

# **EXHIBIT V**

**CHARTER REVIEW COMMITTEE**  
**City of Riverside**  
**June 24, 2004, 5 p.m.**  
**Mayor's Ceremonial Room**  
**3900 Main Street**

**MINUTES**

**PRESENT:** Members Barry Johnson, Marjorie von Pohle, Damon Castillo, Dale McNair, Ray Higgins, Rusty Bailey, Marcia McQuern, Dorothy Bailey, Connie Leach, Stan Stosel, Sharon Tyrrell, Art Garcia, Mike Teer, Rose Mayes, Vice-Chair Ben Johnson, and Chair Eric Haley

**ABSENT:** Gar Brewton (excused)

**STAFF PRESENT:** Colleen Nicol, Gregory Priamos, Cheryl Balz, Tricia Ruiz, and Susan Wilson

**ALSO PRESENT:** Phyllis Purcell, Ralph Guidero, Barbara Purvis, Jennifer Vaughn-Blakely, and others

Chair Haley convened the Charter Review Committee meeting at 5:05 p.m.

The Pledge of Allegiance was given to the Flag.

**ORAL COMMUNICATIONS FROM THE AUDIENCE**

Jennifer Vaughn-Blakely, Chair of The Group, spoke about studies that have been written on the behaviors of public officials and recommended the incorporation of a Code of Ethics to the City Charter. The City Attorney advised the Committee to discuss only agenda items and suggested adding an additional meeting to address the issue.

Chair Haley proposed the formation of a committee to review drafts for input along with Code of Ethics models from other Cities. Motion was made by Member Teer and seconded by Member Mayes to consider the incorporation of a Code of Ethics as a future agenda item. Motion was made by Member Garcia and seconded by Member Teer amending the motion to add an additional meeting at 5 p.m. on July 1, 2004, in the Mayor's Ceremonial Room to discuss this and other issues. Additional items may be added to that agenda upon directive of the Chair or Vice Chair until 5 p.m. on Monday, June 28, 2004. The motion as amended carried unanimously with Members Brewton and Stosel absent.

Phyllis Purcell voiced her dissatisfaction with the current checks and balances on contracts suggesting each contract should be approved individually and that discounts should be discontinued for large companies.

**MINUTES**

At the request of Member Garcia and without formal motion, the Committee concurred to amend the minutes of May 27, 2004, to reflect Member Garcia seconding and voting in favor of the approval of the April 22, 2004, minutes. Subsequently, motion was made by Member

Garcia and seconded by Member Barry Johnson to approve the Minutes of June 10, 2004, as presented. Motion carried unanimously.

### **Voting/veto power of Mayor**

Chair Haley opened the discussion stating that Mayoral veto of every item would force the City Council to approve each item with a five vote majority. He posed the question of "How fully should the Mayor participate and how broadly?" He noted that the Mayor's power is currently viewed as a negative. To make it a positive, the Mayor could be granted a vote so that he is fully vested and remove the veto power. The rule of five currently exists.

Member McQuern agreed that the negativity of the veto casts a pall over City actions. She suggested granting the Mayor a vote officially. Motion was made by Member McQuern and seconded by Vice Chair Ben Johnson to remove the veto power and grant the Mayor voting power.

Member Castillo asked what would happen in the event of a tie. City Clerk Nicol responded that the motion would fail. Member Teer reminded the Committee that the Mayor's role is ceremonial and that the current form of government is Council/Manager. He believes a ceremonial Mayor does not need either a vote nor veto and the granting of a vote would be a mistake. Member von Pohle agreed.

Member Higgins suggested that giving the Mayor a vote would compound his authority. His duties are explicitly laid out in the Charter and it is a full-time job. Giving a vote would add more authority than he currently has. The Mayor would be the executor of the Council and all gray area power he has incurred over the years will equal more power than is necessary. The current Mayor has not exercised his veto power at times when he should have.

Chair Haley cautioned that although the Committee is voting in today's circumstances, this issue is important to the future as well. He reminded the Committee that this is about the position of Mayor not a person. Member Teer compared the issue to the chairing of this Committee meeting and the Chairperson's power to control direction of the discussion.

Member Barry Johnson stated the importance of having separate rule from the City Council and suggested the lines were being blurred where they should be clear and distinct. He favors maintaining the current standards. Member Garcia agreed as the veto has more power than the vote. Several committee members supported keeping the current Charter language.

Motion failed for lack of eleven affirmative votes with Members Tyrrell, Castillo, McQuern, and Haley voting yes.

### **Campaign contribution limits**

Member Garcia proposed campaign contribution limits and cited the City of San Diego limit of \$250 per election. He believes big money buys the election and causes undo influence in the election turnout. Motion was made by Member Garcia and seconded by Member Castillo to impose a campaign contribution limit of \$500 maximum by individuals, political action committees (PAC), or unions per election per candidate.

Member Teer and Vice-Chair Ben Johnson oppose campaign limits. They feel citizens should be allowed to give what they want and get behind their candidate and the issues that concern them. Vice-Chair Ben Johnson feels that a \$500 limit is very low. Member von Pohle opposed City union candidate contributions. Member Castillo stated the motion is setting campaign limits that are more restrictive than State Law and there should be a balance between the two. City Clerk Nicol clarified the State does not set any local campaign limits. Member Garcia commented that in Presidential elections there are contribution limits.

Several members oppose limiting contributions and felt everyone should have the right to participate. Member Leach mentioned the National Campaign Reform as having interesting ideas including giving individual donors a tax write-off for their donations. Member Higgins does not feel the Chambers of Commerce PAC is appropriate for local elections. Member Tyrrell noted that the Chambers of Commerce does not assess their members for PAC activities and the Chambers of Commerce has the same rights as unions. Chair Haley reminded the Committee that the 1986 campaign contribution tax credit was rescinded adding that it stimulated some contributors when it was in effect but didn't make much difference in total contributions. Member McNair feels that voters can see through the large corporation donations and are intelligent enough to make their own decisions.

Member McQuern noted that the current Charter does not preclude the City Council from adopting campaign contribution limits by ordinance. Member Stosel was inclined to set some kind of limit to add some restraint and control to allow more community involvement.

Motion failed for lack of eleven affirmative votes with Members Garcia, Stosel, Mayes, McQuern, and von Pohle voting yes.

#### **Appointments to boards/commissions**

Member Garcia suggested forming a sub-committee to review board and commission issues that would meet prior to July 1, 2004. Chair Haley noted that the authority and compositions issues were large and should be referred to the committee. Subsequently, he suggested working down the list of items on the agenda and referring any issues as appropriate to the committee.

Chair Haley framed the question of requiring representatives on all City boards and commissions for each ward or appointing at large. Member McNair responded that when the Committee interviewed the Mayor and Councilmembers they seemed satisfied with the current procedure. Member Teer noted that each ward has 37,000 votes and found it hard to believe that they could not find someone capable and willing to serve. He stated that the elected officials would bring someone forward who is competent and felt the appointment process should remain unchanged.

Motion was made by Member Leach and seconded by Member von Pohle to retain the current board and commission appointment process. Motion carried unanimously.

#### **Boards and Commissions - Ward representation**

Motion was made by Member Higgins and seconded by Member D. Bailey to reconsider Ward representation on each board and commission. Motion carried with Member McNair voting no.

Member von Pohle stated that some boards have specific qualification requirements. Appointment by individual Councilmembers will make commission members somewhat obligated to do what that Councilmember wants. At large appointments will result in more qualified applicants. Member Leach responded that she is not suggesting that the Councilmembers make the appointments, but that there should be representation from each ward. Chair Haley clarified that the issue is whether the Councilmembers should appoint members from each ward.

Motion was made by Member Teer and seconded by Member Garcia that each ward shall have representation on all boards and commissions. Member Stosel asked where the eligibility requirements were and City Attorney Priamos answered they are codified in the Riverside Municipal Code. Member Higgins commented on annexation without representation. Member Stosel asked if it would be feasible for a commission to increase its members to allow for a representative from each ward and additional members to meet any membership requirements. City Attorney Priamos answered that the intent is to have a representative from each ward which would not require amendments to the ordinances.

