



City of Arts & Innovation

Inclusiveness, Community Engagement & Governmental Processes Committee

**TO: INCLUSIVENESS, COMMUNITY ENGAGEMENT,
AND GOVERNMENTAL PROCESSES COMMITTEE**

DATE: MAY 4, 2022

FROM: CITY MANAGER'S OFFICE

WARDS: ALL

**SUBJECT: REVIEW CITY COUNCIL RULES OF PROCEDURE AND ORDER OF
BUSINESS – PACKET DEVELOPMENT AND DISTRIBUTION, PUBLIC
COMMENT, AND PROCLAMATION TIMELINES**

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 related to the procedure for bringing matters before City Council and agenda sequence and order of business 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 procedure for bringing matters before City Council and agenda sequence and order of business as 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

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| | <ul style="list-style-type: none"> • Councilmember leaving meeting early • Policy on Ex Parte Communications |
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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.

May 4, 2022, review Item(s) include:

Section IX, C 4 – Preparation of the Packet

Not later than 5:00 p.m. twelve (12) days prior to each regular City Council meeting, the City Clerk shall prepare the packet. No item shall be considered by the City Council if not included in the packet, except as provided in section 4.05.050 of the Riverside Municipal Code.

Section IX, C 6 – Distribution of the Packet

Not later than 6:30 p.m. twelve (12) days prior to each regular City Council meeting, the City Clerk shall distribute the packet to the Mayor, each member of the City Council, the City Manager and the City Attorney. Twelve (12) days prior to each regular City Council meeting, the City Clerk shall distribute the packet to the designated department directors, and such other persons or institutions as the City Clerk shall deem necessary or appropriate. Paper or electronic copies of the packet shall be made for the news media and such other organizations, agencies, institutions or persons as may wish to subscribe to receipt thereof, and the City Clerk will make the packet available electronically on the City's webpage.

Section IX, F – Agenda Sequence and Order of Business

- f. Brief reports on conference, seminars and regional events; Ward updates; Council comments; and announcements of upcoming events shall commence at 6:15 p.m.
- g. Ceremonial Matters (Establish presentation time limit for ceremonial proclamations)
- h. Oral communications from the audience regarding consent calendar items or matters within the jurisdiction of the City. Oral Communications shall commence at approximately 7:00 p.m., and may be moved or continued to later in the Council meeting at the discretion of the presiding officer, with the concurrence of the City Council.
- i. Consent Calendar. Removal of items from the Consent Calendar, shall be followed by one motion for action on uncontested Consent Calendar Items. Thereafter, removed consent items will be discussed immediately after the Discussion Calendar.

Review of Current Processes and Practices Used:

- The agenda packet shall be prepared no later than 5 p.m. twelve days prior to each regular City Council meeting.
- The agenda packet shall be distributed no later than 6:30 p.m. twelve days prior to each regular City Council meeting.
- Council comments; announcements shall commence at 6:15 p.m.
- Oral Communications shall commence at approximately 7 p.m. and may be moved or continued to later in the Council meeting at the discretion of the presiding officer, with the concurrence of the City Council.
- Items removed from the Consent Calendar will be discussed immediately after the Discussion Calendar.

Identification of Advantages and Disadvantages to Existing Process:

Advantages to Current Process:

- The process clearly outlines benchmarks for tasks to be completed.
- Councilmembers have a firm awareness of when agenda packets will be prepared and distributed.
- The agenda sequence includes Council comments/announcements ensuring each Councilmember is afforded an opportunity to provide a Ward update.
- A set timeline for Oral Communications provides the public with a set time to arrive in the Art Pick Council Chambers to provide public comment.
- Ceremonial items are heard at the beginning of the meeting.
- Consent Calendar items can be discussed immediately.

Disadvantages of Current Practice:

- Strict deadlines do not take into consideration equipment malfunctions or telecommuting.
- Predefined times established for Council comments and Oral Communications do not take into consideration agenda items that extend beyond 6:15 p.m. and 7 p.m.
- Lengthy ceremonial presentations or numerous presentations can impact the overall meeting time.
- Predefined times established for Council comments and Oral Communications impact the pace of the agenda and can cause the meeting to be paused to allow for the established deadline of 6:15 p.m. (Council comments) and 7 p.m. (Oral Communications).
- Oral Communications refers only to in person public comment and does not include alternative public comment options including e-comments, emails, and telephonic public comment.
- Staff are not in attendance or unprepared to discuss Consent Calendar items that are moved to Discussion.

Review of Other Cities Similar Processes/Practices:

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.

Process/Practice	Findings
Agenda Preparation	<ul style="list-style-type: none"> • Cities within the survey pool did not have an established timeline for agenda's to be prepared by. • Nine cities indicated agenda preparation completed pursuant to applicable state and local laws and council policy. • Within the context of applicable laws and policy, each city identified the window in which the agenda should be prepared, not a designated deadline. I.e. Seven days prior to meeting.
Agenda Distribution	<ul style="list-style-type: none"> • Nine cities distributed packets subject to Sunshine Ordinances and/or in alignment with the Ralph M. Brown Act. • Chula Vista identified an agenda distribution timeline of the Thursday preceding the regular meeting.
Order of Business	<ul style="list-style-type: none"> • There were no defined times set for brief reports and updates from Council Members among the ten cities surveyed. • Long Beach was the only city that included a timed agenda item or benchmark, requiring the consent calendar to be heard immediately after the pledge and prior to 6:30 p.m. • Long Beach limited the number of ceremonial presentations to no more than three per meeting with each presentation being no more than five minutes. • The location of Public Comment in each City's agenda sequence varied but was not assigned a specific time. • Two cities identify a Consent Calendar item may be pulled for discussion but did not outline the timeline for the discussion to occur.

Proposed Recommendations to Processes/Practices:

- Removal of time specific benchmarks associated with agenda packet preparation, agenda distribution, brief reports/updates, and oral communications.
- Replace "Oral Communications" with the term "Public Comment".
- Define Public Comment as any feedback provided by the public at a meeting in-person or telephonically or prior to the meeting by e-mail or e-comment.

- Limit presentations to no more than two per meeting with each presentation being no more than five minutes for proclamations and other ceremonial items.
- Establish an email notification process to provide staff with at least 24 hours to prepare/attend Council meeting when an item is pulled from the Consent Calendar to Discussion.

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:

There is no immediate fiscal impact from this report. However, there may be a future impact, based on the recommendations of the Committee. It is estimated there may be 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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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