CHARTER REVIEW COMMITTEE
MONDAY, SEPTEMBER 9, 2019, 5 P.M.
MAYOR'S CEREMONIAL ROOM

MINUTES

PRESENT: Chair Clarke and Vice-Chair McQuern; Members Bristow, Miller, Evans, Clymer, Zaragoza, MacKinney, Beeman, Barnhart, Irving, Webb, and Riemer; and Alternates McKeith and Mabon

ABSENT: Members Angel and Teichert

STAFF PRESENT: Colleen Nicol, Susan Wilson, Elliot Min, Nancy Aguilar-Crunk, Al Zelinka, Edward Enriquez, Adolfo Cruz, and Liz Pinney-Muglia

GUESTS: Mayor Bailey and former Mayor Loveridge

Chair Clarke convened the Charter Review Committee at 5 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE
There was no one present wishing to address the Committee.

APPROVAL OF MINUTES
Following discussion, it was moved by Member Evans and seconded by Member Irving to approve the minutes of the meeting of August 12, 2019, as presented. Motion carried unanimously.

INTERVIEW WITH MAYOR BAILEY
After announcing he will not seek a third term, Mayor Bailey presented his views on what will be important to Riverside in 2020, what a Charter is and does, an assessment of the current Charter as needing improvement to address structural inconsistencies, division of like items in sections, conflicts between sections, gaps to be filled with respect to the Mayor's relationship with the City Manager, and sections where an ordinance may be more appropriate. Mayor Bailey presented his view of the current organizational structure as perceived by constituents, the working reality, application to other settings, and best practices. He explored if the current structure serves the City well and offered recommendations on the optimal structure where the Mayor has a clear visioning role with City Council and City Manager partnership and all elected officials are equals, including a Mayor vote on all matters without the veto power.

Mayor Bailey stated that the veto is a stronger tool for checks and balances. For Mayor accountability, the vote is the stronger tool.

Member Barnhart explained Pasadena's model with a Citywide elected Mayor creating a citywide vision, suggests that the City Manager's budget be presented through the Mayor, and shared reluctance to remove the veto power. Mayor Bailey suggesting granting the Mayor a vote on the budget as the veto power does not apply there and review alone is not sufficient.

Vice-Chair McQuern supports removing the veto power if the Mayor is granted a vote.

Member Evans supports the Charter Officers being subject to the Code of Ethics and Conduct. Mayor Bailey responded that Charter Officer accountability lies with their respective professions and the City Council that oversees them. He added that the ethics complaint tool is not effective as it may be politicized or weaponized against those officers, prospective candidates for those positions will not want to be overseen by the Board of Ethics, and adding a layer weakens existing communication and chain of command.

In response to Alternate McKeith's question, the Mayor clarified he offers no conclusion on the Mayor's voting powers, only ideas for discussion. Alternate McKeith supports an independent watchdog who would be responsible for looking into Charter Officer complaints.

Mayor Bailey stated that the fourth branch of government is the media. The City Council ultimately hears requests for restitution. He feels the ethics complaint process was weaponized against him which, for Charter Officers, could hurt careers.

Member Clymer supports a republic's checks and balances and is concerned about removal of the veto power. He further questions how the Mayor can be held accountable to the Budget if he has no say.

Mayor Bailey seeks a government that minimizes personality differences between human beings and provides clearer roles for the three branches. Personalities can create conflict when the roles are not clear. The City Manager is a critical position and a difficult job where each City Manager may view the role as administrator vs an elected viewpoint differently.

Member Webb commented that the Mayor as no official input on the Budget and inquired if the Mayor has input on the Charter Officers. He supports the Mayor having a vote on both issues which he sees mathematically the same as a veto.

Mayor Bailey sees the veto as slowing the process, allowing more input, and providing checks and balances. Mayor Bailey stated that it could also work to confer veto power to the Mayor for any decision of the City Council, including

the Charter Officers. If no veto is preferred over the Charter Officer contracts, so state in the exceptions.

Responding to Member Evans, Mayor Bailey stated that the five votes now required to adopt the budget could remain if the Mayor was granted a vote on the budget.

Chair Clarke noted the Charter provides for the Mayor as head of the City for all ceremonial purposes. He/she holds responsibility for interpreting policy and informing the people and advising the City Council. Chair Clarke feels that if an employee trivialized the Mayor's position, that person would not be honorable.

Mayor Bailey emphasized that the purpose of a legislative body is to build consensus. A policy advisor in the Mayor's Office would provide the relationship that has been lacking. The setting of a strategic plan was discussed.

Mayor Bailey recommends salaries for elected officials be tied to an outside party such as County Supervisors or Judges to keep up with the cost of living and equate to the value of the positions. Mayor Bailey stated that, by the nature of the work, elected office is full-time.

Member Beeman suggested the City Council make decisions on compensation effective for future members, not themselves.

Chair Clarke cited the duties of the Mayor as set forth in Section 405 and asked if a senior executive ignoring a citywide elected official is a flaw in the Charter or the thinking of the person who holds that position.

Mayor Bailey responded that granting the Mayor a vote would remedy that situation. He further noted that the Mayor participates in hiring and contract discussions for Charter officers, but has no vote.

INTERVIEW WITH FORMER MAYOR LOVERIDGE

Mayor Loveridge stated that Pasadena with eight voting officials is judged to be a well governed city. He feels that a City Manager not working with the Mayor is self-defeating. Mayor Loveridge reported that at least 470 California cities are the council/manager form of government where the Mayor serves as legislative leader and the City Manager as chief executive. He stated that the Riverside Mayor has the most limited powers/duties of any elected Mayor in California. The model City Charter provides that the Mayor is a voting member of the City Council, presides at meetings, represents the city in intergovernmental relationships, appoints members of boards/commissions with city council advice, presents an annual state of the city message, appoints members of Council

committees, is recognized as the ceremonial head, and represents the city as head to the Governor in emergencies, with no administrative responsibilities.

