



City Council Memorandum

City of Arts & Innovation

TO: CITY COUNCIL **DATE: AUGUST 2, 2022**

FROM: COUNCILMEMBER HEMENWAY AND **WARDS: ALL**
CHARTER REVIEW COMMITTEE CHAIR
PETE BENAVIDEZ

SUBJECT: AMENDMENT TO CITY CHARTER REGARDING APPOINTED INSPECTOR
GENERAL; ADOPTION OF RESOLUTIONS TO CALL FOR MUNICIPAL
ELECTION FOR SUCH CHARTER AMENDMENT

ISSUE:

To consider placing a ballot measure on the November 8, 2022, election to amend to the City Charter to add an appointed Inspector General, with prescribed powers and duties.

RECOMMENDATION:

That the City Council:

1. Receive and file a report from the Charter Review Committee and Councilmember Hemenway regarding the review of a proposed amendment to the City Charter to add an appointed position of Inspector General, with prescribed powers and duties; and
2. Adopt the attached resolution proposing amendments to the City Charter to add an appointed position of Inspector General, with prescribed powers and duties; and
3. Adopt the attached resolution calling a municipal election and placing such proposed City Charter amendments on the November 8, 2022, ballot; and
4. Direct the City Attorney to prepare an impartial analysis for such proposed City Charter amendments; and
5. Determine if the Mayor or Members of the City Council wish to author ballot arguments.

COMMITTEE RECOMMENDATION:

The Charter Review Committee met on July 12, 2022, and approved the proposed Charter amendment for an appointed Inspector General, which is attached hereto with Chair Benavidez, Vice Chair Rodriguez, and Members Avery, Burns, Mabon, Norsell, and Ramirez voting aye, Member Goldman voting no, and Members McKeith and Clymer absent.

BACKGROUND:

The Charter Review Committee met on February 16, 2022 and approved a report to the City Council regarding a proposed charter amendment and ballot question for an elected Inspector General, with Chair Benavidez and Members Avery, Clymer, Goldman, Norsell, Ramirez, and Rodriguez voting aye, Member Burns voting no, and Members Mabon, McKeith, and Newberry absent. The Charter Review Committee also designated Member Avery to present the report, with Chair Benavidez and Members Avery, Burns, Clymer, Goldman, Norsell, Ramirez, and Rodriguez voting aye and Members Mabon, McKeith, and Newberry absent.

On April 12, 2022, the City Council received a presentation and considered whether to place, on the November 8, 2022, election ballot, an amendment to the City Charter to add an elected office of Inspector General, with prescribed powers and duties. Following discussion, the City Council formed a working group to explore options for an appointed position for Inspector General, coordinated by Councilmember Hemenway with the Chair of the Charter Review Committee.

Councilmember Hemenway, Councilmember Fierro, Mayor Lock Dawson, Chair Benavidez, Member Avery and City staff subsequently met several times and drafted a proposed Charter amendment for an appointed Inspector General, which is attached hereto.

The Charter Review Committee met on July 12, 2022 and approved the proposed Charter amendment for an appointed Inspector General, which is attached hereto.

DISCUSSION:

The proposal from the Charter Review Committee, that was proposed to the City Council, and the proposal from the working group are both attached hereto. The following is a brief comparison of the proposals.

	CRC Original Proposal	City Council/CRC working group proposal
Inspector General	Elected	Appointed by City Council
Eligibility	Qualified elector of City of Riverside	None
Powers and Duties	Same	Same
Qualifications	None	"The available person believed to be best qualified based on executive and administrative qualifications, with special reference to experience in, and knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter"
Removal	None until term expires	"Shall serve at the pleasure of the City Council and Mayor"
Budget	Same	Same
Independence	"Neither the Mayor nor the	"The Office of Inspector

	City Council nor any of its members shall interfere with the execution by the Inspector General of his/her powers and duties, or order, directly or indirectly, the appointment by the Inspector General of any person to an office or employment or their removal therefrom.”	General shall be operationally independent from the City Council, the Mayor, and the offices of the City Manager, City Clerk and City Attorney, none of whom shall interfere with the execution by the Inspector General of his/her powers and duties.”
Access to Records	Same	Same
Reports	At least annually	At least annually
Subpoena Power	Yes	No

The proposed Charter Amendments are attached to this report.

