

OFFICE OF THE MAYOR

June 29, 2017

Ms. Colleen J. Nicol, MMC
3900 Main Street
Riverside, CA 92522

Ms. Nicol,

I have received the Code of Ethics complaint filed by Mr. Hunter on June 2, 2017. To avoid confusion with the multitude of other complaints filed by Mr. Hunter, this particular complaint pertains to the City Council meeting on December 6, 2016. This complaint primarily, but not exclusively, involves agenda item seven, which asked the City Council to recognize "Pachappa Camp: Site of the First Organized Korean American Settlement".

Before I offer my detailed response below, I would like to ask that the Board of Ethics begin this process with a review to determine if the allegations outlined in this complaint violate one of the items detailed under Section 2.78.060 of Ordinance No. 7328 (Code of Ethics And Conduct), to determine if the allegations in this complaint merit a hearing, as Section 2.78.070 (Complaint Procedures) indicate that "only alleged violations of the Prohibited Conduct section of this chapter shall be grounds for a complaint against a public official", as I do not believe that this complaint rises to this level.

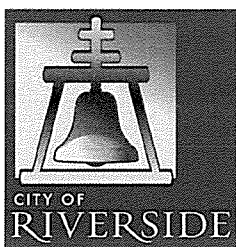
To assist you with this process, Mr. Hunter's complaint, along with my response, are outlined below.

Complaint	Response
As presiding officer, I allowed a speaker (Mr. Ralph Ahn) on item #7 to speak past three minutes designed for public comment without a majority vote of the City Council.	In watching the video you will notice that I did in fact attempt to cut Mr. Ahn off at the end of three minutes and Councilman Davis was the one that asked for additional time. Video reference – Video: http://riversideca.granicus.com/MediaPlayer.php?view_id=2&clip_id=2654 At this time, I sought out legal advice, from the City Attorney to determine an appropriate approach, as quite frankly I interpreted the rules differently than Councilman Davis. Uncertain of the potential ramifications, I sought legal advice from the City Attorney, who indicated that the question on the table was within the discretion of the presiding office to most effectively run the meeting. Acting in good faith and upon legal advice, I determined that it was not worth causing conflict with a sitting councilmember and allowed Mr. Ahn an additional minute to wrap up his thoughts. It should be noted that sizable percentages of Resolution 23035 (attached), the document that outlines the rules of procedure and order of business for the City Council, focuses on both the councilmember's rights to express dissent and seek information along with the need to maintain decorum in the session.

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	The complaint alleges that there should have been a formal vote from council to extend Mr. Ahn's time, however the City Attorney's read was that the presiding officer had discretion. Since there was no objection from Council to extend the time, I proceeded with a consensus to extend the time by one minute.
As presiding officer, I allowed the City Manager to interrupt a speaker during public comment, without publically admonishing the City Manager for his behavior.	Resolution No. 23035 (attached), which establish the rules of procedure and order of business for the City Council, speaks in depth about the need for the Mayor and City Council to treat all stakeholders with respect. Additionally, the Resolution calls for the Mayor and City Council to treat staff professionally and further clarifies that city staff "will not argue with the public or City Council." I, too, was uncomfortable with the City Manager's behavior during the meeting, however I determined that the best approach to address the situation was not to "admonish" the City Manager in public, but instead to raise this matter directly with the City Manager and the City Council. Management best practices dictate that concerns about employee behaviors are not best addressed in public.
As presiding officer, I allowed the applicant 10 minutes to speak on a non quasi-judicial hearing without a majority vote of the City council.	Item number seven was a quasi-judicial public hearing. For the sake of definition, a "quasi-judicial hearing is any hearing that has an officer(s) who are not judges". As such, all public hearings and appeals are quasi-judicial. Under Resolution 23035 (Rules of Procedures and Order of Business), Section X (Conduct of Meeting), Item D (Public Hearings), Sub-item F (Time Limitation for Public Testimony at public Hearings and Public Discussions) (attached), it states "For quasi-judicial hearings, presentations are limited as follows: "an appellant or applicant may be allowed one ten minute presentation and an additional five minutes for surrebuttal." As seen in the video, applicant Dr. Edward Chang began speaking at 1:26:33, Professor Mike Hong then continued speaking at 1:32:44. Professor Hong concluded the applicant's presentation at 1:35:39, and was well within the time limitations. Video: http://riversideca.granicus.com/MediaPlayer.php?view_id=2&clip_id=2654

I believe that you will find that I acted in good faith, that there were no violations of federal, state, or local law and that this complaint does not violate the prohibited conduct outlined in Ordinance NO. 7328, Section 2.78.060 (Prohibited Conduct) is without merit. Thank you for your service.

Respectfully,

William R. "Rusty" Bailey, III

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RESOLUTION NO. 23035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ESTABLISHING RULES OF PROCEDURE AND ORDER OF BUSINESS FOR THE CITY COUNCIL OF THE CITY OF RIVERSIDE AND RELATED FUNCTIONS AND ACTIVITIES AND RESCINDING ALL PRIOR ACTIONS TAKEN THERETO, AND REPEALING RESOLUTION NO. 22980

WHEREAS, it is the intent and desire of the City Council to conduct its business in an orderly and fair manner; and

WHEREAS, there are certain basic rights of due process and opportunity to address issues with equity, fairness, and equal protection of the law; and

WHEREAS, certain parliamentary procedures have been found to be useful in order to assure that the communication and process of government are fair, reasonable, and just; and

WHEREAS, the City has a duty to proceed with the business of government in an efficient and orderly fashion; and

WHEREAS, the City Council desires to establish uniform norms and procedures in order to accomplish these goals.

BE IT RESOLVED by the City Council of the City of Riverside as follows:

That the following shall be the Rules of Procedure and Order of Business of the City Council, and shall govern all proceedings of the City Council therein described, subject to the exceptions and deviations provided for in such rules.

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.

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

1 or new rules adopted in the manner hereinafter provided and shall prevail to govern the order of
2 business of the City Council of the City of Riverside.

3 **II**

4 **ACT IN THE PUBLIC INTEREST**

- 5 A. City Council and staff shall recognize that stewardship of the public interest must be the
6 primary concern.
- 7 B. City Council will work for the common good of the people of Riverside.
- 8 C. City Council will assure fair and equal treatment of all persons, claims and transactions
9 coming before the City Council and Boards and Commissions.

10 **III**

11 **ADVOCACY**

- 12 A. City Council shall represent the official policies or positions of the City Council when
13 designated as delegates for this purpose.
- 14 B. When representing their individual opinions and positions, City Council shall explicitly
15 state they do not represent the City Council of the City, nor will they allow the inference that they
16 do.

17 **IV**

18 **DUTIES**

19 A. **DUTIES OF MAYOR; MAYOR PRO TEMPORE**

20 The Mayor shall be the presiding officer at all meetings of the City Council and shall have
21 a voice in all its proceedings but shall not vote except for appointments to City Boards &
22 Commissions or to break a City Council tie-vote which exists for any cause. The Mayor shall be
23 the official head of the City for all ceremonial purposes. The Mayor shall have the primary but
24 not exclusive responsibility for interpreting the policies, programs and needs of the city
25 government to the people, and of informing the people of any major change in policy or program.
26 The Mayor shall advise the City Council on all matters of policy and public relations and perform
27 such other duties as may be prescribed by the City Charter. At any time before the adjournment
28 of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, veto

1 any formal action taken by vote of the City Council including any ordinance or resolution, except
2 an emergency ordinance, the annual budget or an ordinance proposed by initiative petition.
3 Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or
4 action shall be deemed neither approved nor adopted. The Mayor shall, no more than twenty days
5 following the veto, provide to Council members, in writing, reasons for the Mayor's veto. If the
6 Mayor fails to provide a written veto message within the time allotted, the original action of the
7 City Council shall stand. At any regular or adjourned meeting held not less than thirty days, nor
8 more than sixty days after veto the City Council shall reconsider such ordinance, resolution or
9 action and vote on the question of overriding the veto. Five affirmative votes shall be required for
10 its adoption or approval. The Mayor shall have no right to veto the veto override of any
11 ordinance, resolution or action.

