



City of Arts & Innovation

Inclusiveness, Community Engagement & Governmental Processes Committee

**TO: INCLUSIVENESS, COMMUNITY ENGAGEMENT, DATE: OCTOBER 5, 2022
AND GOVERNMENTAL PROCESSES COMMITTEE**

FROM: CITY MANAGER'S OFFICE WARDS: ALL

**SUBJECT: REVIEW CITY COUNCIL RULES OF PROCEDURE AND ORDER OF
BUSINESS – DEVELOPMENT OF PROCLAMATION LANGUAGE AND
REQUEST PROCESS, BOARD AND COMMISSION PARTIAL TERMS, AND
EMERGENCY ORDER PROCESSES**

ISSUE:

The issue for the Inclusiveness, Community Engagement, and Governmental Processes Committee is to give direction to staff relating to the existing and proposed City Council Rules of Procedure and Order of Business related to the development of proclamation language and request process, partial terms of board and commission members, and the emergency order processes as documented in Resolution No. 23618.

RECOMMENDATIONS:

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

1. Provide any recommendations deemed necessary to the current and/or proposed City Council Rules of Procedure and Order of Business related to the development of proclamation language and request process, partial terms of board and commission members, and the emergency order processes as documented in Resolution No. 23618; and
2. Request staff bring forth any specific language recommendations along with a corresponding resolution to the full City Council for discussion.

BACKGROUND:

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

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

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

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

On April 6, 2022, ICGC received and discussed City Council Rules of Procedure and Order of Business related to the process and authorities associated with adding items to the agenda, a formalized agenda item referral process, and requested staff bring forth Committee recommendations along with a corresponding resolution to the full City Council for discussion.

On May 4, 2022, ICGC received and discussed City Council Rules of Procedure and Order of Business related to the development and distribution of agenda packets, reviewed Public Comment and proclamation timelines, and requested staff bring forth Committee recommendations along with a corresponding resolution to the full City Council for discussion.

On June 1, 2022, ICGC received and discussed City Council Rules of Procedure and Order of Business related to Board and Commission vacancies and requested staff bring forth Committee recommendations along with a corresponding resolution to the full City Council for discussion.

On July 6, 2022, ICGC received and discussed City Council Rules of Procedure and Order of Business related to the number and roll of Boards and Commissions. Through discussion the Committee requested the item be continued for further review and discussion. Additionally, the Committee added review of Section VII, D – City Council Meeting Schedule as it relates to City Council Meetings that occur following a holiday.

On September 7, 2022, ICGC received and discussed and update to City Council Rules of Procedure and Order of Business related to the number and role of boards and commissions. Through discussion the Committee directed staff to bring the recommendation to add a Model Deaf Community Commission to City Council for discussion and review the number and role of Boards and Commissions outside of Resolution No. 23618.

DISCUSSION:

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

The review process format will consist of four stages:

1. A review of current processes and practices used.
2. Identification of advantages and disadvantages to existing process.

3. Review of other cities similar processes/practices.
4. Proposed recommendations to processes/practices.

October 5, 2022, review Item(s) include:

Section IX, C – Procedure for bringing matters before City Council

- Develop language and clarification of processes for proclamation requests.
- Distinguish between ceremonial and legislative proclamations
- Section XIV, H – Board and Commission Partial Terms
- Emergency Order Processes

Bringing Matters Before City Council - Proclamations

At the May 4, 2022, ICGC meeting, the Committee reviewed and discussed Agenda Sequence and Order of Business. Through discussion, the Committee identified a five-minute time limit for Ceremonial Matter presentations with no more than three presentations per meeting.

Review of Current Processes and Practices Used:

Section IV, A – Duties of Mayor; Mayor Pro Tempore, designates the Mayor as the official head of the City for all ceremonial purposes. The current process, to request a ceremonial recognition in the form of either a Proclamation or Certificate of Recognition, is accessible on the Mayor's public facing city webpage.

