



City of Arts & Innovation

Inclusiveness, Community Engagement & Governmental Processes Committee

TO: INCLUSIVENESS, COMMUNITY ENGAGEMENT, AND GOVERNMENTAL PROCESSES COMMITTEE **DATE: APRIL 6, 2022**

FROM: CITY MANAGER'S OFFICE **WARDS: ALL**

SUBJECT: REVIEW CITY COUNCIL RULES OF PROCEDURE AND ORDER OF BUSINESS - COUNCIL AGENDA ITEM REFERRAL PROCESS

ISSUE:

The issue for the Inclusiveness, Community Engagement, and Governmental Processes Committee is to give direction to staff relating to the existing and proposed City Council Rules of Procedure and Order of Business Council agenda item referral process as documented in Resolution No. 23618.

RECOMMENDATIONS:

That the Inclusiveness, Community Engagement, and Governmental Processes Committee:

1. Provide any recommendations deemed necessary to the current and/or proposed Council agenda item referral process documented in the City Council Rules of Procedure and Order of Business Resolution No. 23618; and
2. Request staff bring forth any specific language recommendations along with a corresponding resolution to the full City Council for discussion.

BACKGROUND:

The City Council referral process plays an integral role in the Riverside 2025 Strategic Plan and resulting operational work plan. The process provides a framework for City Council to create policy while aligning staff resources with strategic priorities. Decision-making systems should be periodically reviewed and adapted to reflect best practices in government transparency to effectively allocate public resources in alignment with the Riverside 2025 Strategic Plan and respective operational workplan.

The intent of Resolution No. 23618 is to establish Rules of Procedure and Order of Business for the City Council to conduct its business in an orderly and fair manner. According to Section XVI, A – Administration, “The City Council will review and revise the City Council norms and procedures as needed or every two (2) years.”

On January 5, 2022, the Inclusiveness, Community Engagement, and Governmental Processes Committee (ICGC) received and discussed a schedule to review nine Rules of Procedure and Order of Business items. Through discussion, the Committee added three additional items for review to the schedule and requested the discussion item be presented to Council for input.

On February 15, 2022, City Council received and discussed a schedule to review twelve Rules of Procedure and Order of Business items. Through discussion, the Council added additional items for review.

The revised schedule and proposed items for review is identified as follows:

Rules or Procedure and Order of Business Item	
Session 1	<ul style="list-style-type: none"> • Section IX, C 1- Persons Who May Place Matters on the Agenda • Section IX, D- Agenda Setting Meeting
Session 2	<ul style="list-style-type: none"> • Section IX, C 4 – Preparation of the Packet • Section IX, C 6 – Distribution of the Packet • Section IX, F – Agenda Sequence and Order of Business <ul style="list-style-type: none"> ○ Time limit for Ward Updates ○ Establish presentation time limit for ceremonial proclamations ○ Public Comment ○ Pulling Consent and Discussion Items - Notification to staff (24 hours)
Session 3	<ul style="list-style-type: none"> • Section XIII, B – Referral of Matters to City Council Standing Committees <ul style="list-style-type: none"> ○ Process for submitting candidate names to the Mayors Screening and Nominating Committee for vacant positions • Section XIV, C – Boards, Commissions, and Committees <ul style="list-style-type: none"> ○ Number of Committees and Role of Committees ○ Determine when and how Boards and Commissions address or present to Council
Session 4	<ul style="list-style-type: none"> • Section IX, C – Procedure for bringing matters before city council. <ul style="list-style-type: none"> ○ Develop language and clarification of process for proclamation requests ○ Distinguish between ceremonial vs. legislative proclamations • Identify Emergency Order Processes
Session 5	<ul style="list-style-type: none"> • Rules of Order (Roseburg vs Roberts)
Session 6	<ul style="list-style-type: none"> • Duties of Mayor; Mayor Pro Tempore • Violation of Rules & Procedure • Use of Electronics on the dais • Clarity of Abstentions
Session 7	<ul style="list-style-type: none"> • Role of Councilmember Championing an Issue • Due Process and Open Mind • Councilmember leaving meeting early • Policy on Ex Parte Communications

DISCUSSION:

All proposed changes to City Council Rules of Procedure and Order of Business will be reviewed by ICGC in monthly sessions and forwarded to City Council for discussion. A comprehensive report of committee recommendations and Resolution is anticipated to go to City Council at a later date.

The review process format will consist of four stages:

1. A review of current processes and practices used.
2. Identification of advantages and disadvantages to existing process.
3. Review of other cities similar processes/practices.
4. Proposed recommendations to processes/practices.

April 6, 2022, review Item(s) include:

Section IX, C Persons - Who May Place Matters on the Agenda

1. Except for matters pending before any committee, commission or other advisory body of the City or the City Council, matters pertinent to and within the jurisdiction of the City may be placed on the agenda by the Mayor, any Councilmember, the City Manager, City Attorney or City Clerk.

Section IX, D- Agenda Setting Meeting

5. When a City Councilmember refers an item to be placed on the agenda, a timeframe must be included. It will include the Councilmember's name, the specific type of item requested (action vs discussion). City Council items should always be considered a priority for scheduling.