12 In the absence of the Mayor, the Mayor Pro Tempore shall assume the duties of the
13 Mayor. The Mayor Pro Tempore shall be appointed from members of the City Council on the
14 following ward rotational basis with each member serving for a term of six months: Ward 7,
15 Ward 6, Ward 5, Ward 4, Ward 3, Ward 2, and Ward 1 or as otherwise determined by the City
16 Council. In the event the Mayor and Mayor Pro Tempore are absent, the Councilmember last
17 serving as Mayor Pro Tempore shall be assigned said role. The Mayor Pro Tempore shall
18 conduct the City Council meetings and shall vote only as a member of the City Council, not as
19 Mayor Pro Tempore. In the event of a tie-vote, the Mayor Pro Tempore shall not have a tie-
20 breaking vote and City Council vote shall be recorded as a negative or "nay" vote. The Mayor
21 Pro Tempore shall not have the power to veto acts of the City Council.

22 In addition to the duties enumerated above, the Mayor Pro Tempore shall be responsible
23 for the coordination of any special or annual evaluation of the City Manager, City Attorney or the
24 City Clerk. Said responsibility may include but not be limited to the distribution, collection and
25 tabulation of any written evaluations; and the calendaring of any closed session during which time
26 the evaluations shall be conducted.

27 The Mayor Pro Tempore shall also use their best efforts to participate in the agenda-
28 setting meeting, as set forth in Article IX(D) below, preceding each City Council meeting.

1 B. DUTIES OF MAYOR AND COUNCIL MEMBERS

2 Promptly at the hour set by law on the date of each regular meeting, the Mayor and
3 Councilmembers shall take their regular stations in the Art Pick Council Chamber and the
4 business of the City Council shall be taken up for consideration and disposition.

5 C. MOTIONS TO BE STATED BY PRESIDING OFFICER

6 When a motion is made, it shall be stated by the presiding officer or the City Clerk before
7 debate.

8 D. DECORUM

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

13 E. VOTES REQUIRED TO TAKE ACTION

14 Unless a higher vote is required by provisions of the City Charter, the affirmative votes of
15 at least four members of the City Council shall be required in order for the City Council to take
16 action on an item of business or the adoption of any ordinance or resolution, or for the making or
17 approving of any order for the payment of money.

18 Any ordinance declared by the City Council to be necessary as an emergency measure as
19 hereinafter defined may be introduced and adopted at one and the same meeting if passed by at
20 least five affirmative votes.

21 At any meeting after the adoption of the City's budget, the City Council may amend or
22 supplement the budget by motion adopted by the affirmative votes of at least five members so as
23 to authorize the transfer of unused balances appropriated for one purpose to another purpose or to
24 appropriate available funds not included in the budget.

25 F. VOTING DISQUALIFICATION

26 Neither the Mayor nor any Council member who is disqualified shall vote upon the matter
27 on which the member is disqualified. Any member shall openly state that they are abstaining
28 because of a disqualifying financial or other conflict of interest. The Mayor or any

1 councilmember who is disqualified due to a financial interest shall publicly identify the financial
2 interest in detail sufficient to be understood by the public except that disclosure of the exact street
3 address of a residence is not required. As to any other conflict of interest, the member's
4 determination may be accompanied by an oral or written disclosure of such conflict of interest. A
5 member who is disqualified by a conflict of interest in any matter shall not remain in the
6 member's chair during the discussion and vote on such matter unless the matter has been placed
7 on the consent agenda.

8 G. PARTICIPATION ON NON-PROFIT BOARDS OF DIRECTORS AND CONFLICTS
9 OF INTEREST.

10 It shall be the policy of this Council that the Mayor and members of the City Council
11 should not serve as members of the board of directors of a non-profit corporation which is
12 receiving or will be reasonably likely in the future to seek and/or receive funding from the City of
13 Riverside so as to avoid any appearance of a conflict of interest.

14 In the event that the Mayor and/or a member of the City Council serves as a non-
15 compensated member of the board of directors of a non-profit corporation, then a contract may be
16 made between the City of Riverside and the non-profit corporation provided that:

17 • The public official discloses his/her participation on the non-profit corporation's
18 board of directors to the City Council at the time the City Council is considering the contract with
19 the non-profit corporation;

20 • The public official's interest as a member of the non-profit corporation's board of
21 directors is noted in the official minutes of the City Council meeting; and

22 • The public official disqualifies themselves from any vote, deliberation or influence
23 on the matter before the City Council.

24 Furthermore, if it is determined based upon a factual analysis that the Mayor or a City
25 Council member serves as a non-compensated member of the board of director of a non-profit
26 corporation, and that the non-profit supports functions of the City as one of its primary purposes,
27 then the public official is determined to have a "non-interest" and may therefore participate in the
28 deliberation and vote on the matter before it. However, the public official's interest as a member

1 of the non-profit corporation's board of directors must be noted in the official minutes of the City
2 Council meeting.

3 Further, the City Manager, City Attorney and City Clerk shall not serve as a member of
4 the board of directors of a non-profit corporation which is receiving or will be reasonably likely in
5 the future to seek and/or receive funding from the City of Riverside so as to avoid any appearance
6 of a conflict of interest.

7 H. MAYOR AND COUNCIL MEMBERS TO AVOID IMPROPER CONSIDERATION OF
8 PENDING OR CONTEMPLATED MATTERS

9 Open Mind. The Mayor and Councilmembers will make every effort not to pledge or
10 promise to vote in any particular manner on any matter pending before it.

11 V

12 ROLE OF THE MAYOR AND CITY COUNCIL

13 A. MAYOR AND CITY COUNCIL CONDUCT IN GENERAL

14 1. Mayor and Councilmembers shall treat everyone with courtesy.
15 2. Inappropriate behavior is derogatory and damages the perception of the City.
16 3. While the City Council is in session the Mayor, Councilmembers and City staff
17 shall preserve strict order and decorum. Neither the Mayor nor any Councilmember shall delay or
18 interrupt the proceedings of the City Council or interrupt any member while speaking.

19 4. Councilmembers should use the speaker sequencing system to indicate to the
20 presiding officer that they want to speak. The presiding officer will acknowledge them before
21 they begin speaking.

22 5. Any Councilmember shall have the right to express dissent from, or protest to, or
23 comment upon, any action of the City Council.

24 6. Once a vote is taken on an issue, Councilmembers will support the law made by
25 the City Council. If a Councilmember wants an issue to be reconsidered, he/she will make a
26 motion to reconsider as provided for in Section XII of these Rules of Procedure. When possible,
27 the City Council should attempt to reach consensus on an issue. When this is not possible, the
28 majority vote shall prevail. However, the City Council shall respect the opinion of the minority.

1 7. The Mayor and City Council shall publicly share substantive information, which
2 they may have received from sources outside the public decision-making process that is relevant
3 to a matter under consideration by the City Council.

4 8. Allow for everyone's opinion to be heard and respected, even if they do not win
5 the vote or prevail on the issue. Strive for a win-win situation by respecting diverse opinions.

6 9. Councilmembers will allow room for dialogue. When discussing an agenda item,
7 the City Council will allow the opportunity to dialogue with each other to build consensus on an
8 item.

9 10. Any member of the City Council may move to require the presiding officer to
10 enforce the rules and an affirmative vote of a majority of Council members present shall be
11 required to do so.