Member Barry Johnson noted that La Sierra was annexed over four years ago yet they do not have representation. Member R. Bailey asked what would happen if there were not enough applications to meet the requirements and suggested encouraging public relations efforts to solicit applications. Several members agreed that marketing would make people more aware and would bring in more applications. Member Castillo expressed the value of representation as well as professional and ethnic diversity.

Motion carried with Members von Pohle, McNair, McQuern, and R. Bailey voting no.

#### **Increase/reduce number of Charter boards/commissions**

Chair Haley commented that the commissions that are currently in the Charter are there due to historical accident. He asked if it would strengthen commissions by putting them in the Charter or if some should be removed. Member Leach noted that there are fourteen boards and commissions and only five of them are shown in the Charter. Member Castillo feels that having a small number of commissions in the Charter implies a higher value to those than to the ones that are not listed. Member von Pohle stated that the difference is those that are not listed in the Charter can be dismissed by City Council and that by leaving them in the Charter they cannot be removed arbitrarily.

Motion was made by Member Stosel and seconded by Vice Chair Ben Johnson to name all City boards and commissions in the Charter. Member Garcia concurred with the motion. Chair Haley believes that the Council has a legitimate prerogative and it should not be made more difficult for them to change or disband a commission. Member Higgins noted that by putting more boards and commissions in the Charter, more would be created to fill the vacancy and thereby reduce the power and authority of those named in the Charter. Member McQuern stated that we elect people to make these decisions and they should retain the power. She noted that some are listed in the Charter because they are required by State law. Chair Haley stated that the Public Utilities Commission cannot be deleted but the legislative body should have some control. If we lock everything down in the Charter we would be sending a message of distrust.

A substitute motion was made by Member Leach and seconded by Member McQuern to make no change to the current Charter language regarding named boards and commissions.

Member Stosel feels that all commissions should be listed in the Charter and should be treated equally with the same level of respect to ensure more involvement. Member Higgins noted that the Council should have the authority to eliminate or sunset any committee, commission, or board they create. Member McNair supported Member Higgins and feels it should be left as is.

Member Mayes asked what criteria is used to determine which board or commission is placed in the Charter. City Attorney Priamos responded that it is based on whatever the elected officials place on the ballot and what is approved by the voters.

Chair Hayes and Member Mayes agree that it places a level of importance on some. Member R. Bailey stated that the debate on representation speaks to distrust of the Council. He believes stability is important which raises the bar and increases participation. Member Garcia commented that inclusion would protect the members. He stated that past and present Councilmembers feel the boards and commissions should be empowered and placing them in the Charter would accomplish this goal. Member Higgins restated his question as to why a governing body should not have the authority to disband a committee they created. Member Teer felt there is discrimination by not including all and believes they should have equal status. Member Stosel asked what would happen as needs change over time. He stated that nothing in this motion prevents adjustment of the commission duties and he suspects that the people would not exclude any commission from the Charter.

The substitute motion failed for lack of eleven affirmative votes with Members Stosel, Mayes, Garcia, Teer, Castillo, R. Bailey, D. Bailey, and Vice Chair Ben Johnson voting no.

Subsequently the original motion failed for lack of eleven affirmative votes with Members Leach, Tyrrell, Barry Johnson, von Pohle, McNair, McQuern, Higgins, and Chair Haley voting no.

#### **Increase authority of Charter boards/commissions**

Following a brief discussion, the issue of increased authority of Charter boards and commissions was taken off the table and no formal action was taken.

#### **Advisory role of Park & Recreation Commission**

Following a brief discussion, the issue regarding the advisory role of the Park & Recreation Commission was taken off the table and no formal action was taken.

#### **Authorize design-build projects**

Member McQuern feels the City Council should have the best tools for City projects. Motion was made by Member McQuern and seconded by Member Mayes to grant the City Council the option to authorize design-build projects. Motion carried with Member von Pohle voting no.

#### **Review Mayor/City Council compensation draft language**

Member von Pohle left the meeting during the following discussion.

City Attorney Priamos presented the draft Mayor/City Council compensation language. Chair Haley asked if there was a concurrence that the language was accurate. Member Garcia stated that the City Council opposes the proposal. Member D. Bailey noted that when it was originally discussed the percentage was two percent and asked how it increased to five percent of the Mayor's salary. Member Leach asked that the word "automatically" be taken out of the third paragraph. The City Attorney responded that the current language precludes an automatic link for future increases. Member Teer asked if the increase would be by a majority of voters and if so would it be at a special election or tied into an existing election. City Clerk Nicol responded that any change would occur at a City-wide special election. Member Teer suggested tying it into the Mayoral election.

Motion was made by Member Teer and seconded by Member Garcia to affirm the language of the Mayor/City Council compensation as presented by City Attorney Priamos. Motion carried unanimously.

**Possible reconsideration of motions which previously failed for lack of eleven affirmative votes**

Motion was made by Member Teer and seconded by Member Garcia to reconsider election of the Mayor in even-numbered years. Motion carried with Members Leach, D. Bailey, Stosel, McNair, and Mayes voting no.

Chair Haley introduced the proposal of the Mayoral election in even-numbered years stating that the committee has an opportunity to broaden participation and voter base. Member Garcia agreed that it would be beneficial to have a larger voter turnout but turnout would be driven by partisanship. Member Stosel opposed the change and noted that issues and candidates inspire voter turnout. City Clerk Nicol clarified election costs. Member McNair felt the voters would oppose the proposal due to cost. Member Teer reminded the Committee that the Registrar of Voters expressed dismay in low voter turnout. He supports funding of the separate Mayoral election. Chair Haley made reference to the large turnout for the Measure A election.

Member McQuern asked if the City Council would vote on Charter Review Commission proposed issues as a whole or separately. Chair Haley responded that they could deal with the issues individually. In answer to Member Garcia's question as to what would be on the ballot, Chair Haley stated the whole package, after Council's changes, if any, would appear on the ballot. City Attorney Priamos clarified that the Council would need two-thirds vote to make any changes. Staff anticipates one measure for non-substantive issues and the remaining issues as individual measures on the ballot.

Motion was made by member Teer and seconded by Member Castillo to establish the Mayoral election within the general election cycle in even-numbered years. Motion failed for lack of eleven affirmative votes with Members D. Bailey, Leach, R. Bailey, Garcia, Mayes, Stosel, and D. Bailey voting no.

Member Higgins expressed his shock at the lack of fairness in this matter. Member R. Bailey stated that Senators and Congressmen are in the same circumstance. Off-year elections keep partisan politics out of the election.



### **Public campaign financing**

Following a brief discussion, the issue regarding the public campaign financing was taken off the table and no formal action was taken.

### **Closed session video taping and Master Judge review**

City Attorney Priamos explained to the Committee that the City Council adopted a resolution in 2003 that requires minutes be taken at closed sessions. He added that the Mayor Pro Tempore takes minutes of closed sessions which deal with performance evaluations following requirements of the Brown Act. Member Mayes asked if the minutes were detailed or action minutes. City Clerk Nicol responded that they were brief summary minutes. Member Teer feels that the minutes should be more detailed.

Motion was made by Member McQuern and seconded by Member Leach that closed sessions be audio recorded and retained for two years. Member Higgins explained the reason for this item was because there have been violations of the Brown Act. The Brown Act should be solidified in the Charter in perpetuity. City Attorney Priamos explained that the language was adopted regarding the closed session minutes and access to those minutes pursuant to the Brown Act.

Chair Haley asked how tapes would be secured and how long they are normally retained. The City Attorney answered that legislative officials such as the City Clerk, City Attorney, or any Judge in the event of a challenge may access the minutes. The current retention for tapes is two years. Member Teer suggested that tapes could be altered and that political pressure causes serious concerns for anything that is not locked down. He suggested sticking with the original proposal. Member Mayes asked if minutes would still be taken and Member Teer asked what type of minutes. City Clerk Nicol answered that summary minutes would still be recorded.