Mayor Loveridge recommends changes that enhance partnerships of the Mayor as chief legislative officer. He recommends the Mayor have a vote rather than the negative executive power of veto. He feels the Mayor should be the intergovernmental representative, appoint members of boards/commissions, and appoint members to City Council committees. Mayor Loveridge supports the Mayor voting to appoint, remove, and set compensation of Charter Officers.

Responding to members of the Committee, Mayor Loveridge stated that the power of the Mayor is to influence and persuade. He feels Ward representation on boards/commissions is not the only criteria to consider. He stated that with eight elected officials, the tie vote is the worst case scenario which would rarely occur. He feels that designating councilmembers as full time results in eight mayors and that councilmembers should set their own salary or employ a salary advisory commission. Mayor Loveridge does not support an independent person to review complaints citing auditors in other cities that did not work well. He feels the Mayor and City Council need to work together on legislative issues.

Member Bristow left the meeting at this time.

Mayor Loveridge stated that serving as a councilmember takes all your time, wanting for more, however, councilmembers can make use of full-time aides to be successful. Following discussion of the word "ceremonial" in the duties of the Mayor, Mayor Loveridge noted that the model city charter includes the ceremonial duties reference at the end of description rather than leading with it.

INTERVIEW WITH CITY MANAGER AL ZELINKA

City Manager Zelinka recommended that the Committee consider (1) amending Charter Section 601(a) and (b) to accommodate the bi-annual budget cycle without excluding the possibility of an annual budget; (2) amending Charter Section 601(e) to clarify the responsibility of the City Manager to enforce City ordinances and resolutions; (3) amend Charter Section 603 to allow the City Manager to obtain City Council approval of one or more officers or department heads to serve as manager pro tempore to allow for the timely ability to adapt to scheduling and other logistical changes; (4) amend Charter Section 704(c) to adjust the language respective to the current practice for providing meaningful quarterly financial updates; (5) amend Charter Section 809(a) through (d) to change landscape tree reporting from reporting to the Park and Recreation Commission to the City Council; (6) amend Charter Section 1101 to accommodate a bi-annual budget cycle without excluding the possibility of an annual budget; (7) amend Charter Section 1103 to accommodate a bi-annual budget cycle without excluding the possibility of an annual budget as well as

create efficiencies through the use of electronic information formats; and (8) amend Charter Section 1104 and 1111 to further clarify appropriations for capital projects.

Park and Recreation Director Adolfo Cruz clarified that the proposals with respect to trees provide that the Public Works Department and the Forestry Division would report to the City Council independently. Currently the Parks and Recreation Department does not oversee street trees. Following discussion, City Manager Zelinka stated he would draft language that captures the management of the City's urban forest in total and prioritize all recommendations.

Chief Financial Officer Edward Enriquez explained the rotation of audit partners to fulfill Charter requirements. City Manager Zelinka described current communication protocols between elected officials and staff.

LEAGUE OF WOMEN VOTERS CHARTER AMENDMENT PROPOSAL - FILLING OF MAYOR AND CITY COUNCIL VACANCIES

Following a brief discussion, it was moved by Member Barnhart and seconded by Member Beeman requesting staff to draft language in support of the League of Women Voters' recommendations regarding filling of Mayor and City Council vacancies to provide (1) appointment for vacancies of up to one year; (2) the candidate receiving the highest number of votes shall be elected, without a run-off election, even if receiving less than a majority of all votes cast; and (3) appointed officials shall not be permitted to reference "incumbent", "member of the City Council", or other designation indicating incumbency in a future election for the same seat.

The effect of special elections on turnout, infrequency of vacancies, and possibility of being elected with a small percentage of total votes cast were discussed.

Subsequently, the motion carried with Members Clymer and Irving voting no.

SETTING OF MAYOR AND CITY COUNCIL COMPENSATION

Assistant City Attorney Wilson clarified that there was an unsuccessful 2016 Charter amendment measure to set Councilmember salaries at 80% of the Mayor's salary.

Chair Clarke reviewed the recommendations in the written staff report to (1) receive and file the information regarding mayor and councilmember salaries from the five cities larger in population than Riverside, the five cities smaller in population than Riverside, and cities that are adjacent to the City of Riverside; and (2) determine recommended method for setting the salary of the City of Riverside Mayor and Members of the City Council.

Following a brief discussion, it was moved by Councilmember Barnhart and seconded by Member Clymer that the Charter Review Committee recommend no change to compensation provisions. Motion carried unanimously.

INFORMATIONAL AND RESEARCH MATERIALS

City Clerk Nicol reviewed the informational and research materials provided including the members of the public idea log; members of the committee, Mayor, City Council, and City employee ideas log; the listing of conceptual amendments approved by the Committee; and the meeting schedule and workplan.

Chair Clarke requested Committee Members bring their copy of the Charter to each meeting.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Jason Hunter spoke regarding Charter Officers being subject to the Code of Ethics and Conduct, powers of the Mayor, and that the power of the veto is stronger than the vote.

ITEMS FOR FUTURE COMMITTEE CONSIDERATION AS REQUESTED BY CHARTER REVIEW COMMITTEE MEMBERS

Member Evans requested discussion of the Mayor vote/veto at the next meeting. Chair Clarke confirmed the matter is already scheduled for the next meeting.

The meeting adjourned at 8:19 p.m.

Respectfully submitted,

COLLEEN J. NICOL
City Clerk