12 **B. MAYOR AND CITY COUNCIL CONDUCT WITH ONE ANOTHER**

13 1. The Mayor and City Council will value each other's time.

14 2. All Councilmembers have the opportunity to speak and agree to disagree.

15 3. The City Council will avoid negative comments that could offend other
16 Councilmembers during public meetings, in the press, or any other time.

17 4. The City Council will practice civility and decorum in discussions and debate.

18 5. The presiding officer has an affirmative duty to maintain order. The City Council
19 will honor the role of the presiding officer in maintaining order.

20 **C. MAYOR, CITY COUNCIL AND CITY MANAGER CONDUCT WITH STAFF**

21 1. Mayor and Councilmembers should always feel free to speak directly with the City
22 Manager on matters of interest or concern to them.

23 2. The Mayor, City Council, City Manager and City Staff shall respect and adhere to
24 the City's form of government, which is a Charter City operating under a Council-Manager form
25 of government, with the City Council acting as the legislative body of the City. The City Council
26 is the visionary policy maker and staff is responsible for implementation of City Council policies.

27 3. The City Council directs the City Manager to implement City Council policy
28 decisions through the administrative functions of the City.

- 1 4. The Mayor and City Council shall treat staff professionally.
- 2 5. When possible, the Mayor and City Council should attempt to seek answers to
- 3 questions on an item on the agenda, from the City Manager, City Attorney, City Clerk or
- 4 Department/Division Head prior to the meeting.
- 5 6. The Mayor and Councilmembers will not get involved in personnel issues except
- 6 during a closed session where personnel issues may be discussed or as otherwise appropriate
- 7 concerning the City Manager, City Attorney, City Clerk or other staff appointed by the City
- 8 Council. This includes hiring, firing, promoting, disciplining, and all other forms of personnel
- 9 matters.
- 10 7. If a Councilmember is unhappy about a department or an employee he/she may
- 11 discuss the situation with the City Manager, Assistant City Manager, or the City Attorney or City
- 12 Clerk as appropriate.

13 **D. MAYOR AND CITY COUNCIL CONDUCT WITH THE PUBLIC**

- 14 1. The Mayor and City Council will make the public feel welcome.
- 15 2. The Mayor and City Council shall not be partial, prejudiced or disrespectful
- 16 toward the public.
- 17 3. The Mayor and City Council should not make snappy, sarcastic comments to the
- 18 public or to each other.
- 19 4. The Mayor and City Council shall treat members of the public equally.
- 20 5. The Mayor and City Council members shall make no promises to the public on
- 21 behalf of the City Council.
- 22 6. The Mayor and City Council shall not argue with members of the public.
- 23 7. The Mayor and City Council shall listen courteously and attentively to all public
- 24 comments before the City Council.

25 **E. MAYOR AND CITY COUNCIL CONDUCT WITH OTHER AGENCIES**

- 26 1. The Mayor and City Council shall be clear about representing the City or personal
- 27 interests to members of other agencies.
- 28

1 2. The Mayor and City Council shall project a positive image of the City when
2 dealing with other agencies.

3 3. The Mayor and individual Councilmembers can lobby or discuss with other
4 legislators, government officials or developers issues that have been adopted by the City Council
5 or are City Council policy; they should not represent themselves as the City if it is only an
6 individual issue.

7 4. The Mayor and City Council shall show tolerance and respect for other agencies'
8 opinions and issues and agree to disagree with them when necessary.

9 F. MAYOR AND CITY COUNCIL CONDUCT WITH BOARDS AND COMMISSIONS

10 1. The Mayor and City Council works through the board/commission chairs.

11 2. The Mayor and City Council shall treat all members of Boards and Commissions
12 with appreciation and respect.

13 3. It has been the practice of the Mayor and City Council to not participate in Board
14 and Commission meetings for the purpose of, and to avoid perception of, influencing the outcome
15 of said meetings.

16 G. COUNCIL CONDUCT WITH STANDING CITY COUNCIL COMMITTEES

17 1. *Government Code* section 54952.2 defines a meeting of the legislative body of the
18 City of Riverside and provides certain limitations on the attendance of its members.

19 2. A member of the City Council, who is not a member of the standing committee,
20 may attend an open and noticed meeting of a standing committee of the City Council, provided
21 that they attend only as observers and do not participate in any discussion.

22 H. MAYOR AND CITY COUNCIL CONDUCT WITH THE MEDIA

23 1. The Mayor and City Council shall never go "off the record", discuss information
24 pertaining to closed sessions, personnel, litigation or acquisition of property items, when dealing
25 with the media. Providing background information is acceptable.

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1 I. OBTAINING THE FLOOR

2 1. Any member of the City Council wishing to speak must further obtain the floor by
3 being recognized by the presiding officer. The presiding officer must recognize any
4 Councilmember who seeks the floor when appropriately entitled to do so.

5 2. With the concurrence of the presiding officer, a Councilmember holding the floor
6 may address a question to another Councilmember and that Councilmember may respond while
7 the floor is still held by the Councilmember asking the question. A Councilmember may opt not
8 to answer a question while another Councilmember has the floor.

9 VI

10 ROLE OF CITY STAFF

11 A. City staff will provide written analysis and information on all agenda items prior to the
12 meetings. Additionally, a copy of the materials, including technical reports will be available to
13 the public.

14 B. Staff will be available to answer questions of the City Council prior to and during City
15 Council meetings.

16 C. Staff will respond to questions from the public during City Council meetings when
17 requested to do so by the Mayor, City Council, or City Manager.

18 D. Staff will not argue with the public or the City Council.

19 E. During City Council meetings staff shall turn off or switch any electronic equipment such
20 as pagers and cellular telephones to a silent mode.

21 F. Councilmembers and staff who participate in meetings with outsiders should be apprised
22 of any follow-up correspondence to that party, particularly if there is some controversy; the City
23 Manager and all Councilmembers should get copied on all correspondence.

24 G. Staff will remain objective on issues. Staff should not be an advocate for issues unless so
25 directed by the City Council. Rather, they should promote or assist the efforts of City Council.

26 H. Staff will inform City Council as soon as possible of upcoming issues, particularly issues
27 that will impact the City significantly and may be coming before City Council on short notice.
28

1 I. Staff will provide each Councilmember with written notification of any meetings or
2 discussions relative to any development project in the Councilmember's respective ward. Each
3 Councilmember may, at their option, follow up with staff regarding the details of the project and
4 any policy issues that may be coming before the City Council.

5 J. If only one or two Councilmembers feel something is controversial or a "hot" issue and it
6 may be coming before the City Council, the City Manager will inform the Mayor and the
7 Councilmembers whose ward the issue concerns.

8 K. The City Manager will advise management to become aware of and sensitive to
9 potentially political or controversial issues coming before the City Council.

10 L. City staff will implement all City Council policies as directed by the City Manager; staff
11 will not implement any actions for the City without prior approval of the City Council and City
12 Manager.

13 VII

14 ROLE OF THE PUBLIC

15 A. Members of the public attending the City Council meetings are requested to observe the
16 same rules and decorum applicable to the City Council and staff.

17 B. All speakers must approach the podium when recognized by the presiding officer.
18 Members of the public shall only speak from the podium.

19 C. Members of the public shall turn off or switch any electronic equipment such as pagers
20 and cellular telephones to a silent mode while attending a City Council meeting.

21 D. If a member of the public desires to provide written correspondence (11 copies
22 recommended) to the City Council, all such materials shall be given directly to the City Clerk
23 prior to the meeting, or if during the course of the meeting, the materials shall be given to the City
24 staff on the dais. At no time shall the public enter the well to provide the materials directly to
25 members of the City Council.