Motion carried with Member Teer voting no.

### **Change auditors every three years**

Member McQuern felt that a specific cycle for a change in City auditors should not be set forth in the Charter. Member D. Bailey agreed. Member Higgins mentioned an auditors report on the City's auditing firm showing they were reliable. He stated that this would not have been necessary 30-40 years ago but we have a lot of problems today. He suggests switching auditors every four years. Chair Hayes suggested a motion to switch all City auditors every three years. City Attorney Priamos clarified that the motion would be to amend the language of Section 1113 that the City Council would select a new auditor every three years.

Motion was made by Member Teer and seconded by Member Garcia to change auditors every three years. Member Tyrell supports the motion. Member Stosel felt changing auditors would cause problems and Member Higgins stated that the auditors would be chosen from experienced companies. Motion carried with Member McQuern voting no.



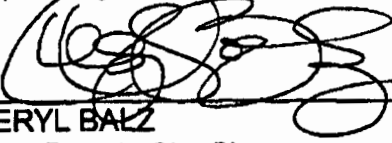
### **Appointment of Department Heads**

Member Higgins suggested the Chair respond to a letter submitted by Mr. Sabatello regarding the appointment of City Department heads. Member Castillo was concerned about the tone of the letter as it violates basic principals and focuses on personalities rather than issues. City Attorney Priamos stated that it could be a Charter issue if the Committee desired.

Following limited discussion and without formal motion, the Committee took no action on the appointment of Department Heads.

The Committee adjourned at 8:10 p.m.

Respectfully submitted,

  
A handwritten signature in black ink, appearing to be 'CHERYL BALZ', is written over a horizontal line.

CHERYL BALZ  
Senior Deputy City Clerk



# **CHARTER REVIEW COMMITTEE<sup>1</sup>**

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
		Preamble	<p><b>ISSUE 1: Revise Preamble to reflect diversity of Riverside Residents.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current Preamble language.</li> <li>• Revise Preamble to reflect diversity of Riverside Residents.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Revise Preamble to reflect diversity of Riverside Residents.</li> </ul> <p><b>Vote: 14 - Unanimous</b></p>	NS	None

<sup>1</sup>All recommendations reflect an affirmative vote of at least two-thirds (11 of 17) of the members of the Charter Review Committee.

Revised 6/17/04

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
I	100-104	Incorporation and Succession	No proposed changes.	N/A	N/A

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
II	200	Generally	<p><b>ISSUE 1: Access to public meetings and public records.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to Charter.</li> <li>• Add Sunshine Provision to Charter creating new Section 201 and amending Sections 408, 411 and 703.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Add Sunshine Provision to the Charter creating new Section 201 and amending Sections 408, 411 and 703.</li> </ul> <p><b>Vote: 13 - Unanimous</b></p>	NS	<p>None</p> <p>None</p>

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
III	300	Form of Government	<p><b>ISSUE 1: Council-Manager form of Government.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current Council-Manager form of government.</li> <li>• Strong Mayor form of government.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• No change to current Council-Manager form of Government.</li> </ul> <p><b>Vote: 12 affirmative 1 abstention 0 negative</b></p>	S	<p>None</p> <p>Undetermined</p>

Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
IV	400	Enumerated; number, term and manner of election; wards.	<b>ISSUE 1: Nomination and elections by ward.</b> <b>Positions:</b> <ul style="list-style-type: none"> <li>No change to the current system of elections by Ward.</li> <li>Top two candidates nominated by ward and then elected at large.</li> </ul> <b>Recommendation:</b> <ul style="list-style-type: none"> <li>No change to current system of elections by Ward.</li> </ul> <b>Vote:</b> 12 affirmative 1 abstention 0 negative	S	None Minor**
			<b>ISSUE 2: Instant run-off voting.</b> <b>Positions:</b> <ul style="list-style-type: none"> <li>No change to the current voting system (general municipal election with run-off election if necessary).</li> <li>Adopt instant run-off system (no separate run-off election).</li> <li>Highest vote getter is elected (no separate run-off election).</li> </ul> <b>Recommendation:</b> <ul style="list-style-type: none"> <li>No change to the current voting system (general municipal election with run-off election if necessary).</li> </ul> <b>Vote:</b> 13 affirmative 3 negative	S	None Major***
			<b>ISSUE 3: Shorten period between general election and run-off election from ten weeks to six weeks.</b> <b>Positions:</b> <ul style="list-style-type: none"> <li>No change to general election and run-off election schedules.</li> <li>Shorten time between such elections to six weeks.</li> </ul> <b>Recommendation:</b> <ul style="list-style-type: none"> <li>No change to general election and run-off election schedules.</li> </ul> <b>Vote:</b> 16 - Unanimous	S	None

\*\*Minor reflects fiscal impact of less than \$50,000

\*\*\*Major denotes fiscal impact exceeding \$50,000.





Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
IV	402	Wards Established	<p><b>ISSUE 1: Increase number of wards.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current seven ward system.</li> <li>• Increase number of wards.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• No change to current seven ward system.</li> </ul> <p><b>Vote: 13 - Unanimous</b></p>	S	<p>None</p> <p>Major</p>
			<p><b>ISSUE 2: Change "Ward" to "District".</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current name.</li> <li>• Change "Ward" to "District".</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• No change to current name.</li> </ul> <p><b>Vote: 11 affirmative</b> <b>2 negative</b></p>	NS	<p>None</p> <p>None</p>

Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
IV	403	Compensation	<p><b>ISSUE 1: Method for determining compensation for Council Members and Mayor.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current system of determining compensation.</li> <li>• All future changes in compensation automatically linked to an external factor.</li> <li>• Review compensation every other year and limit compensation increases.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• In January of every odd-numbered year, the Council shall review the compensation including salary and benefits, of the Mayor and members of the City Council. Thereafter, the City Council may increase the compensation of the Mayor and/or the members of the City Council in an amount not to exceed 5 percent unless approved by a majority of the voters.</li> </ul> <p><b>Vote: 13 Affirmative (Tentative)</b> 1 Negative</p>	S	<p>None</p> <p>Major</p> <p>Minor</p>



Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
IV	413	Adoption of ordinances and resolutions	ISSUE 1: Mayor's veto power.  Positions: <ul style="list-style-type: none"><li>• See section 405.</li></ul>	S	

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
V	500	Elections	<p><b>ISSUE 1: Schedule of elections.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• See Section 400.</li> </ul> <p><b>ISSUE 2: Campaign contribution limits.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to campaign contribution limits - compliance with state law.</li> <li>• Campaign contribution limits more restrictive than state law.</li> </ul> <p><b>Recommendation:</b></p>	<p>S</p> <p>S</p>	<p>None</p> <p>None</p>

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
VI	600-603	City Manager	<ul style="list-style-type: none"><li>• No proposed changes.</li></ul>	N/A	N/A

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
VII	703	Powers and duties of City Clerk.	<ul style="list-style-type: none"> <li>ISSUE 1: Amend Section 703 of the Charter to reflect reference to Government Code.</li> </ul> <p>Positions:</p> <ul style="list-style-type: none"> <li>No change to Charter.</li> <li>Add the following language to Section 703 creating new subsection (g): "Facilitate and help members of the public exam and copy all appropriate public records, in accordance with the Government Code of the State of California."</li> </ul> <p>Recommendation:</p> <p>Amend Section 703 of the Charter as follows:</p> <p>"(g) Facilitate and help members of the public exam and copy all appropriate public records, in accordance with the Government Code of the State of California."</p> <p>Vote: 13 - Unanimous</p>	NS	<p>None</p> <p>None</p>



Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
VIII	802	Board and Commissions	<p><b>ISSUE 1: Appointment of members of Boards and Commissions.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current system of Mayor and City Council jointly appointing.</li> <li>• Members appointed by Mayor.</li> </ul> <p><b>Recommendation:</b></p> <p><b>ISSUE 2: Ward representation on each Board and Commission.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current system of appointment (representation by ward Not assured).</li> <li>• Each Councilmember Nominates a member from his/her Ward.</li> <li>• Every board and commission shall have a representative from each Council Ward.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Every Board and Commission shall have a representative from each Council Ward.</li> </ul> <p><b>Vote: 9 affirmative</b>  <b>4 negative</b>  <b>1 abstention</b></p> <p><b>Recommendation failed.</b></p>	<p>S</p> <p>S</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>

Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
VIII	802	Board and Commissions	<b>ISSUE 3: Increase or reduce number of Boards and Commissions specifically identified in the Charter.</b> <b>Positions:</b> <ul style="list-style-type: none"> <li>No change to the number of Boards and Commissions specifically identified in the Charter.</li> <li>Increase or reduce the number of Boards and Commissions specifically identified in the Charter.</li> </ul> <b>Recommendation:</b>	S	None
			<b>ISSUE 4: Increase youth involvement in City Government.</b> <b>Positions:</b> <ul style="list-style-type: none"> <li>No change to Charter.</li> <li>Specifically create a Youth Commission in the Charter.</li> <li>Modify the Charter to permit the appointment of youth to all Boards and Commissions.</li> </ul> <b>Recommendation:</b> <ul style="list-style-type: none"> <li>Modify the Charter to permit the appointment of youth to all Boards and Commissions.</li> </ul> <b>Vote: 12 affirmative</b> <b>2 negative</b>	S	None None None
			<b>ISSUE 5: Grant Charter Boards and Commissions more authority.</b> <b>Positions:</b> <ul style="list-style-type: none"> <li>No change to current authority provided to the Charter Boards and Commissions.</li> <li>Grant the Charter Boards and Commissions more authority.</li> </ul> <b>Recommendation:</b>	S	None  Undetermined

Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
VIII	809	Park and Recreation Commission	<p><b>ISSUE 1: Advisory Role of Park and Recreation Commission.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• <b>No change to current advisory role of Park and Recreation Commission.</b></li> <li>• <b>Delegate certain final decision making authority to Park and Recreation Commission with right to appeal decision to City Council.</b></li> </ul> <p><b>Recommendation:</b></p>	S	<p>None</p> <p>Undetermined</p>

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
VIII	810	Mayor and Council Members salary Commission	<p><b>ISSUE 1: Role of Mayor and City Council Salary Commission.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current role of Commission.</li> <li>• Eliminate Commission (see Section 403)</li> <li>• Modify role of Commission.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Eliminate the Mayor and Council Members Salary Commission</li> </ul> <p><b>Vote: 13 affirmative 1 negative</b></p>	S	<p>None</p> <p>Minor</p> <p>Minor</p>

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
IX	900	Personnel Merit System	No proposed changes.	N/A	N/A

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
X	1000	Retirement	No proposed changes.	N/A	N/A

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
XI	1104	Appropriations: transfer of funds	<p><b>ISSUE 1: Authorize design-build projects.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current system of awarding Public Works Contracts.</li> <li>• Authorize design-build contracts.</li> </ul> <p><b>Recommendation:</b></p>	N/A	<p>N/A</p> <p>None</p> <p>Major/ Positive</p>



Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
XI	1108	General Obligation Bonded Debt Limit; vote required for issuing general obligation bonds; issuance of revenue bonds, notes and other evidence of indebtedness	<p><b>ISSUE 1: Authorize mail-ballot elections.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current election system.</li> <li>• Grant City Council authority to adopt an ordinance authorizing mail-ballot elections.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Grant City Council authority to adopt an ordinance authorizing mail-ballot elections.</li> </ul> <p><b>Vote: 14 - Unanimous</b></p>	S	N/A
			<p><b>ISSUE 2: Add alternative provision to sell bonds through negotiated private sale.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current procedures.</li> <li>• Grant City Council through ordinance or resolution authority to determine whether general bonds, notes or other indebtedness shall be sold at public sale by notice or by negotiated private sale.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Grant City Council through ordinance or resolution authority to determine whether general bonds, notes or other indebtedness shall be sold at public sale by notice or by negotiated private sale.</li> </ul> <p><b>Vote: 17 - Unanimous</b></p>	S	None
					Major/ Positive

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
XI	1109	Public Works Contracts	<b>ISSUE 1: Local preference for Public Works construction contracts.</b> <b>Positions:</b> <ul style="list-style-type: none"> <li>No change to current system of awarding the contract to the lowest responsible bidder.</li> <li>Grant preference to local contractors.</li> </ul> <b>Recommendation:</b> <ul style="list-style-type: none"> <li>No change to current system of awarding the contract to the lowest responsible bidder.</li> </ul> <b>Vote: 13 affirmative</b> 2 negative 2 abstention	S	None  Major
			<b>ISSUE 2: Public Works contracts-flexibility for alternative method of posting security/bonds.</b> <b>Positions:</b> <ul style="list-style-type: none"> <li>No change to current system of posting security/bonds for Public Works contracts.</li> <li>Authorize alternative methods for posting security/bonds.</li> </ul> <b>Recommendation:</b> <ul style="list-style-type: none"> <li>Authorize alternative methods for posting security/bonds.</li> </ul> <b>Vote: 14 - Unanimous</b>	NS	None  Minor

Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
XI	1110	Cash Management	<p><b>ISSUE 1: Typographical error.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to the current section.</li> <li>• Change "Transfer" to "Transfers" in the second sentence.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Change "Transfer" to "Transfers" in the second sentence.</li> </ul> <p><b>Vote: 14 - Unanimous</b></p>	NS	<p>None</p> <p>None</p>

Article	Section	Title	Issues	Substantive/ Non- Substantive Changes	Fiscal Impact
XI	1111	Capital Project Fund	<p><b>ISSUE 1: Typographical errors.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No changes to current section.</li> <li>• Under subparagraph (a) the capital letters therein, "B" and "C" should be changed to (b) and (c).</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Under subparagraph (a) the capital letters therein, "B" and "C" should be changed to (b) and (c).</li> </ul> <p><b>Vote: 14 - Unanimous</b></p>	NS	None None

Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
XI	1113	Independent Audit	<p><b>ISSUE 1: Typographical error.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No changes to the current section.</li> <li>• In the second sentence change “audit and report” to “audit report”.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• In the second sentence change “audit and report” to “audit report”.</li> </ul> <p><b>Vote: 14 - Unanimous</b></p>	NS	<p>None</p> <p>None</p>

Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
XII	1202	Same-Powers and Duties	<p><b>ISSUE 1: Authority of the Board of Public Utilities to award contracts without City Council approval.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to the current procedure of seeking City Council approval for all contracts over \$25,000.</li> <li>• Authorize Board to award contracts over \$50,000 within the approved City budget and authorize City Manager to execute such contracts without City Council approval.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Authorize Board to award contracts over \$50,000 within the approved City budget and authorize City Manager to execute such contracts without City Council approval.</li> </ul> <p><b>Vote: 12 affirmative</b> <b>2 no</b></p> <p><b>ISSUE 2: Required approvals for customer-requested work.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No changes to the current procedure of requiring customer-requested work over \$25,000 be approved by Board and City Council.</li> <li>• Under subsection (b), customer-requested work provided under the rules adopted by the Board and Council be exempt from approval requirements, subject to ratification of the Board after the fact.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Under subsection (b), customer-requested work provided under the rules adopted by the Board and Council be exempt from approval requirements, subject to ratification of the Board after the fact.</li> </ul> <p><b>Vote: 13 affirmative</b> <b>1 abstention</b></p>	<p>S</p> <p>S</p>	<p>None</p> <p>Minor</p> <p>None</p> <p>Minor</p>

Article	Section	Title	Issues	Substantive/ Non-Substantive Changes	Fiscal Impact
XII	1202	Same-Powers and Duties	<p><b>ISSUE 3: Authority of the Public Utilities Director to enter into long-term contracts to provide water and power.</b></p> <p><b>Positions:</b></p> <ul style="list-style-type: none"> <li>• No change to current procedure of seeking Board and Council approval of all long-term contracts to provide water and power.</li> <li>• Provide Utilities Director, with full authority to execute long-term contracts to provide water and power to individual customers in accordance with Board/Council approved tariffs rates.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Authorize Public Utilities Director to execute long-term contracts to provide water and power to individual customers in accordance with Board/Council approved tariffs rates.</li> </ul> <p><b>Vote: 12 affirmative 2 negative</b></p>	S	<p>None</p> <p>Minor</p>



# RIVERSIDE CITY CHARTER

## THE CHARTER of the CITY OF RIVERSIDE

### PREAMBLE<sup>1</sup>

*"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.