If the City Council approves the proposed Charter amendment, the City Council is then required to adopt resolutions calling for a special election and placing the proposed City Charter amendments on the November 8, 2022, election ballot.

If approved, here is the proposed ballot measure question that will be placed before voters on November 8, 2022:

Shall the measure to amend the Charter of the City of Riverside to include a new Charter officer, the Inspector General, appointed by the City Council, with the powers and duties to investigate fraud, waste, abuse and illegal acts within city government and to provide annual reports on findings and recommendations, with an appropriate budget and with further powers and duties of the Inspector General set by ordinance of the City Council be adopted?

The City Council also has the option to decide whether to author ballot arguments for or against any charter amendment measure.

Ballot Arguments

Elections Code Section 9282 provides that for measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure. Arguments shall not exceed 300 words in length. Arguments are printed in the voter information guide mailed to voters.

Printed arguments submitted to voters in accordance with this section shall be titled either “Argument In Favor Of Measure _____” or “Argument Against Measure _____,” accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure.

Measure letters are assigned by the Registrar of Voters upon receipt of the resolution calling the election.

A ballot argument must be accompanied by the printed name and signature or printed names and signatures of the author or authors submitting it, or, if submitted on behalf of an organization, the

name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. No more than five signatures shall appear with any argument.

Rebuttals

When an argument in favor and an argument against a measure have been selected to be printed in the voter information guide, the City Clerk forwards a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure.

The author or a majority of the authors of an argument may prepare and submit a rebuttal argument or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument. Rebuttal arguments are limited to 250 words and must be filed with the City Clerk no later than ten days after the final filing date for primary arguments. A rebuttal argument relating to a city measure shall not be signed by more than five persons, shall be printed in the same manner as a direct argument, and shall immediately follow the direct argument which it seeks to rebut.

More Than One Argument Submitted

If more than one argument for or against any measure is submitted to the City Clerk, one will be selected for printing in the ballot materials. Elections Code Section 9287 provides that preference and priority be given in the order below to the arguments of the following:

1. The City Council, or one or more Councilmembers authorized by the City Council.
2. An individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
3. Bona fide association of citizens.
4. Individual voters who are eligible to vote on the measure

FISCAL IMPACT:

The fiscal impact for creating an appointed Office of Inspector General (OIG) is unknown at this time. However, if approved by voters, the City Council shall be required, by Charter, to annually budget "funds sufficient for the efficient and proper functioning of the Office of Inspector General." The recently adopted Fiscal Year 2022-23 and 2023-24 biennial budget does not contain funding for the OIG. Should the ballot measure pass staff will return with a supplemental appropriation request needed to fund the OIG. Each subsequent biennial budget will include ongoing funding for the OIG. It is estimated the annual budget for the OIG will be in excess of \$500,000.

The fiscal impact for placing a measure on the November 8, 2022, election ballot is estimated at \$230,000. Due to the uncertainty and timing of the ballot measure these costs were not included in the Fiscal Year 2022-23 budget. As a result, staff will request through the year end close process that carry over funding be utilized to cover this expense. A report will be brought to council later this year to close out fiscal year ending June 30, 2021, that will include a Council request for the utilization of available carry over funding.

Prepared by:



Steve Hemenway
Councilmember, Ward 7

Pete Benavidez

Pete Benavidez (Jul 21, 2022 16:29 PDT)

Pete Benavidez
Charter Review Committee Chair

Attachments:

1. Bios of Charter Review Committee Members
2. April 12, 2022 City Council Report re Elected Inspector General, with proposal from Charter Review Committee
3. Proposal from Working Group re Appointed Inspector General
4. Resolution proposing Charter Amendment
5. Resolution calling for Election