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VIII
MEETINGS

A. CALL TO ORDER - PRESIDING OFFICER

The Mayor, or in the Mayor's absence the Mayor Pro Tempore, shall take the chair at the hour appointed for the meeting and shall immediately call the City Council to order. Upon the arrival of the Mayor, the Mayor Pro Tempore shall immediately relinquish the chair at the conclusion of the business presently before the City Council.

B. ROLL CALL

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.

C. QUORUM CALL

During the course of the meeting, should the presiding officer note a City Council quorum is lacking, the presiding officer shall call this fact to the attention of the City Clerk. The presiding officer shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the Chair may declare a recess for a reasonable period of time in order to reestablish a quorum or the meeting shall be deemed automatically adjourned.

D. CITY COUNCIL MEETING SCHEDULE

Save and except for the months of July and August of each year, 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.

Regular meetings of the City Council shall commence at approximately 1:00 p.m., and shall include oral communication 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. An additional period for oral communications from the public shall be held at 7:00 p.m.

1 During the months of July and August, regular meetings of the City Council shall only be
2 held on the second and fourth Tuesdays beginning at the approximate hour of 1:00 p.m.

3 The appointed hours noted herein are set forth for the convenience of the City Council and
4 are subject to change.

5 E. ADJOURNED MEETINGS

6 The City Council may adjourn any regular, adjourned regular, special or adjourned special
7 meeting to a time and place specified in the order of adjournment as permitted by law and in
8 compliance with Chapter 4.05 of the Riverside Municipal Code.

9 F. SPECIAL MEETINGS

10 The Mayor or a majority of the City Council may call a special meeting by providing
11 notice five (5) days in advance of the meeting to the Mayor, all members of the City Council, to
12 all media outlets, and to persons having requested notification pursuant to State law.

13 G. CLOSED SESSIONS

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

24 All proper matters discussed during closed sessions shall be private and confidential, and
25 the disclosure by any person of the topics or details of such matters is expressly prohibited. If a
26 Councilmember feels it is necessary, then preliminary notes may be taken which should not be
27 kept as the Councilmembers permanent records. All closed session information, verbal or
28 written, is confidential and private.

1 H. EMERGENCY MEETINGS.

2 In the case of an emergency situation involving matters upon which prompt action is
3 necessary due to the disruption or threatened disruption of public facilities, the City Council may
4 hold an emergency meeting without complying with either the 24-hour notice requirement or the
5 24-hour posting requirement of *Section 54956* or both of the notice and posting requirement.

6 Each local newspaper of general circulation and radio or television station that has
7 requested notice of special meetings pursuant to *Section 54956* shall be notified by the presiding
8 officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or,
9 in the case of a dire emergency, at or near the time that the presiding officer or designee notifies
10 the members of the City Council of the emergency meeting. This notice shall be given by
11 telephone and all telephone numbers provided in the most recent request of a newspaper or station
12 for notification of special meetings shall be exhausted. In the event that telephone services are
13 not functioning, the notice requirements of this section shall be deemed waived, and the
14 legislative body, or designee of the legislative body, shall notify those newspapers, radio stations,
15 or television stations of the fact of the holding of the emergency meeting, the purpose of the
16 meeting, and any action taken at the meeting as soon after the meeting as possible.

17 During an emergency meeting, the City Council may meet in closed session pursuant to
18 *Section 54957* if agreed to by a two-thirds vote of the members of the City Council present, or, if
19 less than two-thirds of the members are present, by an unanimous vote of the members present.

20 All special meeting requirements, as prescribed in *Section 54956* shall be applicable to an
21 emergency meeting, with the exception of the 24-hour notice requirement.

22 The minutes of an emergency meeting, a list of persons who the presiding officer of the
23 City Council, or designee of the City Council, notified or attempted to notify, a copy of the roll
24 call vote, and any actions taken at the meeting shall be posted for a minimum of ten days in a
25 public place as soon after the meeting as possible.

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IX
AGENDA

A. DECLARATION OF POLICY

No ordinance, resolution, or item of business shall be introduced or acted upon before the City Council at its meeting without it having been published on the agenda of the meeting and posted in accordance with Riverside Municipal Code Title 4 and *California Government Code* section 54954.2(a) as the same now exist or hereafter amended. Exceptions to this rule are limited to those provided by State law and matters of business remaining uncompleted from a regular meeting.

B. DEFINITIONS

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda irrespective of location (save and except for matters raised under Oral Communications) to be transacted or discussed by the City Council. For purposes of this Section, any quasi-judicial appeals shall be considered action items in accordance with *California Government Code* section 54952.6 as the same now exists or hereafter may be amended.

Each agenda item shall contain a brief general description of each item of business to be transacted or discussed at the meeting in accordance with *California Government Code* section 54954.2 as the same now exists or hereafter may be amended, whether the matter is to be presented in Closed Session, on the Consent Calendar, the Discussion Calendar, the Public Hearing Calendar, or such other time as may be scheduled.

Each agenda item shall be supported by all relevant documentation, which may include but not be limited to the following as applicable:

- a. The need therefore and the department or departments involved or affected thereby;
- b. Recommendation of the City Manager, if applicable;
- c. Comments of the City Attorney, if the item involves legal issues;
- d. Past City Council actions or practices, if any, relating to such matter;

- 1 e. Past legislative history or hearings, if any;
2 f. Financial benefits or costs which would accrue to the City as a result of the
3 recommended action;
4 g. For awards of contracts, the contracts shall be prepared and presented;
5 h. If funds are requested, the budgetary source of funds;
6 i. Person or persons to contact for further information;
7 j. Estimated balances shall be included for appropriations from General Fund
8 Contingency Reserve and supplemental appropriations from fund balance.

9 2. "Agenda" means the compilation of the descriptive titles of agenda items
10 submitted to the City Clerk, arranged in the sequence established in Section IX.E. hereof.

11 3. "Packet" means the Agenda and all supporting documentation.

12 4. "Emergency Situation" means both of the following:

13 a. An emergency, which shall be defined as a work stoppage, crippling
14 activity, or other activity that severely impairs public health, safety, or both, as determined by a
15 majority of the members of the City Council.

16 b. A dire emergency, which shall be defined as a crippling disaster, mass
17 destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and
18 significant that requiring a legislative body to provide one-hour notice before holding an
19 emergency meeting may endanger the public health, safety, or both, as determined by a majority
20 of the members of the City Council.

21 5. "Items Carried Over" means items uncompleted from a prior agenda of a City
22 Council meeting.

23 C. PROCEDURE FOR BRINGING MATTERS BEFORE CITY COUNCIL

24 1. Persons Who May Place Matters On The Agenda

25 Except for matters pending before any committee, commission or other advisory body of
26 the City or the City Council, matters pertinent to and within the jurisdiction of the City may be
27 placed on the agenda by the Mayor, any Councilmember, the City Manager, City Attorney or City
28 Clerk.

1 2. Scheduling Public Hearings Mandated By State, Federal or Local Statute.

2 The City Clerk may schedule a public hearing at any available time and date in those cases
3 where State, Federal or local statute mandates the City Council hold a public hearing.

4 3. Submission of Agenda Items.

5 Except for Items Carried Over, as a condition to placing an item on the Council's agenda,
6 by the Mayor, any Councilmember, the City Manager, the City Attorney or the City Clerk, a City
7 Council report should be prepared and submitted to the City Clerk not later than 12:00 p.m. of the
8 fifteenth (15th) day prior to each regular City Council meeting at which the item shall be heard.

9 4. Preparation of the Packet.

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

13 5. Posting of Agenda.

14 The City Clerk shall post the agenda of each City Council Regular or Adjourned Regular
15 Meeting at least twelve (12) days in advance of said meeting in a location that is freely accessible
16 to members of the public. The City Clerk shall maintain an affidavit indicating the location, date
17 and time of posting each agenda.