### ARTICLE I. INCORPORATION AND SUCCESSION.

- §100. Name and boundaries.
- §101. Succession to rights and liabilities.
- §102. Continuance of ordinances, rules and regulations.
- §103. Continuance of present officers and employees.
- §104. Effective date of Charter.

### ARTICLE II. POWERS OF CITY.

- §200. Generally.
- §201. ***Access to public meetings and public records.***

### ARTICLE III. FORM OF GOVERNMENT.

- §300. Designated.

### ARTICLE IV. CITY COUNCIL AND MAYOR.

- §400. Enumerated; number, term and manner of election; wards.
- §401. Eligibility to hold the office; member of the City Council; Mayor.
- §402. Wards established.
- §403. Compensation.
- §404. Vacancies.
- §405. Duties of Mayor; Mayor Pro Tempore; Council tie--Mayor's vote.
- §406. City powers vested in Council; exceptions.
- §407. Interference in administrative service.
- §408. Meetings.
- §409. Same--Location.
- §410. Same--Quorum; proceedings.

<sup>1</sup>Bold and Italics denote additions.  
Deletions shown in strike out.

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- §411. Same--Citizen participation.
- §412. Powers of Council and Mayor; additional.
- §413. Adoption of ordinances and resolutions.
- §414. Publication of ordinances.
- §415. Codification of ordinances; adoption by reference.
- §416. Effective date of ordinances.
- §417. Violation of ordinances and penalty therefor.
- §418. Contracts--Restriction on duration.
- §419. Same--Execution.

### ARTICLE V. ELECTIONS.

- §500. General municipal elections.
- §501. Special municipal elections.
- §502. Compliance with State law.
- §503. Initiative, referendum and recall.

### ARTICLE VI. CITY MANAGER.

- §600. Creation of office; appointment; tenure; eligibility of elective officers.
- §601. Powers and duties.
- §602. Participation in meetings of Council, boards and commissions.
- §603. Manager pro tempore.

### ARTICLE VII. OFFICERS AND EMPLOYEES GENERALLY.

- §700. Appointment of City Attorney and City Clerk by Council; tenure.
- §701. Organization of City operations and activities.
- §702. Eligibility, powers and duties of City Attorney.
- §703. Powers and duties of City Clerk.
- §704. Controller.
- §705. Treasurer.
- §706. Administering oaths.
- §707. Appointive powers of department heads.
- §708. Acceptance of another office by elective officer.
- §709. Nepotism.

### ARTICLE VIII. APPOINTIVE BOARDS AND COMMISSIONS.

- §800. In general.
- §801. Appropriations.
- §802. Appointments; terms.
- §803. Terms of members of existing enumerated boards and commissions.
- §804. Organization; meetings; subpoena power.
- §805. Compensation; vacancies.
- §806. Planning commission.
- §807. Human resources board--Composition.
- §808. Board of library trustees.
- §809. Park and recreation commission.
- §810. Mayor and Council members salary commission.

### ARTICLE IX. PERSONNEL MERIT SYSTEM.

- §900. Generally.

### ARTICLE X. RETIREMENT.

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§1000. Authority to continue under State system.

### ARTICLE XI. FISCAL ADMINISTRATION.

- §1100. Fiscal year.
- §1101. Budget--Submission to Council; notice of public hearing.
- §1102. Same--Public hearing.
- §1103. Same--Further consideration, revision and adoption; availability to departments, etc.
- §1104. Same--Appropriations; transfer of funds.
- §1105. Centralized purchasing.
- §1106. Tax limits; special levy for library purposes.
- §1107. Procedure for assessment, levy and collection of taxes.
- §1108. General obligation bonded debt limit; vote required for issuing general obligation bonds; issuance of revenue bonds, notes and other evidence of indebtedness.
- §1109. Public works contracts.
- §1110. Cash management.
- §1111. Capital projects funds.
- §1112. Registering warrants.
- §1113. Independent audit.

### ARTICLE XII. DEPARTMENT OF PUBLIC UTILITIES.

- §1200. Created; management and control.
- §1201. Board of public utilities--Composition; applicability of Article VIII of Charter.
- §1202. Same--Powers and duties.
- §1203. Purchases and expenditures generally exemption from centralized purchasing system.
- §1204. Use of revenue.
- §1205. Sale of public utility.

### ARTICLE XIII. FRANCHISES.

- §1300. Regulating; granting generally; applicability to City-owned utility.
- §1301. Resolution of intention to grant; notice and public hearing.
- §1302. Term of franchise.
- §1303. Eminent domain.

### ARTICLE XIV. MISCELLANEOUS.

- §1400. Definitions.
- §1401. Violations and penalty.
- §1402. Severability.
- §1403. Charter review committee.
- §1404. Charter amending.
- §1405. Pending actions.

**Editor's Note:** The City Charter was (1) created in 1907; (2) amended in 1929, 1934, and 1949; (3) republished in its entirety in 1953; (4) amended in 1955, 1956, 1962, 1963, 1964, 1966, 1967, 1968, 1969, 1973, 1974, 1976, and 1977; and (5) again republished in its entirety in 1981. The legislative history included in this Charter reflects amendments pertaining to appropriate sections since 1981.

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### ARTICLE I. INCORPORATION AND SUCCESSION.

#### **Sec. 100. Name and boundaries.**

The City of Riverside, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of Riverside." The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

#### **Sec. 101. Succession to rights and liabilities.**

The City of Riverside shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

#### **Sec. 102. Continuance of ordinances, rules and regulations.**

All lawful comprehensive codes, ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

#### **Sec. 103. Continuance of present officers and employees.**

The occupants of offices provided for in this Charter and employees, at the time this Charter takes effect, shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the appointment or election, and qualification, of their successors, but subject to the provisions of this Charter.

#### **Sec. 104. Effective date of Charter.**

This Charter shall take effect upon its acceptance and filing by the Secretary of State.

**Editor's Note:** The Charter was filed with the Secretary of State on January 6, 2003. Under present law, January 6, 2003, is therefore the effective date.

### ARTICLE II. POWERS OF CITY.

#### **Sec. 200. Generally.**

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise, or act pursuant to any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

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### **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 8250 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.*

### **ARTICLE III. FORM OF GOVERNMENT.**

#### **Sec. 300. Designated.**

*The municipal government established by this Charter shall be known as the Council-manager form of government.*

### **ARTICLE IV. CITY COUNCIL AND MAYOR.**

#### **Sec. 400. Enumerated; number, term and manner of election; wards.**

(a) The elective officers of the City shall consist of a City Council of seven members, elected from wards, and a Mayor elected from the City at large, at the times and in the manner provided in this Charter, who shall serve for a term of four years and until their respective successors qualify. The terms of all officials, so elected,



## RIVERSIDE CITY CHARTER

shall be deemed to have commenced on the fifth Tuesday following the general municipal election.

(b) The members of the City Council shall be elected by wards by the registered voters of the respective wards only. One member of the City Council shall be elected by each ward, and only the registered voters of each ward shall vote for the member of the City Council to be elected by that ward. In those wards where there are more than two candidates, only a candidate receiving a majority of the total votes cast for the office shall be declared elected.