Ceremonial recognitions are provided to recognize exceptional events, milestones, and people within the City of Riverside. Through the existing process, the Mayor's Office retains the right to determine if a request will be honored, if a certificate or proclamation will be used, and what content will be included. It is a general policy to only issue certificates and proclamations that have a direct tie to Riverside. The application, review, and publication of certificates and proclamations requires a 30-day processing period. Recognitions requested through this process currently include language which identifies the Mayor as the recognizing authority.

Ceremonial recognitions that are issued on behalf of the Mayor and City Council, require formal approval of the City Council prior to issuance.

Identification of Advantages and Disadvantages to Existing Process:

Advantages to Current Process:

- Requesting a ceremonial recognition through the Mayor's public facing city webpage allows requests to be submitted online and outside of business hours.
- The online submission ensures the request is sent directly to the Mayor's Office.
- The ceremonial recognition website includes samples of instances recognitions are provided and writing format samples.

- The automated process allows for the Mayor's Office staff to issue Proclamations or a Certificate of Recognition in a timely manner.

Disadvantages of Current Practice:

- Residents or community members that do not have internet access may not be afforded the opportunity to submit a request for recognition.
- The website does not identify a formal request for a presentation/recognition outside of a certificate that is available to be picked up upon development.
- Councilmembers seeking to issue a ceremonial recognition would request the document using the same tools available to the public. The process is subject to approval by the Mayor's Office and/or City Council.

Review of Other Cities Similar Processes/Practices:

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

- Cities recognized communities using a variety of methods including formal proclamations, commendations, certificates, or resolutions. Regardless of the method used, all cities maintained the criteria that the recognition focus on achievements, activities, or milestones within or for the city.
- Three cities surveyed require all Proclamations or Recognitions on behalf of the City be approved by City Council (Anaheim, Fresno, and Irvine).
- The submission period varied amongst the cities and ranged from a 30 day to six-week lead time. It is assumed the timelines align with agenda publishing regulations.
- The City of Long Beach receives all requests through a form that is emailed to the Mayor's Office.
- The Mayor approves recognition requests made to the City of Long Beach and the City of Stockton.
- The City of Fresno affords all City Councilmembers and the Mayor to issue recognitions from their individual offices. The City of Irvine provides a similar option to City Councilmembers in the form of Certificates of Recognition.
- The City of Stockton establishes a panel of three City Councilmembers (Mayor, Committee Chairperson, and the Councilmember making the request) to review the Mayor's decision in the event the Mayor's decision to issue a proclamation was unfavorable.

Proposed Recommendations to Processes/Practices:

- Define a Ceremonial Proclamation or Certificate of Recognition as a recognition provided on behalf of the Mayor.
- Define a Legislative Proclamation as a recognition provided on behalf of the Mayor and City Council.
- Include language in the resolution that any City Councilmember may submit a Legislative

Proclamation in the form of a City Council report that may be placed on the Consent Calendar. Proposed language may include: A City Councilmember may submit a Legislative Proclamation request for City Council approval through the Agenda Item Submission Process (Section IX).

Section XIV, H – Board and Commission Partial Terms

At the August 17, 2022, Cultural Heritage Board, members discussed the process used to fill partial terms for board member vacancies. Through discussion, the Board requested ICGC review the existing language and process identified in Resolution 23618.

Review of Current Processes and Practices Used:

Section XIV, H – Board and Commission Partial Terms states: “A partial term of more than one year shall be considered a full term. Residents appointed mid-year to boards and commissions shall serve full terms of up to and not-to-exceed four years, expiring on March 1st of the corresponding year.”

Identification of Advantages and Disadvantages to Existing Process:

Advantages to Current Process:

- The March 1st expiration date aligns with the recruitment process for boards and commissions.

Disadvantages of Current Practice:

- The current process, limits the number of years a board or commission member may serve.
- The current resolution language does not align with City Charter Section 802. Appointment; terms which states members, “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.”