18 6. Distribution of the Packet.

19 Not later than 6:30 p.m. twelve (12) days prior to each regular City Council meeting, the
20 City Clerk shall distribute the packet to the Mayor, each member of the City Council, the City
21 Manager and the City Attorney. Twelve (12) days prior to each regular City Council meeting,
22 the City Clerk shall distribute the packet to the designated department directors, and such other
23 persons or institutions as the City Clerk shall deem necessary or appropriate. Paper or electronic
24 copies of the packet shall be made for the news media and such other organizations, agencies,
25 institutions or persons as may wish to subscribe to receipt thereof, and the City Clerk will make
26 the packet available electronically on the City's webpage.

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1 7. Failure to Meet Deadlines.

2 a. The City Clerk shall not, without the consent of the City Manager or City
3 Attorney, accept any agenda item or revised agenda item after the deadlines established hereby.

4 b. Supplemental Agenda And Related Materials Requirements For Regular Meetings
5 Of The City Council and City Council Standing Committees. Notwithstanding the notice
6 provisions of Section 4.05.050(A) of the Riverside Municipal Code, the City Council and City
7 Council Standing Committees, may amend or supplement a posted agenda or agenda-related
8 materials no later than 72 hours before a regular meeting and only for the following reasons or
9 under the following conditions:

10 (i) to add an item due to an emergency or urgency, provided the local body
11 makes the same findings as required by Section 4.05.050(D) of the Riverside Municipal Code
12 before taking action;

13 (ii) to delete or withdraw any item from a posted agenda however, nothing
14 herein shall limit the ability of a local body to delete or withdraw an item during the meeting;

15 (iii) to provide additional information to supplement the agenda-related
16 material previously published with the agenda provided that the additional information was
17 not known to staff or considered to be relevant at the time the agenda-related materials
18 were filed. Examples of supplemental material permitted by this Section are reports
19 responding to questions or requests raised by members of a local body after posting and
20 filing of the twelve-day agenda and materials, and analyses or opinions of the item by the
21 Office of the City Attorney, any member of the City Council, or the Mayor;

22 (iv) to correct errors or omissions, or to change a stated financial amount, or
23 to clarify or conform the agenda title to accurately reflect the nature of the action to be taken
24 on the agenda time;

25 (v) to continue an agendized item to a future regular meeting of the local
26 body provided that members of the public are given an opportunity to address the local body
27 on the limited question whether to continue the item to a future meeting.
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1 c. Excuse Of Sunshine Notice Requirements. If an item appears on an
2 agenda but the local body fails to meet any of the additional notice requirements under this
3 Section, the local body may take action only if:

4 (i) The minimum notice requirements of the Riverside City Charter and
5 the Brown Act have been met; and,

6 (ii) The local body, by a two-thirds vote of those members present, adopts
7 a motion determining that, upon consideration of the facts and circumstances, it was not
8 reasonably possible to meet the additional notice requirements under this Section and any
9 one of the following exists:

10 a. the need to take immediate action on the item is required to
11 avoid a substantial impact that would occur if the action were deferred to a subsequent
12 special or regular meeting; or,

13 b. there is a need to take immediate action which relates to federal,
14 state, county or other governmental agency legislation or action or the local body's eligibility
15 for any grant or gift; or,

16 c. the item relates to a purely ceremonial or commendatory action.

17 (iii) Notwithstanding the provisions of this subsection, if the Mayor or a
18 Council Member, with the concurrence of another Council Member, believe an item is
19 urgent, and the failure to meet any additional notice requirements was due to:

20 a. the need to take immediate action, which came to the attention of
21 the local body after the agenda was posted, or;

22 b. a software or hardware impairment as defined by Section
23 4.05.010(H) of the Riverside Municipal Code and such additional notice requirements are
24 satisfied no later than seventy-two (72) hours before the date of the meeting; or,

25 (iv) The item is a closed session item relating to ongoing, proposed or
26 threatened litigation.
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1 d. Action On Items Not Appearing On The Agenda. Notwithstanding
2 subsection (C) of this Section, a local body may take action on items not appearing on
3 a posted agenda only if:

4 (i) The Matter Is An Emergency. Upon a determination by a majority
5 vote of the local body that a work stoppage, crippling disaster or other activity exists
6 which severely impairs public health, safety or both.

7 D. AGENDA-SETTING MEETING

8 1. The City Council agenda-setting meeting normally takes place on Wednesdays,
9 and sets the following two City Council agendas, but can be rescheduled, if necessary.

10 2. The members include the Mayor, Mayor Pro Tem, City Manager, City Attorney,
11 City Clerk, and Assistant City Managers. In the event that any of these representatives cannot
12 attend the meeting, they may send a representative in their place.

13 3. The City Clerk, as the City official who manages and publishes the agenda, shall
14 serve as the chairperson.

15 4. The role of the Mayor and Mayor Pro Tem, in addition to collaborating as team
16 members with executive management to set the agenda, is to track City Councilmembers' referred
17 items and ensure they are placed on the agenda. If an item is not addressed in the timeframe
18 noted, the Mayor Pro Tem will provide written notification to the City Councilmember(s) who
19 made the referral. The City Clerk's Master Meeting Calendar will be used as the tracking tool.

20 5. When a City Councilmember refers an item to be placed on the agenda, a
21 timeframe must be included. It will include the Councilmember's name, and the specific type of
22 item requested (action vs. discussion). City Council items should always be considered a priority
23 for scheduling.

24 6. Any City Councilmember may attend at the invitation of the Mayor Pro Tem
25 (provided it does not violate quorum rules).

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1 E. CONSENT CALENDAR

2 There shall be a consent calendar on all regular meeting agendas on which shall be
3 included those matters which the Mayor, Councilmembers, and City Manager deem to be routine
4 in nature and not likely to be subject to debate or inquiry.

5 All items for presentation on the consent calendar shall conform to the format, guidelines
6 and deadlines set out in Section B, above. On any matter not requiring immediate action,
7 Councilmembers are encouraged to utilize a Motion to Postpone to a Time/Date Certain, as
8 opposed to a Motion to Table the matter, in order to have substantive issues addressed further.

9 It is the policy of the City Council that Councilmembers wishing to ask questions
10 concerning consent calendar items should ask questions of the City Manager or staff person who
11 submitted the report prior to the City Council meeting so that the need for discussion of consent
12 calendar items can be minimized.

13 F. AGENDA SEQUENCE AND ORDER OF BUSINESS

14 1. The City Council agenda is to be arranged in the following order and sections:

15 a. Workshops or Discussion Calendar.

16 b. Joint session of the City Council and all other related agencies meeting to
17 receive oral communications from the public regarding closed session agenda items, or matters
18 within the jurisdiction of any such governing bodies.

19 c. Legislative report.

20 d. Closed Sessions.

21 e. Public Hearings/Land Use Appeals.

22 f. Brief reports on conferences, seminars and regional events; Ward updates;
23 Council comments; and announcements of upcoming events shall commence at 6:15 p.m.

24 g. Ceremonial Matters.

25 h. Oral communications from the audience regarding consent calendar items
26 or matters within the jurisdiction of the City. Oral Communications shall commence at
27 approximately 7:00 p.m., and may be moved or continued to later in the Council meeting at the
28 discretion of the presiding officer, with the concurrence of the City Council.

1 i. Consent Calendar.

2 Removal of items from the Consent Calendar, shall be followed by one motion for action
3 on uncontested Consent Calendar Items. Thereafter, removed consent items will be discussed
4 immediately after the Discussion Calendar.

5 j. Discussion Calendar.

6 k. Pulled consent calendar items, if any.

7 l. Mayor/Councilmember Communications.