(c) If in an election for a member of the City Council for any ward, or for the office of Mayor, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on the tenth Tuesday following the general municipal election. The two candidates receiving the highest number of votes for the office in the general municipal election shall be declared the candidates for the special election.

(d) Officials elected at the general municipal election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the general municipal election. Officials elected at any other election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the election.

(e) The qualifications of candidates and electors and the procedure governing general municipal elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election. (Effective 7/6/2003 and 12/27/1995)

### **Sec. 401. Eligibility to hold the office; member of the City Council; Mayor.**

(a) A person is not eligible to hold the office of a member of the City Council of the City of Riverside unless such person is a qualified elector within the territory comprising the ward by which such person is elected or for which such person is appointed at the time of such election or appointment and continues to be a qualified elector of said ward.

If the residence of any member of the City Council is changed to a place outside the boundaries of the ward from which such member was elected or for which such member was appointed, the office of such member shall become vacant. The existence of the vacancy shall be declared and filled as provided by Section 404 of this Charter.

(b) A person is not eligible to hold the office of Mayor unless such person is a qualified elector of the City at the time of such election or appointment and continues to be a qualified elector of the City.

If the residence of the Mayor changes to a place outside the boundaries of the City, the office of the Mayor shall become vacant. The existence of the vacancy shall be declared and filled as provided by Section 404 of this Charter.

### **Sec. 402. Wards established.**

The City of Riverside is hereby and by ordinance shall be divided into seven wards designated as first ward, second ward, third ward, fourth ward, fifth ward, sixth ward, and seventh ward.

The boundaries of wards shall be reviewed at least every ten years upon the completion of the federal decennial census or more frequently as may be determined necessary upon receipt of official census data; and the boundaries of such wards shall be adjusted by the City Council as necessary to provide for substantially equal numbers of residents in each ward. Such boundary adjustment during a Councilmember's term shall not result in disqualification for membership on the

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Council during such term.

### **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. 404. Vacancies.**

A vacancy in an elective office, from whatever cause arising, except in the event of a successful recall, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

If a member of the City Council or the Mayor is absent from three consecutive regular meetings of the City Council, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, the office of such person shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

### **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. 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

## RIVERSIDE CITY CHARTER

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. (Effective 12/27/1995 and 12/11/1986)

### **Sec. 406. City powers vested in Council; exceptions.**

All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

### **Sec. 407. Interference in administrative service.**

Neither the Mayor nor the City Council nor any of its members shall interfere with the execution by the City Manager of his/her powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or their removal therefrom. Except for purpose of inquiry, the Mayor, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Mayor nor the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. (Effective 12/27/1995)

### **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.

### **Sec. 409. Same--Location.**

All meetings shall be held in the Council chambers in City hall, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place



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designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if the Mayor should fail to act, by four members of the City Council. (Effective 12/27/1995)

### **Sec. 410. Same--Quorum; proceedings.**

A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the clerk shall be given in the manner provided by State law.

### **Sec. 411. Same--Citizen participation.**

Each citizen shall have the right, personally or through counsel, to present comments at any regular meeting of the Council or a Council standing or *ad hoc* committee, or offer suggestions with respect to municipal affairs.

### **Sec. 412. Powers of Council and Mayor; additional.**

The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish and uniformly apply rules for the conduct of its proceedings and censure any member or other person for disorderly conduct at any of its meetings.

The Mayor and each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

All votes of the City Council shall be by recorded call vote and entered in the minutes of the meeting.

### **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

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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. (Effective 12/27/1995)

### **Sec. 414. Publication of ordinances.**

The City Clerk shall cause to be published at least once in a newspaper of general circulation within fifteen days after its adoption the number, a title, a brief synopsis of the content of each ordinance and the statement that a full copy of the ordinance is available in the office of the City Clerk.

### **Sec. 415. Codification of ordinances; adoption by reference.**

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged in a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified in a separate action from their adoption shall be repealed as of the effective date of their inclusion in the code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section. Maps, charts and diagrams also may be adopted by reference in the same manner.

### **Sec. 416. Effective date of ordinances.**

No ordinance shall become effective until thirty days from and after the date of its adoption except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An ordinance adopted under some law or procedural ordinance providing for a different effective date.
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property.
- (d) An emergency ordinance adopted in the manner provided for in this Article.

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### **Sec. 417. Violation of ordinances and penalty therefor.**

A violation of any City ordinance shall constitute a misdemeanor unless by ordinance it is made an infraction, and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a City ordinance shall be the sum of one thousand dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

### **Sec. 418. Contracts--Restriction on duration.**

The City Council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than shall be provided by the laws of the State of California with respect to general law cities unless said contract, lease or extension be approved by a majority of the qualified electors of the City voting on such question at any election. A contract, lease or extension for a longer period shall be valid without such approval if it provides for the right of acquisition by the City at the end of such period of the real or personal property leased or contracted for. This section shall not apply to airports or to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

### **Sec. 419. Same--Execution.**

The City shall not be bound by any contract except as hereinafter provided unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City Council may authorize the City Manager to bind the City, with or without written contract, for the acquisition of equipment, materials, supplies, labor, services, or other items, if included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department of public utilities upon forms approved by the City Manager and at rates fixed as in this Charter provided.

The provisions of this section shall not apply to services rendered by any person in the employ of the City at a regular salary.

## **ARTICLE V. ELECTIONS.**

### **Sec. 500. General municipal elections.**

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday following the first Monday of November of each odd numbered year. (Effective 12/27/1995)

### **Sec. 501. Special municipal elections.**

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections. ( Effective 12/27/1995)



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### **Sec. 502. Compliance with State law.**

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities so far as the same are not in conflict with the Charter. (Effective 12/27/1995)

### **Sec. 503. Initiative, referendum and recall.**

There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter. (Effective 12/27/1995)

## **ARTICLE VI. CITY MANAGER**

### **Sec. 600. Creation of office; appointment; tenure; eligibility of elective officers.**

There shall be a City Manager who shall be the chief administrative officer of the City. The process for the selection of a City Manager shall be determined by the City Council. It shall appoint, by a majority vote, the available person that it believes to be best qualified on the basis of executive and administrative qualifications, with special reference to experience in, and knowledge of, accepted practice in respect to the duties of the offices as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council.

No person shall be eligible to receive appointment as City Manager while serving as Mayor or as a member of the City Council nor within one year after ceasing to hold such office. (Effective 12/27/1995)

### **Sec. 601. Powers and duties.**

The City Manager shall be the head of the administrative branch of the City government. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City.

All department heads and officers of the City, except elective officers and those department heads and officers the power of whose appointment is vested by this Charter in the City Council, shall serve at the pleasure of the City Manager who may appoint, suspend or remove such department heads and officers subject to the personnel merit system provisions of this Charter. However, the appointment, removal and suspension of the librarian shall be subject to the approval of the board of library trustees, the appointment (but not the suspension or removal) of the controller and treasurer shall be subject to the approval of the City Council, and the appointment (but not the suspension or removal) of the public utilities director shall be subject to the approval of the board of public utilities. The City Manager may approve or disapprove all proposed appointments and removals of subordinate employees by department heads or officers, and such appointments and removals by department heads or officers shall be subject to the approval of the City Manager.

Notwithstanding the foregoing or any other provision of this Charter except Section 407, the City Council may adopt by ordinance, an employee appeal process which could affirm, overrule or modify a final administrative decision concerning an employee grievance and could provide that such action shall be final. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the power and be required to:

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(a) Prepare the budget annually, submit such budget to the City Council and be responsible for its administration after its adoption.

(b) Prepare and submit to the City Council annually a capital improvement plan.

(c) Prepare and submit to the City Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for such fiscal year.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable to the City Manager.

(e) Prepare rules and regulations governing the contracting for, procuring, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by it.

(f) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced.

