



City of Arts & Innovation

# Charter Review Committee

TO: CHARTER REVIEW COMMITTEE MEMBERS DATE: JANUARY 16, 2019

FROM: CITY CLERK WARDS: ALL

SUBJECT: CHARTER REVIEW COMMITTEE PROCESS FOR INFORMATION GATHERING, DELIBERATION, AND RECOMMENDATIONS TO THE CITY COUNCIL

## **ISSUE:**

Receive information on the Charter Review Committee process and timeline for recommendations to the City Council on proposed Charter amendments, determine meeting schedule, and develop upcoming work plan elements.

## **RECOMMENDATIONS:**

That the Charter Review Committee:

1. Receive and file the report on the Charter review process;
2. Select frequency, day, time, and place of regular meetings;
3. Direct City Clerk to schedule interviews with Mayor, City Council, Charter Officers, and others, as desired;
4. Determine community outreach efforts to be undertaken; and
5. Advise the City Attorney and City Clerk on tracking method of issues identified for further deliberation.

## **LEGISLATIVE HISTORY:**

### City Charter and State Law Provisions

Charter Section 1403 reads:

*"Sec. 1403. Charter Review Committee.*

*In February 2019, and in February every eight years thereafter, the City Council shall appoint and appropriate adequate funds for a Charter Review Committee. The Charter Review Committee shall have the power and duty to:*

*(a) Recommend to the City Council which, if any, Charter amendments should be placed on the ballot at the next regular municipal election for Mayor.*

*(b) Hold public meetings to receive input on proposed Charter amendments.*

*(c) Present a final report with its recommendations to the City Council by the last Tuesday in May preceding the next regular municipal election for Mayor. It may, in its discretion, make interim reports to the City Council.*

*The City Council shall act upon the recommendations of the Charter Review*

*Committee prior to the last day to place measures on the ballot for the next regular municipal election for Mayor.*

*The City Council may appoint Charter Review Committees more often if it desires. (Effective 10/23/2012 and 12/27/1995)”*

The City Clerk and City Attorney prepared the attached timeline for the upcoming Charter review process commencing with the City Council formation of the Charter Review Committee structure, appointment of members to a Charter Review Committee to formulate and present recommended Charter amendment ballot measures to the City Council, calling of an election, and conduct of that election on November 3, 2020. Any approved Charter amendments will become effective upon filing with the Secretary of State.

By State law, any Charter amendment that would “alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree or of any local government employee organization” must be submitted at a statewide general election, i.e., November of even-numbered years. Proposals that do not so alter can be held on alternative dates, e.g., March 2020, April 2020, or March 2021. The conflicting Charter requirement that the election, regardless of content, be conducted on the next regular municipal election for Mayor (June 2020) conflicts with and is preempted by State law provisions.

In order to not limit the scope of discussion for the Charter Review Committee, the attached timeline sets Election Day as November 3, 2020.

As the Charter Review Committee meets the definition of “Local Body” pursuant to Chapter 4.05 of the Riverside Municipal Code (Sunshine Ordinance), meetings will be open and public, audio recorded, and agendas published twelve days in advance of meetings.

## **BACKGROUND:**

### **2011/2012 Charter Review Process**

On February 18, 2011, the City Council appointed a nine-member committee and two alternates with the Committee first convening on March 14, 2011. After further review of the Committee composition, the City Council expanded the Committee from nine to fifteen members with two alternates. The City Council further required an affirmative vote of two-thirds of the Committee to forward any specific recommendation to the City Council for consideration. The City Council did not place a similar stipulation in connection with the current review. The Committee generally met once per month at 5:30 p.m. convening eight times in the Mayor’s Ceremonial Room and four times throughout the City.

### **2011/12 Deliberations**

The 2011/12 Charter Review Committee engaged in:

- Review of Committee’s charge and scope
- Brown Act training
- Code of Ethics training
- Individual interviews of Mayor and Members of the City Council
- Individual interviews of Charter Officers (City Manager, City Attorney, and City Clerk)
- Interview of Chief Financial Officer
- Twelve meetings
  - Eight at City Hall

- Four in community (presentation of scope and public comment)
  - Bobby Bonds Cesar Chavez Community Center
  - Janet Goeske Community Center
  - Orange Terrace Community Center
  - La Sierra Senior Center

The attached tools tracked ideas and final proposals to the City Council. The 2011/2012 Charter Review process concluded with a special election on June 5, 2012, where voters approved two of seven measures amending the Charter as summarized below:

MEASURE	SUBJECT	VOTE
E	Create new Charter Officer position of City Auditor appointed by City Council.	FAILED
F	Create Commission on Sustainability	FAILED
G	Move City Council run-off elections from November to August of odd-numbered years	FAILED
H	Remove authority of City Manager to approve/disapprove appointment of employees of City Clerk and City Attorney	PASSED
I	Remove oversight of parkways, shrubs, and trees in City right-of-way from Park and Recreation Commission	FAILED
J	Advertise public works bids electronically rather than in newspaper	FAILED
K	Non-substantial updates and timing of Charter Review process	PASSED

Members should also be aware that all meetings of the Charter Review Committee are open to the public and visually recorded, and agenda items must be published in accord with the City's Sunshine Ordinance, which requires public action of all agendas and written materials twelve days prior to the meeting date.

### **FISCAL IMPACT:**

Costs to convene and provide staff support to the Charter Review Committee will be absorbed by currently adopted Department budgets.

Prepared by: Colleen J. Nicol, City Clerk  
 Approved as to form: Gary G. Geuss, City Attorney

Attachments:

Riverside City Charter  
 Timeline  
 Tracking Tools