Review of Other Cities Similar Processes/Practices:

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

- The cities of Anaheim and Oakland determined a member served a full term if the amount of the vacated term was at least half of the remaining term.
- The cities of Long Beach, Chula Vista, Fresno, and Sacramento identify the start of the partial term as the day the member takes the seat through the expiration date of the vacating member’s term.

- In the event the remaining term is less than a year and half (or half of a three-year term), the City of Oakland allows the member to still fill two consecutive full three-year terms.

Proposed Recommendations to Processes/Practices:

To align the resolution language with Section 802 of the City Charter, it is proposed a partial term be defined as two years and one day.

Emergency Orders Process

On Friday, March 13, 2020, the City of Riverside declared a local emergency to increase its efforts to protect the public from COVID-19. The City of Riverside's proclamation of local emergency notes that "there exists conditions of a disaster or of extreme peril to the safety of persons or property within the territorial limits of the City of Riverside that are beyond the control of the services, personnel, equipment and facilities of the City for the reason for COVID-19."

On September 16, 2021, Assembly Bill 361 (AB 361) was signed into law. The bill amended Government Code section 54953 to provide authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown Act.

On September 13, 2022, Assembly Bill 2449 (AB 2449) was signed into law. AB 2449 amends certain portions of the Brown Act related to teleconference participation by members of legislative bodies for and during public meetings. The new law amends existing requirements set forth in Government Code section 54953 to facilitate virtual meetings in the absence of a state of emergency.

Review of Current Processes and Practices Used:

Resolution 23681 does not currently identify virtual or teleconference meeting requirements or standards. In alignment with the state of emergency, City Council has reviewed social distancing measures every month since October 2021. Through provisions allowed through AB 361, the City Council, Standing Committees, Boards and Commissions have conducted meetings in both Virtual and Hybrid meeting formats.

Identification of Advantages and Disadvantages to Existing Process:

Advantages to Current Process:

- Through AB 361, the City of Riverside has successfully facilitated council, committee, board, and commission public meetings during the state of emergency.

Disadvantages of Current Practice:

- Teleconference meeting requirements allowed through AB 361 only apply during a declared state of emergency and are valid through January 1, 2024.

Review of Other Cities Similar Processes/Practices:

N/A

Proposed Recommendations to Processes/Practices:

Add language a section related to teleconferenced meetings in alignment with Brown Act Section 54953. Suggested language includes:

VII – Meetings, Section I TELECONFERENCED MEETINGS

City Council may hold teleconferenced meetings pursuant to Section 54953.

STRATEGIC PLAN ALIGNMENT:

This item contributes to Strategic Priority No. 5 *High Performing* Government and Goal 5.2 – Utilize technology, data, and process improvement strategies to increase efficiencies, guide decision making, and ensure services are accessible and distributed equitably throughout all geographic areas of the City.

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

1. **Community Trust** – This item builds community trust by identifying City Council process and procedure and providing transparency in municipal operations.
2. **Equity** – Regular review and revision to City Council Rules of Procedure and Order of Business, ensures the City Council, Boards, and Commissions operate in a manner that is equitable to all City of Riverside residents.
3. **Fiscal Responsibility** – This item ensures fiscal responsibility of City resources by outlining and reviewing processes to be used when conducting City Council business.
4. **Innovation** – Riverside is committed to meeting community needs in a changing environment including the additional of virtual community resources, alignment with Legislative emergency orders, and Brown Act modifications.
5. **Sustainability & Resiliency** – This item ensures sustainability through ongoing evaluation of City Council Rules of Procedure and Order of Business to allow for adaptation to meet the changing needs of the community during a public health emergency and future needs ensuring the City's capacity to persevere, adapt and grow.

FISCAL IMPACT:

There is no immediate fiscal impact from this report. However, there may be a future impact, based on the recommendations of the Committee. It is estimated there may be staff savings if Council Referrals are approved by the full Council prior to staff spending time researching and preparing policy or discussion reports.

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Attachments:

1. AB 2449
2. Government Code 54953
3. Resolution R-23618