8 m. Adjournment.

9 X

10 **CONDUCT OF MEETING**

11 A. **ORDER OF DISCUSSION**

12 The order of discussion after introduction of an item by the presiding officer will be as
13 follows:

14 1. Generally

15 a. Staff comments, information and reports, followed by questions from the
16 Mayor and Councilmembers.

17 b. Public comments and information followed by questions from the Mayor
18 and Councilmembers.

19 c. City Council discussion, motion and action.

20 2. Public Hearings

21 a. Staff comments, information and reports, followed by questions from the
22 Mayor and Councilmembers.

23 b. Public comments and information followed by questions from the Mayor
24 and Councilmembers.

25 c. Closure of public hearing.

26 d. Mayor and Council discussion, motion and action.

27 3. Appeals/Quasi-Judicial Hearings.

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1 a. Staff comments, information and reports followed by questions from the
2 Mayor and Councilmembers.

3 b. Appellant/proponent comments, information and reports followed by
4 questions from the Mayor and Councilmembers.

5 c. Public comments, information and reports from others wishing to speak on
6 the item followed by questions from the Mayor and Councilmembers.

7 d. Closing statements by appellant/proponent limited to addressing comments
8 made in opposition.

9 e. Closure of public testimony.

10 f. Mayor and City Council discussion, motion and action.

11 Once the agenda item is placed before the City Council for discussion, motion and action,
12 no staff member nor member of the public shall be allowed to address the City Council without
13 the consent of the City Council.

14 B. CONSENT CALENDAR ITEMS CALLED UP FOR DISCUSSION

15 The Mayor, any Councilmember, or the City Manager may request that any matter be
16 removed from the Consent Calendar. If a matter placed on a Consent Calendar at a regular
17 business meeting is removed, it will be discussed immediately after adoption of the Discussion
18 Calendar. All matters remaining on the Consent Calendar and which have not been removed
19 shall be approved by a single action, such single action to have the legal effect of individual
20 action on each matter. The presiding officer or City Clerk shall read into the record each item on
21 the Consent Calendar which has been removed.

22 C. COMMUNICATIONS FROM THE AUDIENCE.

23 A portion of each agenda of a regular meeting of the City Council shall provide an
24 opportunity to members of the public to address the City Council on any issue concerning City
25 business, including closed session, consent calendar items, or item of interest that is within the
26 subject matter jurisdiction of the City ("Oral Communications").

27 The Mayor and members of the City Council may:

28 1. Briefly respond to statements made or questions posed by members of the public.

- 1 2. Ask questions for clarification.
- 2 3. Provide a reference to staff or other resources for factual information.
- 3 4. Request staff to report back to the City Council at a subsequent meeting on any
- 4 matter.
- 5 5. Take action to direct staff to place a matter of business on a future agenda.

6 The City Council retains the right, by majority vote, to alter the time allotted for public
7 remarks. Each person desiring to address the City Council during Oral Communications, City
8 Council Discussion Items, Workshops, or Public Hearings shall fill out and file a form provided
9 by the City Clerk. Requests to be heard may be submitted to the City Clerk any time prior to the
10 conclusion of public comment on the agenda item. Each person speaking shall limit his/her
11 remarks to three (3) minutes. For each and every public speaker, the presiding officer shall be
12 required to utilize the timing system which provides them with notice of their remaining time to
13 complete their presentations.

14 D. PUBLIC HEARINGS

15 The City Council or City Clerk shall set the time and place for each public hearing. In
16 the conduct of the public hearing, the presiding officer will direct those making presentations to
17 avoid repetition in order to permit maximum information to be provided the City Council
18 within the time allotted to the hearing.

19 E. PUBLIC DISCUSSION

20 The City Council may, from time to time, schedule a matter for a public meeting. At
21 the scheduled time for public discussion, the City Council may state the amount of time to be
22 allotted for testimony from the public.

23 F. TIME LIMITATION FOR PUBLIC TESTIMONY AT PUBLIC HEARINGS AND
24 PUBLIC DISCUSSION

25 The City Council may limit the total amount of time of testimony on particular issues and
26 for each individual speaker. Presentations for other than quasi-judicial hearings, are to be limited
27 to no more than one 3-minute presentation. More or less time may be authorized by a majority of
28 the City Council. For quasi-judicial hearings, presentations are to be limited as follows: an

1 appellant or applicant may be allowed one ten minute presentation and an additional five (5)
2 minutes for surrebuttal. A designated representative of an organization in opposition thereof may
3 be allowed a ten (10) minute presentation.

4 The City Council reserves the right to determine the total amount of time for testimony on
5 any particular hearing matter and/or for each individual speaker.

6 For each and every public speaker, the presiding officer shall be required to utilize the
7 timing system which provides them with notice of their remaining time to complete their
8 presentations. A green light on the timing system will be activated at the start of a presentation; a
9 yellow light will be activated as a warning that one minute remains; when the red light is
10 activated, the speaker shall cease speaking. In the further interest of time, speakers will be asked
11 to limit their comments to new materials and not repeat what a prior speaker said. Organized
12 groups may choose a single spokesperson who may speak for the group. Speakers may not
13 concede any part of their allotted time to another speaker.

14 XI

15 FACILITIES

16 A. COUNCIL CHAMBER CAPACITY

17 Council Chamber attendance shall be limited to the posted seating capacity thereof.
18 Entrance to the Council Chamber will be appropriately regulated by the City Manager on
19 occasions when the Council Chamber capacity is likely to be exceeded. While the City Council is
20 in session, members of the public shall not remain standing in the seating area or aisles of the
21 Council Chamber except to address the City Council, and sitting on the floor shall not be
22 permitted.

23 B. ALTERNATE FACILITIES FOR CITY COUNCIL MEETINGS

24 If the City Manager has reason to anticipate that the attendance for a meeting will be
25 substantially greater than the capacity of the City Council Chamber and insufficient time exists to
26 secure the approval of the City Council to hold the meeting at an alternate facility, the City
27 Manager, or his or her designee, shall make arrangements for the use of a suitable alternate
28 facility to which such meeting may be moved.

1 Furthermore, if, because of fire, flood, earthquake or other emergency, it would be unsafe
2 to meet in the customary location, the meetings may be held for the duration of the emergency at
3 some other place specified by the City Manager or his or her designee. The change of meeting
4 site shall be announced, by the most rapid means of communication available at the time, in a
5 notice to media organizations who have requested written notice of meetings.

6 XII

7 PROCEDURAL MATTERS

8 A. PERSONS AUTHORIZED TO SIT AT TABLES

9 No person, except officials, officers, employees and agents of the City shall be permitted
10 to sit at the tables in front of the City Council without the consent of the City Council.

11 B. DECORUM

12 It is the policy of the City Council that the right to express one's views at a City Council
13 meeting is fundamental to a free society; however, it is not absolute and is subject to valid
14 regulations. The public has a right to address the City Council at any meeting on any subject that
15 is within the City Council's subject matter jurisdiction and further, the public has the right to
16 express its criticism of the policies, procedures, programs or services of the City or its acts or
17 omissions. We must balance the right of the public to address the City Council with the need to
18 ensure that public comment does not hinder the smooth and efficient legislative function of the
19 City Council.

20 No member of the public shall approach the speaker's podium while the City Council is in
21 session, unless specifically requested to do so by the presiding officer. Unruly conduct, such as
22 undue noise, hissing, profanity, insult or physical disturbance which disrupts, disturbs or
23 otherwise impedes the orderly conduct of the Council meeting shall not be permitted. Any person
24 making personal, impertinent, slanderous or profane remarks to any member of the Council, staff
25 or general public which disrupts, disturbs, or otherwise impedes the orderly conduct of any
26 Council meeting shall, at the discretion of the presiding officer or a majority of the Council, be
27 barred from further audience before the City Council at said meeting, unless permission to
28 continue be granted by a majority vote of the Council.

