more than sixty days after veto the City Council shall reconsider such ordinance, resolution or action and vote on the question of overriding the veto. Five affirmative votes shall be required for its adoption or approval. The Mayor shall have no right to veto the veto override of any ordinance, resolution or action.~~

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Proposed Ballot question

Mayor's Veto Shall the measure amending the City of Riverside's Charter to amend the Mayor's power to include the power to veto, within five days, any formal action taken by the City Council, including but not limited to any emergency ordinance, the annual budget, and any formal action taken to appoint, adjust compensation, suspend or remove any officer or employee appointed by the City Council, except an ordinance proposed by citizen initiative petition, be adopted?

The Charter Review Committee also would like to note to the City Council the impact of the Mayor's veto of any formal action taken by vote of the City Council. The impact is that the Council's formal action would be nullified by the veto and would not take effect until the veto is overridden.

FISCAL IMPACT:

The estimated cost to place a measure on the November 8, 2022, ballot is \$165,000 and \$124,000 for each subsequent measure.

Prepared by: Charter Review Committee

Approved as to form: Phaedra A. Norton, City Attorney

Attachments: Presentation
February 15, 2022 City Council Report