



REVIEW OF CITY COUNCIL RULES OF PROCEDURE AND ORDER OF BUSINESS – PROCLAMATION LANGUAGE AND PROCESS, PARTIAL TERMS, AND EMERGENCY ORDER PROCESS

City Manager's Office

Inclusiveness, Community Engagement & Governmental Processes Committee
October 5, 2022

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BACKGROUND

On January 5, 2022 - 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.



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BACKGROUND

- On April 6, 2022, ICGC reviewed and discussed the process and authorities associated with adding items to the agenda, a formalized agenda item referral process.
- On May 4, 2022, ICGC reviewed and discussed the development and distribution of agenda packets, Public Comment and proclamation timelines,
- On June 1, 2022, ICGC reviewed and discussed the processes used as it relates to Board and Commission vacancies.
- On July 6, 2022, ICGC reviewed and discussed the number and role of existing Boards and Commissions.
- On September 7, 2022, ICGC receive and discussed an update to the number and role of boards and commission and the recommendation to add a Model Deaf Community Commission.



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DISCUSSION

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



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PROCLAMATIONS

May 4, 2022, ICGC recommendations:

- Five-minute time limit for Ceremonial Matter presentations.
- No more than three presentations per meeting.



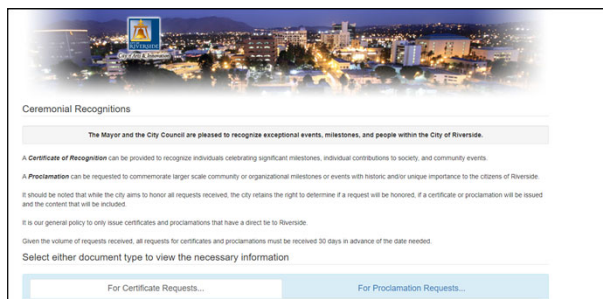
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PROCLAMATIONS

- Mayor is the official head of the City for all ceremonial purposes (Section IV,A).
- Online application
- Ceremonial recognition
 - Proclamation
 - Certificate of Recognition
- Mayor's Office stewards process
- Mayor is the recognizing authority
- Council Approval



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PROCLAMATIONS

Advantages

- 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
- Sample proclamation language
- Timeliness



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PROCLAMATIONS

Disadvantages

- Accessibility
- In-person recognition
- Councilmember Requests



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SURVEY RESULTS

- Cities recognized communities using a variety of methods including formal proclamations, commendations, certificates, or resolutions.
- Three cities surveyed require all Proclamations or Recognitions on behalf of the City be approved by City Council (Anaheim, Fresno, and Irvine).
- Submission periods varied and ranged from a 30 day to six-week lead time.
- 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.
- Appeal process for unfavorable proclamation requests.



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PROPOSED PROCESS/PRACTICE

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).



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PARTIAL TERMS

At the August 17, 2022, Cultural Heritage Board, members discussed the processed 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.”



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PARTIAL TERMS

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.”



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SURVEY RESULTS

- 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.



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PROPOSED PROCESS/PRACTICE

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.



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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.
- On September 13, 2022, Assembly Bill 2449 (AB 2449) was signed into law. AB 2440 amends certain portions of the Brown Act related to teleconference participation by members of legislative bodies for and during public meetings.



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EMERGENCY ORDERS PROCESS

- 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.



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EMERGENCY ORDERS 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



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PROPOSED PROCESS/PRACTICE

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.



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STRATEGIC PLAN ALIGNMENT

Strategic Priority No. 5 – High Performing Government

Goal No. 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.

Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability & Resiliency



Equity



Innovation



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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.



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