



Inclusiveness, Community Engagement & Governmental Processes Committee

City of Arts & Innovation

**TO: INCLUSIVENESS, COMMUNITY ENGAGEMENT,
AND GOVERNMENTAL PROCESSES COMMITTEE** **DATE: NOVEMBER 1, 2023**

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

**SUBJECT: REVIEW COMMITTEE RECOMMENDATIONS TO CITY COUNCIL RULES OF
PROCEDURE AND ORDER OF BUSINESS AND DISCUSS THE ROLE OF THE
MAYOR'S NOMINATING AND SCREENING COMMITTEE, COUNCIL MEETING
SCHEDULE, AND BROADCAST OF PUBLIC MEETINGS**

ISSUE:

Review Committee recommendations to City Council Rules of Procedure and Order of Business and discussion the role of the Mayor's Nominating and Screening Committee, Council meeting schedule, and broadcast of Public Meetings.

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 role of the Mayor's Nominating and Screening Committee, Council meeting schedule, and broadcast of public meetings;
2. Review Committee recommendations to City Council Rules of Procedure and Order of Business as documented in Resolution 23976; and
3. 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, the 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.

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.

On June 1, 2022, ICGC received and discussed City Council Rules of Procedure and Order of Business related to Board and Commission vacancies.

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.

On May 3, 2023, ICGC received and discussed parliamentary procedures. Through discussion, the Committee recommended Robert's Rules of Order be used to provide parliamentary framework for City Council, Committee, and Board and Commission meetings.

On July 5, 2023, ICGC received and discussed Mayor/Mayor Pro Tempore duties, use of electronics, and voting disqualification. Through discussion, the Committee recommended maintaining the existing Mayor Pro Tempore six-month schedule, permit limited use of electronics on the dais, and align voting disqualification with Robert's Rules of Order framework.

On October 4, 2023, ICGC received and discussed rule violation, meetings – roll call, holiday schedule, and closed session minutes, agenda – continuing items and removing items from consent calendar and referring items to City Council Standing Committees.

DISCUSSION:

Section 601 of the Riverside City Charter identifies the City Manager as the head of the administrative branch of the City government. The City Manager is responsible for the proper administration of all affairs of the City. Intertwined with the duties set forth by the City Charter and the 2025 Envision

Riverside Strategic Priority No. 5, High Performing Government, the City Manager is tasked with implementing process improvement strategies to increase efficiencies. The discussion items included for review highlight those efforts and include identifying the role of Mayor's Nominating and Screening Committee, modifying the City Council meeting schedule, and reviewing the number of meetings broadcasted.

Mayor's Nominating and Screening Committee

The Mayor's Nominating and Screening Committee was established on July 22, 1986, to process appointments to City Boards and Commissions in alignment with a Charter amendment that provided the Mayor a vote on the nomination and appointment of such members. The Mayor's Nominating and Screening Committee is responsible for reviewing and assigning Regional Committees and Standing Committee assignments, as well as reviewing nominations for the City Spirit Award.

In July 2016, the City Council codified the existing practice of the Mayor's Nominating and Screen Committee to review applications and nominating candidates for vacancies on the Board of Public Utilities, Community Police Review Commission, and Planning Commission. Upon formation, the Board of Ethics was added to the list of applicant pools reviewed by the Mayor's Nominating and Screening Committee (Screening Committee). The candidate review process consists of members of the Screening Committee composed of the Mayor and Members of the Inclusiveness, Community Engagement & Governmental Processes Committee convening to review applications. Once selected, recommended candidates are interviewed by the full City Council.

The existing process requires the Mayor's Nominating and Screening Committee to agendize a meeting followed by a formal agendized meeting to host interviews. On average, the Screening Committee meets no less than three times a year based on vacancies on the above-mentioned Boards and Commissions. The lengthy process delays appointment to critical Boards and Commissions, in particular those that require Commissioners to complete a background process such as the Community Police Review Commission. The background process takes approximately two months to complete. In alignment with Strategic Priority 5.3, staff recommend removing the Mayor's Nominating and Screening Committee from the application review and interview process from the member appointment process. In doing so, Councilmembers would make appointments to vacant seats similar to the existing process used to fill all other Board and Commission vacancies. Through removing the Screening Committee application review and interview process, the City Council will be equipped to effectively appoint members to vacant seats without delay assisting in meeting quorum requirements.