(g) Perform such other duties consistent with this Charter as may be required of the City Manager by the City Council. (Effective 12/27/1995)

### **Sec. 602. Participation in meetings of Council, boards and commissions.**

The City Manager shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. (Effective 12/27/1995)

### **Sec. 603. Manager pro tempore.**

The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as manager pro tempore during any temporary absence or disability of the City Manager. (Effective 12/27/1995)

## **ARTICLE VII OFFICERS AND EMPLOYEES GENERALLY**

### **Sec. 700. Appointment of City Attorney and City Clerk by Council; tenure.**

In addition to the City Manager, there shall be a City Attorney and a City Clerk who shall be appointed by and serve at the pleasure of the City Council. (Effective 12/27/1995)

### **Sec. 701. Organization of City operations and activities.**

The City Council shall, by ordinance, provide for the organization of all City operations and activities into functional units and may modify and change the organization from time to time. This organization shall be accomplished through the creation and establishment, by ordinance, of City departments, offices and agencies, boards, commissions and committees. In establishing departments, offices, agencies, boards, commissions and committees, the Council shall provide the functions, powers and duties of each such department, office, agency, board, commission or committee created.

The Council may, by ordinance, abolish, consolidate, modify or separate any department, office, agency, board, commission or committee, and may assign, reassign, or modify any functions, powers, or duties.

No office provided in this Charter to be filled by appointment by the City

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Manager may be consolidated with an office to be filled by appointment by the City Council. The City Council, subject to the provisions of this Charter, shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees. (Effective 12/27/1995)

### **Sec. 702. Eligibility, powers and duties of City Attorney.**

To become eligible for City Attorney, the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least five years prior to appointment.

The City Attorney shall have power and may be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.

(b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party for any act arising out of such officer's or employee's employment or by reason of such officer's or employee's official capacity.

(c) Attend all regular meetings of the City Council and give advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(d) Approve the form of all contracts made by and all bonds given to the City, endorsing the City Attorney's approval thereon in writing.

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

(f) Surrender to the City Attorney's successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein. (Effective 12/27/1995 and 12/11/1986)

### **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. (Effective 12/27/1995)

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

## RIVERSIDE CITY CHARTER

### *California.*

#### **Sec. 704. Controller.**

There shall be a controller appointed by the City Manager with the approval of the City Council who shall have power and shall be required to:

(a) Maintain a general accounting system for the City government and each of its offices, departments and agencies.

(b) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve, before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.

(c) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(d) Maintain the records of current inventories of all property of the City by all City departments, offices and agencies. (Effective 12/27/1995)

#### **Sec. 705. Treasurer.**

There shall be a treasurer appointed by the City Manager with the approval of the City Council who shall have power and shall be required to:

(a) Receive all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal government, or from any court, or from any office, department or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into the treasurer's hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Disburse moneys on demands audited in the manner provided for in this Charter.

(d) Prepare and submit to the City Council monthly written reports on the cash and investments held by the City and all of its City departments, offices and agencies. (Effective 12/27/1995 and 12/11/1986)

#### **Sec. 706. Administering oaths.**

Each department head and the deputies thereof shall have the power to administer oaths and affirmations in connection with any official business pertaining to each department.

#### **Sec. 707. Appointive powers of department heads.**

Each department head and appointive officer shall have the power to appoint, suspend or remove such deputies, assistants, subordinates and employees as are provided for by the City Council for such department or office, subject to the provisions of this Charter and of any personnel merit system adopted hereunder. (Effective 12/27/1995)



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### **Sec. 708. Acceptance of another office by elective officer.**

Any elective officer of the City who shall accept or retain any other elective public office shall be deemed to have vacated his/her office under City government. (Effective 12/27/1995)

### **Sec. 709. Nepotism.**

Neither the Mayor nor City Council shall appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of the Mayor or any one or more of the members of the City Council; nor shall any department head or other officer having appointive power appoint to a salaried position under City government any person who is his/her relative by blood or marriage within the third degree.

A relative within the third degree is defined as a spouse, son, daughter, mother, father, brother, sister, grandchild, grandparent, aunt, uncle, niece, nephew, great-grandchild, or great-grandparent. Half-relatives, step-relatives and in-laws are included as relatives. (Effective 12/27/1995)

## **ARTICLE VIII. APPOINTIVE BOARDS AND COMMISSIONS**

### **Sec. 800. In general.**

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such additional powers and duties, consistent with the provisions of this Charter, as may be granted to them by ordinance of the City Council.

In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

The City Council shall establish by ordinance, the number of members, not less than seven, for each board or commission. (Effective 12/27/1995)

### **Sec. 801. Appropriations.**

The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions. (Effective 12/27/1995)

### **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. 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.*



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*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. 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. 803. Terms of members of existing enumerated boards and commissions.**

Upon the effective date of this Charter, incumbent members of boards and commissions shall be deemed reappointed and shall remain in the same terms of appointment held under the previous Charter, and all existing boards and commissions shall remain in existence until further action by the City Council consistent with this Article.

All vacancies shall be filled as described in this Article except that when a position on a board or commission has remained vacant for sixty days the Mayor shall appoint a person to fill the vacancy.

The City Council shall provide by ordinance, as provided by Section 800, to establish the number of members of a board or commission as soon as practicable following the effective date of this Charter. If the number of members is reduced by such ordinance, the persons whose seats are to be eliminated shall be determined by the board or commission by lot. If the number of members is increased, the ordinance may provide for initial terms for new members of less than four years so that as near as possible an equal number of terms will expire each year. (Effective 12/27/1995)

### **Sec. 804. Organization; meetings; subpoena power.**

At the first meeting of each board or commission after the last day in February of each year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public, except as provided by State law.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with the Charter and copies of which shall be kept on file in the Office of the City Clerk where they shall be available for public inspection. Each board or commission may request from the City Council the power to compel the attendance of witnesses, to compel the production of evidence before it and to administer oaths and affirmations. The City Council, by resolution, shall have sole power to provide such power to boards and commissions. (Effective 12/27/1995)

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### **Sec. 805. Compensation; vacancies.**

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by the Mayor and City Council with the Mayor entitled to vote on any such appointment. Upon vacancy occurring leaving an unexpired portion of a term, any appointment to fill such a vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself/herself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime of moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council. If a position on an enumerated board or commission has remained vacant for sixty days, the Mayor shall appoint a person to fill the vacancy in accordance with Section 803. (Effective 12/27/1995)

### **Sec. 806. Planning commission.**

There shall be a planning commission which shall have the power and duty to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the General Plan or any part thereof, for the physical development of the City.

(b) Exercise such control over land subdivisions as is granted to it by the City Council.

(c) Make recommendations concerning proposed infrastructure improvements and redevelopment activities in support of planned land uses.

(d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance, not inconsistent with the provisions of this Charter.

(e) Review all other land use issues as may be prescribed by ordinance, not inconsistent with the provisions of this Charter.

The city engineer, City Attorney, and planning director or their assistants, may meet with and participate in the discussions of the planning commission but shall not have a vote. (Effective 12/27/1995)

### **Sec. 807. Human resources board--Composition.**

There shall be a human resources board, which shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.

(b) Act in an advisory capacity to the City Council on matters concerning personnel administration. (Effective 12/27/1995)

### **Sec. 808. Board of library trustees.**

There shall be a board of library trustees, which shall have the power and duty to:

(a) Have charge of the administration of City libraries and make and enforce such bylaws, rules and regulations as may be necessary therefor.

(b) Designate its own secretary.

(c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and

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the City Manager.

(d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

(e) Approve or disapprove the appointment, suspension or removal of the librarian, who shall be the department head.

(f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.

(g) Contract with schools, County or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council. (Effective 12/27/1995)

### **Sec. 809. Park and recreation commission.**

There shall be a park and recreation commission which shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, parkways and street trees.