Review of Current Processes and Practices Used:

- For routine reports authored by Council (E.g., committee substitution, appointment of board/commission member)
 - Such reports can be prepared and submitted to Council and prepared by a single Council Member or charter officer.
- For non-routine City Council policy proposals or City Council Discussion items requested by individual Council Members:
 - Council members may individually author policy reports and submit directly to committee or Council as an individual rather than a body.
 - Any individual Council member can refer to a committee during "Items for future City Council consideration as requested by Mayor or Members of the City Council - City Manager/City Attorney reports" and refer to standing committee or directly to Council with a timeline.
 - Such requests can require significant staff time to prepare such reports without the majority consent of the City Council.
- City Clerk, City Attorney, and City Manager may also place matters pertinent to and within the jurisdiction of the City onto the agenda.

Identification of Advantages and Disadvantages to Existing Process:

Advantages to Current Process:

- The process is expedited.
- The process is streamlined: no paperwork or reports are required to make requests for staff to bring back an item to City Council.
- Each Councilmember has autonomy.

Disadvantages of Current Practice:

- Requests made during “Items for future City Council consideration as requested by Mayor or Members of the City Council - City Manager/City Attorney reports” are often very brief and the Council, staff and the public are not able to fully appreciate the nature and scope of the item being requested.
- Requests are often difficult to prioritize within the context of available resources and competing Council requests, especially in light of the Envision Riverside 2025 Strategic Plan priorities, goals and workplan.
- City Council should be acting as a body for items that require the expenditure of public resources.
- There are legal, budgetary, administrative, political, ethical and other reasons to understand and consider alternatives.

Review of Other Cities Similar Processes/Practices:

Review of Cities:

Ten California cities similar in size and demographics were selected for review. Cities selected include Anaheim, Bakersfield, Chula Vista, Fresno, Irvine, Long Beach, Oakland, Sacramento, Santa Ana, and Stockton (see attached and below):

- Three cities require City Council Members to submit a written request in order for the item to be agendaized.
- All Ten cities require City Council Members to submit a verbal or written request to either the City Manager, City Clerk, or Mayor (or a combination of the 3) for approval for the item to be agendaized.
- Four cities require City Council Members to make a verbal request during a public meeting with the support of 1 or 2 other Council Members for the item to be agendaized.
- Three cities require City Council Members to make a verbal request during a public meeting and need a majority vote (of the quorum) for an item to be agendaized.

NOTE Some cities use more than one method and therefore may have been counted twice in the summary

Proposed Recommendations to Processes/Practices:

- No change recommended for routine reports authored by Council (E.g., committee substitution, appointment of board/commission member, etc.)
- No change is recommended for City Clerk, City Attorney, and City Manager placing matters pertinent to and within the jurisdiction of the City and their Charter authorities onto the agenda.
- For non-routine City Council policy proposals or City Council Discussion items requested by individual Council Members:
 - The proposed change would require that a simple 1 - 2 page Agenda Item Referral Template be submitted onto a Council Agenda under “Items for future City Council consideration as requested by Mayor or Members of the City Council - City Manager/City Attorney reports” in lieu of the verbal process that currently takes place. (See proposed template language, below).
 - The Council as a body (Council majority) would have to approve such policy-related referrals prior to them being researched/created by staff and brought back to City Council, boards or commissions.
 - Councilmembers leading policy report requests would present their item under “Items for future City Council consideration as requested by Mayor or Members of the City Council - City Manager/City Attorney reports” for the City Council’s review and consideration. Verbal requests would no longer occur.
 - The changes in process/workflow are consistent with implementation of the Envision Riverside 2025 Strategic Plan priorities and a natural part of priority-based budgeting.

Proposed Agenda Item Referral Template (i.e. Agenda Report) *could* include:

- About the Policy or Discussion Topic Section
 - Brief description of agenda item
 - Council Members Requesting (may be more than one)
 - Specific type of item requested (action vs discussion)
 - Return to Council, Committee, Board, or Commission
 - Standing Committee substitution, if requested for this item
 - Equity considerations
 - Timeline expectation for presentation to Council, Committee, board/commission
 - Urgency level of request: (High 1-3 months/Medium 3-6 months/Low 6+months)
 - Correlates with Strategic Plan #
 - Exists in current work plan #
- Fiscal Impact Section
 - Estimated Fiscal impact if known
 - Included in adopted budget? Y/N
- Authorship and Time Estimate Section
 - Proposed author
 - Staff’s estimated number of hours to research, provide analysis, and prepare report
 - Estimated by

A sample of the proposed referral template (i.e. Agenda Report) is attached. Any Council referrals that pass by City Council majority will then be tracked by the City Clerk's office via the Master Calendar to ensure the items are brought back to Council after staff research is completed.

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 including the additional of virtual community resources, alignment with Legislative emergency orders, and Brown Act modifications.
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 during a public health emergency and future needs ensuring the City's capacity to persevere, adapt and grow.

FISCAL IMPACT:

The total impact to the General Fund will vary based on the recommendations of the Committee. It is estimated there may be General Fund staff savings if Council Referrals are approved by the full Council prior to staff spending time researching and preparing policy or discussion reports.

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Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Presentation
2. Resolution R-23618
3. Review of Cities
4. Proposed Referral Template Sample