1 C. ENFORCEMENT OF DECORUM

2 Any law enforcement or security officers on duty or whose services are commanded by
3 the presiding officer shall be Sergeant-at-Arms of the City Council meetings. The Sergeant-at-
4 Arms shall carry out all orders and instructions given by the presiding officer for the purpose of
5 maintaining order and decorum at the City Council's meetings. Upon instructions of the presiding
6 officer, it shall be the duty of the Sergeant-of-Arms, or any of them present, to place any person
7 who violates the order and decorum of the meeting under arrest, and cause the person to be
8 prosecuted under the provisions of applicable law, the complaint to be signed by the presiding
9 officer.

10 D. PRECEDENCE OF MOTIONS

11 When a question is before the City Council, no motion shall be entertained except:

12 1. Motion To Adjourn.

13 A motion to adjourn requires a second and is not debatable except to set the date and time
14 to which the meeting is adjourned to consider the unfinished business. The purpose of a motion
15 to adjourn is to terminate the meeting forthwith, notwithstanding that the business on the agenda
16 has not been completed, and notwithstanding a time fixed for adjournment has not yet arrived. A
17 motion to adjourn shall be in order at any time, except as follows: (i) When repeated without
18 intervening business or discussion; (ii) when made as an interruption of a Councilmember while
19 speaking; (iii) when the previous question has been moved; and (iv) while a vote is being taken.

20 2. Motion To Lay On The Table.

21 The purpose of the motion is to terminate further consideration of the subject being
22 discussed, without qualification. The effect of the motion, if approved, is to not only end
23 discussion on any other motion being considered, but to preclude any other motion being made.
24 A motion to table requires a second, is not amendable, and is not debatable. The foregoing shall
25 not preclude any Councilmember from placing the subject on an agenda for a later City Council
26 meeting.

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1 3. Motion to Call for The Question (Close Debate).

2 The Councilmember moving any item before the City Council, including, the adoption of
3 an ordinance or resolution, or the Mayor Pro Tem, shall have the privilege of moving to close the
4 debate and at once to take the vote on the immediately pending question. Such a motion requires
5 a second and is not debatable, and is not amendable, and shall require a two-thirds vote of
6 Councilmembers present and voting for adoption. Such a motion also requires that each
7 Councilmember be afforded at least one opportunity to speak on the item before closing the
8 debate. The making of the motion shall not constitute a violation of Section V of these rules.

9 4. Motion To Postpone To A Certain Time/Day.

10 A motion to postpone to time certain is amendable, and is debatable as to the propriety of
11 postponement and as to time set in the motion. The purpose of the motion is to postpone the
12 subject under discussion to another, specified time.

13 5. Motion to Substitute.

14 A motion to substitute the motion under consideration with another motion requires a
15 second, is not amendable and is debatable. A motion to substitute must be germane to the subject
16 and compatible with the underlying purpose of the motion under consideration; and if passed, the
17 substitute motion will, by its own action, eliminate the necessity to vote on the motion being
18 substituted. If the substitute motion fails to pass, debate will resume on the motion previously
19 being contested. Only two substitute motions shall be on the floor at any time.

20 6. Motion to Amend.

21 A motion to amend the motion under consideration requires a second, but the proposed
22 amendment must be germane, or related, to the main motion, and is debatable. A motion to
23 amend is defined as amending a motion that is on the floor and has been seconded, by inserting
24 or adding, striking out, or striking out and inserting words within the main motion. The
25 proposed amendment is voted on first, and if adopted, there is a vote on the main motion as
26 amended. If the motion fails, debate will resume on the main motion.

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1 7. Motion To Reconsider.

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

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

14 E. RULES OF DISCUSSION

15 1. Presiding Officer May Debate: The presiding officer may debate from the chair,
16 subject only to such limitations of debate as are by these rules imposed on all members, and shall
17 not be deprived of any of the rights and privileges as a member of the City Council by reason of
18 acting as the presiding officer.

19 2. Getting the Floor: Improper References to be Avoided: Every member desiring to
20 speak shall utilize the electronic call device to gain the attention and priority of the presiding
21 officer, and upon recognition by the presiding officer, shall confine him/herself to the question
22 under debate, avoiding all personalities and indecorous language.

23 3. Interruptions: A Councilmember, once recognized, shall not be interrupted when
24 speaking unless it be to call the person to order, or as herein otherwise provided. If a
25 Councilmember, while speaking, be called to order, the Councilmember shall cease speaking until
26 the question of order be determined, and, if in order, shall be permitted to proceed.

27 4. Division of Question: If the question contains two or more divisional propositions,
28 each of which is capable of standing as a complete proposition if the others are removed, the

1 presiding officer may, and upon request of a Councilmember shall (unless appealed), divide the
2 question.

3 5. Withdrawal of Motion: A motion may not be withdrawn by the mover without the
4 consent of the Councilmember seconding it.

5 6. Voting: On the passage of every motion, the vote shall be taken by electronic
6 voting device and entered in full upon the record. If the device is inoperable, the vote shall be
7 taken by roll call voice vote recorded by the City Clerk. The presiding officer shall announce the
8 result of the vote. No member shall be excused from voting except on matters involving the
9 consideration of the Councilmembers own official conduct, or where a conflict of interest exists.
10 Refusal to vote without excuse shall be an affirmative vote.

11 F. ADDRESSING THE CITY COUNCIL

12 Any person desiring to address the City Council shall first secure the permission of the
13 presiding officer to do so. Under the following headings of business, unless the presiding officer
14 rules otherwise, any interested person shall have the right to address the City Council in
15 accordance with the following conditions and upon obtaining recognition by the presiding officer:

16 1. Speakers. Any person desiring to provide public comment or public testimony,
17 shall do so in accordance with Section X.C. Each person addressing the City Council shall step
18 up before the City Council and may give their name and neighborhood in an audible tone of voice
19 for the record. All remarks shall be addressed to the City Council as a body and not to any
20 Councilmember, Mayor or staff member thereof.

21 2. Written Communications. Interested parties or their authorized representatives
22 may address the City Council by written communications in regard to matters of concern to them.
23 Communications received by the City Clerk prior to close of business on the day prior to a City
24 Council meeting shall be submitted to the City Council at the meeting if related to an item which
25 is on the agenda for that meeting.

26 3. Public Hearings. Interested persons or their authorized representatives may
27 address the City Council by reading protests, petitions, or communications relating to matters then
28 under consideration, subject to the time limitations imposed by the City Council.

1 committees as requested by the City Council, and (c) any other matters referred by the City
2 Council or board/commission.

3 5. For Standing Committee and regional organization appointments, preferences of
4 senior elected officials shall be honored. However, with five (5) affirmative votes, the City
5 Council may appoint a non-senior member. The Mayor and Councilmembers shall forward
6 preferences on Standing Committee assignments to the City Clerk to be shared at the Mayor's
7 Nominating and Screening Committee Meeting.

8 Initially, each elected official shall be limited to two (2) regional organizational
9 appointments. Remaining vacant positions and any appointment declined by an elected official
10 shall be filled by seniority of elected officials desiring such appointments. There shall be no
11 limitation to the number of appointments as "Alternate" to regional organizations. The provisions
12 of this section shall not apply to organizations where the City Council is not the appointing
13 authority.

14 "Seniority" shall be honored as to the elected office currently held.

15 **B. REFERRAL OF MATTERS TO CITY COUNCIL STANDING COMMITTEES**

16 1. Generally, all items agendized for City Council Standing Committees must first be
17 referred by the City Council for review and a recommendation to the City Council within 120
18 days, subject to the exceptions set forth below or as otherwise modified by the City Council.