Recommended language updates include:

XIV BOARDS, COMMISSIONS, AND COMMITTEES

A. ~~For vacancies on the Community Police Review Commission, Board of Ethics, Planning Commission and Board of Public Utilities, the Mayor's Nominating and Screening Committee shall review applications submitted and identify applicants for interview with the Mayor and City Council. The City Clerk shall notify the City Council of those selected for interview. The Mayor and each member of the City Council may add an additional applicant for interview, if desired. Appointments shall be made by the Mayor and City Council immediately following the interviews. With a full quorum, five affirmative votes are required.~~

B. For Citywide vacancies on any ~~of the remaining~~ boards and commissions, the Mayor shall recommend an applicant for appointment by the Mayor and City Council. For Ward-specific seats, the Councilmember for the Ward shall recommend an applicant for appointment by the Mayor and City Council. With a full quorum, five affirmative votes are required. With less than a full quorum, four affirmative votes are required.

C. For appointments to City Council ~~citizen resident~~ ad hoc committees, the City Council shall affirmatively select one of the following options:

Council Meeting Schedule

The City Manager's Office recently completed a study identifying the staff costs associated with preparing a City Council agenda and implementing the associated meeting. A total number of 39 City Council meetings were held during the period of October 2022 through September 2023 resulting in an estimate cost of \$450,727.10. Costs include review of agenda items, publication, meeting attendance, and broadcasting costs.

At the October 4, 2023, ICGC meeting, the Committee recommended City Council meetings that follow a Monday City recognized holiday be cancelled. Through implementation of the holiday schedule, four City Council meetings will be removed from the annual meeting schedule resulting in an estimated cost savings of \$34,269.47.

Staff recommendation for discussion is to reduce the number of meetings in April, June, and October to three meetings in each month. Meetings are proposed to take place on the second, third, and fourth Tuesday of the month. An estimated cost savings of \$25,702.11 is anticipated by reducing the City Council by one meeting in each of the above months. The implementation of the Holiday schedule and reduction in meetings during the months of April, June, and October will result in an estimated cost savings of \$59,971.58 annually.

Revised resolution language updates including previous Committee recommendations include:

Section VIII, D – City Council Meeting Schedule

Regular meetings of the City Council shall be held in the Art Pick Council Chamber, 3900 Main Street, Riverside, California, on the first four Tuesdays of each month. ~~taking into consideration any legal holidays which may occur.~~ There shall be no meeting on the fifth Tuesday of the month. ~~As general policy, cancel any meetings the Tuesday following a legal Monday holiday, the week of Thanksgiving, the week of Christmas through the first of the year.~~

For the months of July, August and September, meetings shall occur on the first and third Tuesdays of the month. ~~For the months of April, June, and October, meetings shall occur on the second, third, and fourth Tuesdays of the month.~~

Broadcasted Meetings

Riverside Municipal Code 4.05.080 requires City Council, City Council Standing Committees, Planning Commission, Board of Public Utilities, Budget Engagement Commission, and the Community Police Review Commission shall make a visual and audio recording of every open meeting. As a result of the COVID-19 pandemic, social distancing, and Assembly Bill 361, all public meetings including City Council, City Council Standing Committees, and all Boards and Commissions were broadcast live with public comment available through e-comments, in-person, and telephonically.

Resolution 23976 does not identify meeting broadcast requirements, however, at the October 5, 2023, ICGC meeting, the Committee discussed and recommended adding language associated with teleconferenced meeting pursuant to Brown Act Section 54953. Language recommendations included adding:

VII – Meetings, Section I – TELECONFERENCED MEETINGS

City Council may hold teleconferenced meetings pursuant to Section 54953.

The above language recommendation addition is related strictly to teleconferenced meetings during a state of emergency, not as general practice. The current general practice post-pandemic includes broadcasting all meetings including City Council, Standing Committee, and all Board and Commission meetings. The City Manager's Office recently reviewed staffing costs associated with broadcasting, costs to broadcast meetings for all public meetings for the period of October 2022 through September 2023 were estimated at \$10,991.76 monthly for an annual fiscal impact of approximately \$131,901.12.

Staff recommend include restricting the broadcasting of public meetings to include the public meetings identified in RMC 4.05.080 result in an estimated monthly savings of \$3,583.68 for an annual fiscal impact of approximately \$43,004.16. Estimated savings do not include costs associated with utilizing the City Council Chambers and server storage used for video retention.

Revised resolution language updates including previous Committee recommendations include adding:

VII – Meetings, Section I – TELECONFERENCE MEETINGS

City Council may hold teleconferenced meetings pursuant to Section 54953 for City Council, City Council Standing Committees, Planning Commission, Board of Public Utilities, Budget Engagement Commission, and the Community Police Review Commission.

Summary of Committee Recommendations

The following is a summary of Committee recommendations. Summary topics appear in ascending order as located in Resolution 23976.