(b) Consider the annual budget for parks, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(d) Establish policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council. (Effective 12/27/1995)

### **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. (Effective 12/27/1995)

## **ARTICLE IX. PERSONNEL MERIT SYSTEM.**

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### **Sec. 900. Generally.**

The City Council shall by ordinance establish a personnel merit system for the selection, employment, compensation/classification, promotion, discipline and separation of those appointive officers and employees who shall be included in the system. (Effective 12/27/1995)

## **ARTICLE X. RETIREMENT.**

### **Sec. 1000. Authority to continue under State system.**

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement System, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The City Council may terminate any contract with the board of administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.)

## **ARTICLE XI. FISCAL ADMINISTRATION.**

### **Sec. 1100. Fiscal year.**

The fiscal year of the City government shall be established by ordinance.

### **Sec. 1101. Budget--Submission to Council; notice of public hearing.**

At least thirty-five calendar days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council a proposed budget containing estimates of revenues and expenditures for each City department or office, as appropriate. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than twenty days prior to said hearing, by at least one insertion in a newspaper of general circulation within the City.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk and at every public library in the City at least twenty days prior to said hearing.

### **Sec. 1102. Same--Public hearing.**

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

### **Sec. 1103. Same--Further consideration, revision and adoption; availability to departments, etc.**

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before the day preceding the start of the fiscal year, it shall adopt the budget.

A copy shall be placed, and shall remain on file, in the office of the City Clerk and copies shall be placed in all the public libraries in the City where they shall be



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available for public inspection. The budget shall be reproduced and copies made available for the use of departments, offices and agencies of the City. (Effective 12/27/1995)

### **Sec. 1104. Same--Appropriations; transfer of funds.**

From the effective date of the budget, the several amounts Stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered, except for appropriations for capital projects which shall continue to the completion of the capital projects unless a different rule has been established by action of the City Council.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget. (Effective 12/27/1995)

### **Sec. 1105. Centralized purchasing.**

Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, which system shall be consistent with all other provisions of this Charter.

### **Sec. 1106. Tax limits; special levy for library purposes.**

(a) The City Council shall not levy a property tax, for municipal purposes, in excess of one dollar annually on each one hundred dollars of the assessed value of taxable property in the City except as otherwise provided in this section, unless authorized by the affirmative votes of two thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levies to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and,

2. A tax sufficient to meet all obligations of the City to the Public Employees' Retirement System for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

(c) A special levy, in addition to the above, may be made annually in an amount not to exceed twenty cents on each one hundred dollars of the assessed value of taxable property in the City for library purposes. The proceeds of such special levy shall be used only for the purpose for which it is levied.

### **Sec. 1107. Procedure for assessment, levy and collection of taxes.**

The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

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

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### **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

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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 so determined by at least five affirmative votes. (Effective 1/6/2003 and 12/27/1995)

### **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. (Effective 12/27/1995)

### **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 supermajority 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. (Effective 12/27/1995)

### **Sec. 1112. Registering warrants.**

Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at



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such rate as shall be fixed by the City Council by resolution. (Effective 12/27/1995)

### **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. (Effective 12/27/1995)

## **ARTICLE XII. DEPARTMENT OF PUBLIC UTILITIES.**

### **Sec. 1200. Created; management and control.**

There shall be a department of public utilities which shall be under the management and control of the City Manager subject, however, to the powers and duties of the board of public utilities as hereafter set forth in this Article. Said department shall be responsible for electric and water supplies, services and conservation and any other utility as determined by ordinance of the City Council, and shall include all works owned, controlled, operated, leased or contracted for by the City for supplying the City and its inhabitants with such utilities. (Effective 12/27/1995)

### **Sec. 1201. Board of public utilities. Composition; applicability of Article VIII of Charter.**

There shall be a board of public utilities. All of the provisions of Article VIII of this Charter relating to boards and commissions generally, to the organization, meetings, conduct of proceedings, and expenses thereof, and to the appointment, qualifications, term of office, removal, compensation and powers of members thereof, where not inconsistent with the provisions of this Article, shall apply to the board of public utilities. (Effective 12/27/1995)

### **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 1209**, 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



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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).**

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

(hg) Designate its own secretary.

(fn) Make such reports and recommendations in writing to the City Council regarding the department of public utilities as the City Council shall deem advisable.

(j) 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. (Effective 1/1/200)

### **Sec. 1203. Purchases and expenditures generally; exemption from centralized purchasing system**

The purchase of equipment, materials and supplies peculiar to the needs of the department of public utilities need not be made through the centralized purchasing system. The expenditure and disbursement of funds of the department of public utilities shall be made and approved as elsewhere in this Charter provided.

### **Sec. 1204. Use of revenue.**

The revenue of each public utility for each fiscal year shall be kept separate and apart from all other moneys of the City by deposit in the appropriate revenue fund and shall be used for the purposes and in the order as follows:

(a) For the payment of the operating and maintenance expenses of such utility, including any necessary contribution to retirement of its employees.

(b) For the payment of interest on the revenue bonded debt of such utility. As used in this section "revenue bonded debt of such utility" means the debt evidenced by revenue bonds, revenue notes or other evidences of indebtedness payable only out of the revenues pertaining to the utility involved, whether the same are issued under the provisions of this Charter or under the provisions of any general law of the State of California.

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(c) For the payment, or provision for the payment of the principal of said debt as it may become due, and of premiums, if any, due upon the redemption of any thereof prior to maturity.

(d) For the establishment and maintenance of any reserves for B and C above.

(e) For capital expenditures of such utility.

(f) For the annual payment by each utility into the general fund in twelve equal monthly installments during each fiscal year, an amount not to exceed 11.5 percent of the gross operating revenues, exclusive of surcharges, of each specific utility for the last fiscal year ended and reported upon by independent public auditors.

### **Sec. 1205. Sale of public utility.**

No public utility now or hereafter owned or controlled by the City shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of at least two-thirds of the voters on such proposition at a general or special municipal election at which such proposition is submitted.

## **ARTICLE XIII. FRANCHISES**

### **Sec. 1300. Requiring; granting generally; applicability to City-owned utility.**

Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The City Council is empowered to grant such franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of practice and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

Nothing in this section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

### **Sec. 1301. Resolution of intention to grant; notice and public hearing.**

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in a newspaper of general circulation within the City. Said resolution shall be published at least ten days prior to the date of hearing.

At the time set for the hearing, or at any adjournment thereof, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the City Council shall determine that any substantive change should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

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### **Sec. 1302. Term of franchise.**

Every franchise shall state the term for which it is granted, which shall not exceed thirty-five years.

### **Sec. 1303. Eminent domain.**

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

## **ARTICLE XIV. MISCELLANEOUS**

### **Sec. 1400. Definitions.**

Unless the provision or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Riverside, and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Riverside.
- (c) "County" is the County of Riverside.
- (d) "State" is the State of California.
- (e) "Newspaper of general circulation within the City" is as defined by State law.

### **Sec. 1401. Violations and penalty.**

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a period not exceeding six months or by both such fine and imprisonment.

### **Sec. 1402. Severability.**

If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

### **Sec. 1403. Charter review committee.**

In February 2004 and in February every eight years thereafter, the City Council shall appoint and appropriate adequate funds for a Charter review committee. The Charter review committee shall have the power and duty to:

- (a) Recommend to the City Council which, if any, Charter amendments should be placed on the ballot at the next regular municipal election for Mayor.
- (b) Hold public meetings to receive input on proposed Charter amendments.
- (c) 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. It may, in its discretion, make interim reports to the City Council.

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.

The City Council may appoint Charter review committees more often if it desires. (Effective 12/27/1995)

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### **Sec. 1404. Charter, amending.**

This Charter, and any of its provisions, may be amended in accordance with the Constitution and laws of the State of California. (Effective 12/27/1995)

### **Sec. 1405. Pending actions.**

No action or proceeding before any board or commission of the City, whether specifically enumerated in this Charter or not, which was commenced before the effective date of this Charter, and no right accrued in any such proceeding, is affected by the provisions of this Charter, but all proceedings taken thereafter shall conform to the provisions of this Charter.

Revised 6.17.04

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