19 2. The Annual Year-End Finance Report by the Public Utilities Department is
20 automatically referred directly to the Finance Committee for review and a recommendation to the
21 City Council within 120 days.

22 3. All Successor Agency to the Redevelopment Agency matters are automatically
23 referred to the Development Committee for review and a recommendation to the Successor
24 Agency to the Redevelopment Agency Board within 120 days.

25 4. All requests for comments on projects within the City's sphere of influence are
26 automatically referred to the Utility Services/Land Use/Energy Development Committee for
27 review and submission of comments to the County of Riverside or as a recommendation to the
28 City Council as time permits.

1 5. With the concurrence of the Committee Chairperson and the City Manager, an
2 item may be sent directly to a Council committee without City Council referral. If a matter is so
3 referred to a Council committee, the committee agenda will note such fact on the face of the
4 agenda. Such referrals are not required to be forwarded to the City Council for action following
5 committee review. The below guidelines shall be considered for such referrals.

Policy Committee	Types of Items Referred to the Committee
Community Services & Youth	Matters related to Parks, Recreation & Community Services activities
Development	All Successor Agency to the Redevelopment Agency matters are automatically referred to the Development Committee for review and recommendation to the Successor Agency to the Redevelopment Agency Board within 120 days; screening of Development proposals.
Finance	The Annual Year-End Finance Report by the Public Utilities Department is automatically referred directly to the Finance Committee for review and recommendation to the City Council within 120 days; matters related to the Finance Department Activities; budget, fees & charges.
Governmental Affairs	Matters related to City policy
Mayor's Nominating & Screening Committee	Following each election and/or appointment to fill a City Council vacancy, reorganization of City Council Standing Committee and regional organizational assignments shall be considered by the Mayor's Nominating and Screening Committee for a

	recommendation to the City Council.
Public Safety	Matters related to Public Safety.
Transportation	Matters related to the Public Works Department and transportation.
Utility Services/Land Use/Energy Development	All requests for comments on projects within the City's sphere of influence are automatically referred to the Utility Services/Land Use/Energy Development Committee for review and submission of comments to the County of Riverside or as a recommendation to the City Council as time permits; matters related to utilities and energy (including Riverside Public Utilities), and land use.

6. Board and Commissions, by majority vote, may forward matters to any City Council Standing Committee, as appropriate. The below guidelines shall be considered for such referrals.

BOARD/COMMISSION	CITY COUNCIL COMMITTEE
Airport Commission	Transportation Committee
	Finance Committee
Community Police Review Commission	Public Safety Committee
	Finance Committee
Cultural Heritage Board	Utility Services/Land Use/Energy Development Committee
	Development Committee
	Development Committee
	Finance Committee

1	Commission on Disabilities	Community Services & Youth Committee
2		Finance Committee
3	Board of Ethics	Governmental Affairs Committee
4		Finance Committee
5	Human Relations Commission	Mayor's Nominating and Screening Committee
6		Finance Committee
7	Human Resources Board	Governmental Affairs Committee
8		Finance Committee
9	Board of Library Trustees	Community Services & Youth Committee
10		Finance Committee
11	Mayor's Commission on Aging	Mayor's Nominating and Screening Committee
12		Finance Committee
13	Metropolitan Museum Board	Community Services & Youth Committee
14		Finance Committee
15	Park and Recreation Commission	Community Services & Youth Committee
16		Finance Committee
17	Planning Commission	Utility Services/Land Use/Energy Development Committee
18		Development Committee
19		Finance Committee
20	Board of Public Utilities	Utility Services/Land Use/Energy Development Committee
21		Finance Committee
22	Transportation Board	Transportation Committee
23		Finance Committee
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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 ad hoc committees, the City Council shall affirmatively select one of the following options:

1. Option 1: The Mayor's Nominating and Screening Committee shall review the 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. The Mayor and City Council shall interview, make the appointments and select the Chair; or

2. Option 2: By formal motion, the City Council shall authorize each member of the City Council to select a member from their Ward and the Mayor to select two at-large members. The ad hoc committee shall elect a Chair from among its members; or

3. Option 3: By formal motion, any other method of appointment as desired by the City Council.

D. Board/commission members shall make every effort to notify the Chairperson or his/her designee no later than 24 hours prior to any regular meeting of his/her intent not to attend said

1 meeting. A member's inability to provide 24 hours advance notice shall not preclude the
2 board/commission from exercising its discretion to excuse said absence as outlined in Section
3 805 of the City Charter. If a member of a board or commission absents himself/herself from
4 three consecutive regular meetings of such board or commission, unless by permission of such
5 board or commission expressed in its official minutes, or is convicted of a crime of moral
6 turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall
7 be so declared by the City Council.

8 E. The City Clerk shall provide quarterly attendance reports to the Mayor and City Council.

9 F. The City Clerk shall notify the Mayor for Citywide seats and the appropriate
10 Councilmember for Ward specific seats for direction to be taken in the event of either of the
11 following conditions: (a) a board/commission member is absent unexcused from three
12 consecutive regular meetings of the board/commission; or (b) a board/commission member is
13 absent, whether excused or unexcused, from more than one-third of the regularly scheduled
14 meetings in any calendar year.

15 XV

16 COUNCIL REQUESTS

17 A. All Council requests dealing with policy issues and those requests which may be
18 construed as direction, go through the City Manager, except for general inquiries or questions in
19 which case the City Council may go to the Department Heads or key staff in the City Manager's
20 Office. Councilmembers may also deal directly with the City Attorney, City Clerk or other staff
21 appointed by the City Council.

22 B. Any request from the City Council requiring funding must go through the City Manager.
23 The City Manager will respond in a timely manner.

24 XVI

25 ADMINISTRATION

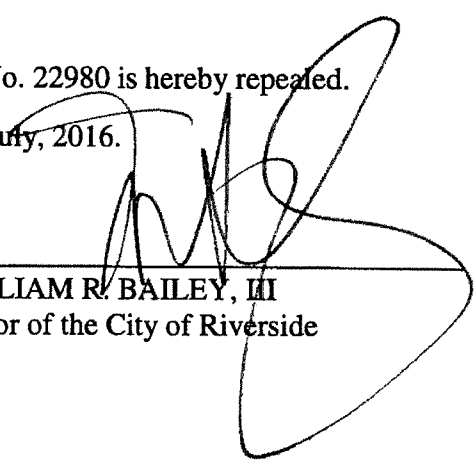
26 A. The City Council will review and revise the City Council norms and procedures as needed
27 or every two (2) years.

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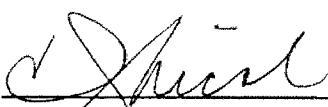
1 B. During City Council discussions, deliberations, and proceedings, the Mayor has been
2 designated with the primary responsibility to ensure that the City Council, staff and members of
3 the public adhere to the Council's norms and procedures.

4 BE IT FURTHER RESOLVED that Resolution No. 22980 is hereby repealed.

5 ADOPTED by the City Council this 26th day of July, 2016.

6
7
8 
WILLIAM R. BAILEY, III
Mayor of the City of Riverside

9 ATTEST:

10 
11 COLLEEN J. NICOL
12 City Clerk of the City of Riverside

13 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
14 foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City
15 at its meeting held on the 26th day of July, 2016, by the following vote, to wit:

16
17 Ayes: Councilmembers Gardner, Melendrez, Soubirous, Davis, Mac Arthur, Perry,
18 and Burnard

19 Noes: None

20 Absent: None

21 Abstained: None

22
23 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the
24 City of Riverside, California, this 27th day of July, 2016.

25 
26 COLLEEN J. NICOL
27 City Clerk of the City of Riverside

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16-0961