Violation of Rules

The front page of the Resolution identifies violation of the City Council Rules shall not be construed as a penal offense but does not provide insight into what a violation of the rules could result in. Through discussion, the Committee received a recommendation by the City Attorney's Office which included adding a line associated with taking appropriate action. Recommended language updates include:

Violation of these rules shall not be construed as a penal offense, excepting that breach of the peace or willful failure to comply with the lawful orders of the City Council or its presiding officer shall be punishable as misdemeanors under applicable law. **The City Council retains the authority to take appropriate action to enforce these rules amongst its members including, but not limited to, the inherent power of censure.**

Parliamentary Procedure

The Charter of the City of Riverside provides the City Council with the ability to determine its own rules and order of business. The Committee reviewed Rosenberg Rules of Order and Robert's Rules of Order as possible parliamentary procedure to lean upon when the resolution is silent. Through discussion the Committee recommended the City Council, Council City Committees, and Boards/Commissions adopt Robert's of Order to lean upon when the established Rules of Procedure and Order of Business is silent. Recommended language updates 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 Robert's Rules of Order, 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 Robert's Rules of Order, consistent with state open meeting laws, local Sunshine Ordinance and the City Charter.

Proclamations and Role of the Mayor Pro Tempore

Section IV, A outlines the duties of the Mayor, Mayor Pro Tempore, and designates the Mayor as the official head of the City for all ceremonial purposes. Specific to this review, the Committee discussed the process used to procure a proclamation or recognition and the process used to select the Mayor Pro Tempore. The Committee had no recommendations to change the process used to proclamation or Mayor Pro Tempore rotation.

Who May Place Matters on the Agenda

Section IX, C identifies, except for matters pending before any committee, commission or other advisory body of the City of the City Council matters may be placed on the agenda by the Mayor, any Councilmember, the City Manager, City Attorney or City Clerk. Section IX, D outlines when a City Councilmember refers to an item to be placed on the agenda, a timeframe be included.

No language updates were recommended to the Resolution however, the Committee recommendations include the City Council adopt the practice of completing an Agenda Topic Referral Form to assist the City Manager's Office with facilitating the request and prioritizing the item. The requested item may require extensive research and through the use of the Referral Form, may exceed the timeframe projected by the Councilmember. By way of the Referral Form, the City Manager is afforded the opportunity to gain further insight into the Councilmember's request, earmark staff time/resources, and be better equipped to identify agenda date for said item. A copy of the Agenda Item Request Form is included as an attachment to this report.

Preparation and Distribution of the Agenda Packet

Section IX, C specifies the time and date a packet must be prepared. Committee recommendations associated with agenda packet development and preparation include language updates to reflect the following:

Section IX, C 4 – Preparation of the Packet Not later than ~~5:00 p.m.~~ twelve (12) days prior to each regular City Council meeting, the City Clerk shall prepare the packet. No item shall be considered by the City Council if not included in the packet, except as provided in section 4.05.050 of the Riverside Municipal Code.

Section IX, C 6 – Distribution of the Packet Not later than ~~6:30 p.m. twelve (12) noon eleven (11)~~ days prior to each regular City Council meeting, the City Clerk shall distribute the packet to the Mayor, each member of the City Council, the City Manager and the City Attorney. ~~Eleven (11) Twelve (12)~~ days prior to each regular City Council meeting, the City Clerk shall distribute the ~~paper~~ packet to the designated department directors, and such other persons or institutions as the City Clerk shall deem necessary or appropriate. Paper or electronic copies of the packet shall be made for the news media and such other organizations, agencies, institutions or persons as may wish to subscribe to receipt thereof, and the City Clerk will make the packet available electronically on the City's webpage.

Decorum

On July 5, 2023, the Committee discussed adding language into the resolution related to use of electronics on the dais. Through discussion, the Committee recognized members utilize electronics to access reports, review agenda items, take notes, and communicate with constituents. Through adding additional language to the resolution, the intent is to highly discourage use of electronics outside of the meeting purpose.

Recommended language updates include:

D. DECORUM

1. While the City Council is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the City Council nor disturb any member while speaking, nor refuse to obey the orders of the City Council, or the presiding officer, except as otherwise herein provided.

2. During City Council, Board, Commission, and Committee meetings noticed and open to the public pursuant to the Brown Act, the use of Electronic Communication System Devices by members is discouraged with limited access.

Agenda Sequence and Order of Business

Section IX, outlines the sequence and order of agenda items. Items reviewed included brief reports by City Councilmembers, Ceremonial Matters, and Consent Calendar. Through discussion the Committee determined no changes were necessary as it relates to brief reports provided by City Councilmember. Committee recommendations related to Ceremonial Matters and removing items from the Consent Calendar included updates to resolution language as noted below:

g. Ceremonial Matters shall (may) be limited to no more than three presentations during a City Council meeting.

i. Consent Calendar. Removal of items from the Consent Calendar shall be followed by one motion for action on uncontested Consent Calendar items. ~~Thereafter, r~~Removed consent items will be discussed immediately after the Discussion Calendar.

