



Inclusiveness, Community Engagement & Governmental Processes Committee

City of Arts & Innovation

**TO: INCLUSIVENESS, COMMUNITY ENGAGEMENT,
AND GOVERNMENTAL PROCESSES COMMITTEE** **DATE: MAY 3, 2023**

FROM: CITY MANAGER'S OFFICE **WARDS: ALL**

**SUBJECT: REVIEW CITY COUNCIL RULES OF PROCEDURE AND ORDER OF
BUSINESS – PARLIMENTARY PROCEDURE**

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 parliamentary procedure.

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 parliamentary procedure; and
2. Request staff bring forth any specific language recommendations along with a corresponding resolution to the full City Council for discussion.

BACKGROUND:

The intent of Resolution No. 23976 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 an 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 Commission of the Deaf to City Council for discussion and review the number and role of Boards and Commissions outside of Resolution No. 23976.

On October 5, 2022, ICGC received and discussed an update to proclamation language and request process, partial terms of board and commission seats, and the emergency order processes.

On April 11, 2023, the City Council received and discussed recommendations associated with Section IX, Item F – Agenda Sequencing and Order of Business related to Oral Communications. The City Council motioned to accept the recommendations from the Committee, repeal Resolution No. 23618, and adopt Resolution No. 23976.

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.

Review of Current Processes and Practices Used:

Resolution 23976 includes framework associated with conducting City Council meetings and order of business, however, does not identify parliamentary procedure to lean upon when the resolution is silent. Additionally, the existing resolution does not identify a parliamentarian.

Identification of Advantages and Disadvantages to Existing Process:

Advantages to Current Process:

- Without a specified parliamentary procedure or an identified parliamentarian, the City Council can customize its agreed-upon rules of order and procedure.

Disadvantages of Current Practice:

- Without a formal set of parliamentary procedures identified, the process for proposing, amending, approving, and defeating legislative motions is not clear impacting meeting efficiencies.
- Using a recognized parliamentary procedure, City Council will be afforded a pathway to conduct business that provides a universal understanding of processes and procedures.
- Conducting a meeting without a good understanding of the rules of procedure and order of business outlined in Resolution 23976 can result in awkwardly worded motions resulting in confusion on how to vote, members acting out of order, or the chairperson inadvertently overlooking procedural rules or failing to enforce the rules.
- With a formal parliamentarian identified, it is clear as to who the City Council would lean upon to identify best practice to be used when the resolution does not provide direction.

Review of Other Cities Similar Processes/Practices:

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

- Seven cities have identified the use of Robert's Rules of Order for complete parliamentary guidance or as a framework to utilize when their existing framework is silent.
- The City of Sacramento and the City of Stockton utilize Rosenberg's Rules of Order for parliamentary guidance.
- The City of Chula Vista uses their own rules of order and does not prescribe or lean upon Robert's or Rosenberg's Rules of Order.
- Five cities do not have a designated parliamentarian.
- The City of Santa Ana provides discretion to the presiding officer for parliamentarian matters.
- Four cities refer parliamentarian matters to the City Attorney or designee.

Proposed Recommendations to Processes/Practices:

By identifying a parliamentary procedure framework to exercise when the resolution is silent, the City Council is afforded the resource to conduct business transparently and efficiently. Additionally, by identifying a Parliamentarian, the City Council will be equipped with a resource to provide guidance in the meeting.

Recommendations for consideration include:

- The City Council adopts a recognized parliamentary procedure of either Robert’s Rules of Order or Rosenberg’s Rules of Order to lean upon when the resolution is silent.
- To assist with implementation and consistency, identify a Parliamentarian to provide guidance on parliamentary rules and procedures. The City Council may elect a member to serve as Parliamentarian or designate the City Attorney’s Office or City Clerk’s Office as the Parliamentarian.
- Update existing resolution language as it relates to “Motion to Reconsider” to comply with the provision of the Sunshine Ordinance.
- For consistency and to eliminate confusion, require all Boards and Commissions use the selected parliamentary procedure.

Robert’s Rules of Order vs. Rosenberg’s Rules of Order

Common parliamentary procedure frameworks used in city or local governments include using Robert’s Rules of Order (Robert’s) or Rosenberg’s Rules of Order (Rosenberg’s). Significant differences between the two rules books include:

- Use of Rosenberg’s “substitute motions” or “friendly amendment” could result in confusion rather than defeating a motion and then proposing a new one.
- Rosenberg allows members of the body to interrupt debate and withdraw a motion unilaterally, which could be disruptive and undemocratic.
- Rosenberg only allows three motions on the floor at the same time which may restrict the number of actions a body may take.
- Robert’s provides information on many motions, situations, and issues but is a cumbersome 716 pages long, whereas Rosenberg is a concise ten page (Attachment A).
- Robert’s sheer volume and complexity can actually contribute to meeting delays and confusion (Attachment B).

Recommended language updates to the resolution would include:

I. Authority

The Charter of the City of Riverside provides that the City Council shall determine its own rules and order of business. By virtue thereof, and when not in conflict with the Charter of the City of Riverside and the Constitution and laws of the State of California, the following set of rules shall be in effect upon adoption by the City Council and until such time as they are amended or new rules adopted in the manner hereinafter provided and shall prevail to govern the business of the City Council of the City of Riverside.

The business of the City Council and its standing committees shall be conducted, so far as

it is practicable, in accordance with parliamentary rules as contained in Rosenberg's Rules of Order - Revised 2011, except as modified by these rules and is consistent with state open meeting laws and local Sunshine Ordinance. The presiding officer, with the approval of the City Council, shall designate an official parliamentarian for meetings of the City Council. The City Attorney shall act as a resource for the interpretation of such rules but not as a parliamentarian. All appointed Boards and Commissions shall amend their own rules and regulations to adopt Rosenberg's Rules of Order - Revised 2011, consistent with state open meeting laws, local Sunshine Ordinance and the City Charter.

XXI. Procedural Matters – Section D. Precedence of Motions

7. Motion To Reconsider.

A motion to reconsider any action taken by the City Council must be ~~based upon a different state of facts and must be~~ made not later than the ~~second~~ **third** succeeding official regular meeting of the City Council. Such a motion can only be made by a member who voted with the majority. The motion to reconsider must be specifically agendized as a motion for reconsideration and cannot be acted upon on under Future Agenda Items. However, if the motion to reconsider is made at the same Council meeting when the motion was originally adopted, it does not have to be included on the agenda. At the time such reconsideration is heard by the City Council, testimony shall be limited to ~~the alleged facts debate~~ in support of the motion. No question shall be twice reconsidered, except by unanimous consent of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

These motions shall have precedence in the order indicated. Any such motion, except to adjourn, amend, or substitute, shall be put to a vote without discussion.

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.

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Attachments:

1. Presentation
2. Resolution R-23976
3. Attachment A – Rosenberg’s Rules of Order and Cheat Sheet
4. Attachment B – Robert’s Cheat Sheet