



RIVERSIDE PUBLIC UTILITIES

Board Memorandum

BOARD OF PUBLIC UTILITIES

DATE: JULY 11, 2022

SUBJECT: REVIEW RIVERSIDE PUBLIC UTILITIES COMMITTEE STRUCTURE

ISSUE:

Conduct a review of the Electric, Water, and Customer Relations/Finance Committee structures and consider adopting revisions to Standing Rules of Board of Public Utilities.

RECOMMENDATIONS:

That the Board of Public Utilities:

1. Conduct a review of the Electric, Water and Customer Relations/Finance Committee structures; and
2. Approve and adopt a revised version of the Standing Rules to either
 - A) Eliminate RPU Committees for the current year only, or
 - B) Eliminate RPU Committees from its Standing Rules, or
 - C) Update the quorum number requirements for RPU Committees.

BACKGROUND:

The Board of Public Utilities has established the following three standing committees: Customer Relations/Finance, Electric, and Water. Appointments to the committees shall be made annually by the Board Chair, upon consultation with the individual members, concurrent with the election of officers at the first meeting in March. The exception is the Customer Relation/Finance Committee, which shall be composed of at least the Board Chair, the Vice-Chair and the chairs of the remaining two committees (Board Standing Rules 8.A).

Each committee shall consist of four members, with a Chair appointed by the Board Chair, except for the Customer Relations/Finance Committee, whose chair shall be the Board Chair. Two members of each committee shall constitute a quorum for the transaction of business. Normally, each committee will meet on a monthly basis (Board Standing Rules 8.B)

The Board of Public Utilities or the Board Chair may appoint an ad hoc committee as needed. Each ad hoc committee shall consist of an appointed Chairperson and at least two other RPU Board members. Ad hoc committees serve a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed (Board Standing Rules 8.C).

DISCUSSION:

RPU Committees follow the process in the Board Standing Rules. Having committees as currently constituted makes it difficult for two members of a committee to meet separate from a Board or Committee meeting to discuss any matters that could be within the jurisdiction of the committee. A review of this process has been requested by Board Chair Crohn.

Board Members can socialize in some limited ways without it being a “meeting” under the Brown Act. They can meet with less than a majority of the Board and less than a majority of a committee. Board Members can also meet to purely socialize, but in that instance, they cannot discuss items within the jurisdiction of the Board or Committee, whichever is represented by a quorum of its members.

If Committees are dissolved, the risk of an issue being discussed that could potentially violate the Brown Act is significantly reduced especially since discussions between two Board members that constitute a quorum of a Committee is difficult to avoid. With the uncertainty of the City’s indemnification of Board members by policy or separate Director/Officer insurance, the Board Chair is exploring methods to reduce risk of Board members violating any mandates of conduct for Board Members.

If committees are maintained, but the quorum requirement for committees is increased to three members of a committee constituting a quorum, then two members of the committees could participate in discussions and adhere to the requirements of the Brown Act. The Brown Act requires a quorum to be at least a majority of the committee members, but allows the quorum to be set lower.

In order to dissolve the RPU Board Committees or amend the standing rules to redefine the committee quorum, the Board standing rules need to be updated via a report to the Board with proposed amendments to the standing committee. Section 804 of the City Charter authorizes boards and commissions to set their own standing rules and procedures, so City Council approval is not necessary to revise the standing rules.

Proposed actions are outlined below, inclusive of recommendations, **blue bold font** for new text and ~~blue strike through~~ for removed text.

Option A and B – Eliminate Committees (Keeping Ad Hoc Option)

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The RPU Board or the Board Chair may appoint an ad hoc committee as needed. Each ad hoc committee shall consist of an appointed Chairperson and at least two other RPU Board members.

Ad hoc committees serve a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed (**New Board Standing Rules 8.A**, ~~was 8.C~~).

Option C

The RPU Board has established the following three standing committees: Customer Relations/Finance, Electric, and Water. Appointments to the committees shall be made annually by the Board Chair, upon consultation with the individual members, concurrent with the election of officers at the first meeting in March. The exception is the Customer Relation/Finance Committee, which shall be composed of at least the Board Chair, the Vice-Chair and the chairs of the remaining two committees (Board Standing Rules 8.A).

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STRATEGIC PLAN ALIGNMENT:

This item contributes to **Strategic Priority No. 5 – High Performing Government** and **Goal 5.3** – Enhance communication and collaboration with community members to improve transparency, build public trust and encourage shared decision-making.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Open discussion of the Board Standing Rules allows for community participation.
2. **Equity** – Discussion of the Board Standing Rules helps to ensure that City's commitment to advancing the fairness of treatment, recognition of rights, and equitable distribution of services to ensure every member of the community has equal access to share in the benefits of community progress.
3. **Fiscal Responsibility** – Discussion of the Board Standing Rules helps ensure that Riverside is a prudent steward of public funds.
4. **Innovation** – Discussion of the Board Standing Rules opens the door for innovative thinking and new ideas in this process.
5. **Sustainability & Resiliency** – Discussion of the Board Standing Rules supports Riverside's commitment to be a resilient City that will persevere, adapt, and grow.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Todd M. Corbin, Utilities General Manager
Approved by: Kris Martinez, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Certifies availability
of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial
Officer/City Treasurer

Attachments:

1. Standing Rules
2. Redline Version A
3. Redline Version B