Referral of Matters to City Council Standing Committees

Section XIII, B identifies that generally, all items agendized for City Council Standing Committees must first be referred by the City Council for review. Additionally, with the concurrence of the Committee Chairperson and the City Manager, an item may be sent directly to a Council committee without a Council referral. The existing Procedure for Bringing Matters before City Council defines persons who may place items on an agenda pertinent to and within the jurisdiction of the City may be placed on the agenda by the Mayor, any Councilmember, or any of the three City Charter Officers.

Boards, Commissions, and Committees

Section XIV identifies the representation and process used to fill seats on Boards, Commissions, and Committees. As part of the review process the annual recruitment and process to fill mid-year vacancies was reviewed. Through discussion, the Committee recommend suggested the City Clerk's Office request potential candidates update their applications on an annual basis every two years to ensure information is current. The Committee also discussed the process related to referring items to Boards and Commissions. The Committee recommended bifurcating the reference to processes used by Boards and Commissions from the City Council Rules of Procedure and Order of Business and introducing a separate resolution at a later date memorializing Boards and Commission Rules of Procedure and Order of Business. Through discussion, the Committee made recommendations related to the definition of a partial term resulting in the following:

H. A ~~partial~~ term of more than ~~one-year~~ **two years and one day** 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 for years, expiring on March 1st of the corresponding year.

Technical Changes

D. CITY COUNCIL MEETING SCHEDULE

Regular meetings of the City Council ~~are held in an afternoon session and/or evening session.~~ **Afternoon sessions shall** may commence at approximately 1:00 p.m. ~~or 3 p.m.—and shall include oral communication public comment from the public followed by any closed sessions, workshops, public hearings, or other business, as necessary. Public hearings shall commence at approximately 3:00 p.m. or 6:15 p.m.~~ Evening sessions shall begin at approximately 6:15 p.m. ~~Public hearings shall commence at approximately 3:00 p.m. or 6:15 p.m. and shall include an additional period for oral communications from the public at 7:00 p.m.~~ One meeting each month shall be reserved for City Council workshops. City Council meetings may be canceled for lack of agenda items.

IV. F – Voting Disqualification

Neither the Mayor nor any Council member who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state that they are **recusing themselves** because of a disqualifying financial or other conflict of interest. The Mayor or any councilmember who is disqualified due to a financial interest shall publicly identify the financial interest in detail sufficient to be understood by the public except that disclosure of the exact street address of a residence is not required. As to any other conflict of interest, the member' s

determination may be accompanied by an oral or written disclosure of such conflict of interest. A member who is disqualified by a conflict of interest in any matter shall not remain in the member's chair during the discussion and vote on such matter unless the matter has been placed on the consent agenda.

VIII. B – ~~Roll-Call Meeting Attendance~~

Before the City Council shall proceed with the business before it, the City Clerk shall enter into the minutes the names of the Mayor and those Councilmembers present. The later arrival of any absentee shall also be entered into the minutes.

VIII. G – Closed Sessions

The City Clerk or his/her designee shall attend each closed session of the City Council and keep and enter in a minute ~~book log~~ a record of topics discussed and decisions made at the meeting. In the event of a closed session concerning personnel matters conducted in conformance with California Government Code section 54957, the Mayor Pro Tempore or his/her designee shall enter in a minute ~~book log~~ a record of the topics discussed and decisions made at the meeting. The minute ~~book log~~ is not a public record subject to inspection pursuant to the California Public Records Act (California Government Code section 6250 et seq.), and shall be kept confidential. The minute ~~book log/audio~~ shall be available only to members of the legislative body or, if a violation of California Government Code sections 54950 through 54962 is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies.

XI. D – Definitions – Item 5 – Items Carried Over

~~“Items Carried Over-Continued Items”~~ means items uncompleted from a prior agenda of a City Council meeting.

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.

Sunshine Ordinance

Strict all detailed information regarding the Sunshine Ordinance and replace language with a reference to Title 4 of the Riverside Municipal Code to prevent changes in the municipal code requiring a change in the Resolution.

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 by reviewing and introducing better business practices to improve operational efficiencies.
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.

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.

Prepared by: Megan Stoye, Principal Management Analyst

Attachments:

1. Resolution R-23976
2. Redlined Resolution 23976
3. Agenda Item Request Form
4. Presentation