

2019 Charter Review Committee – Conceptual Approval List

#	Art.	Section	Title	Issues and Proposed Changes	Substantive /Non-Substantive Change	Fiscal Impact
1	IV	400(b)	Enumerated; number, term and manner of elections; wards	<p><u>Issue:</u> Language currently does not clarify that Councilmembers are elected <i>and nominated</i> by registered voters from his/her ward.</p> <p><u>Positions:</u></p> <ul style="list-style-type: none"> • Language should be clarified. <p><u>Recommendation:</u> Amend language to clarify that members of the City Council are <i>nominated and</i> elected from voters of the Ward.</p> <p><u>Proposed Language:</u> “(b) The members of the City Council shall be <i>nominated and</i> elected by wards by the registered voters of the respective wards only. [. . .]”</p> <p><u>Vote:</u> 14 Affirmative, 1 Negative (July 8, 2019)</p>	N	
2	IV	400(c)-(h)		<p><u>Issue:</u> A language change to reference consolidation of Mayor and City Council runoff elections with the “statewide general election” brings the Charter into compliance with State law and accommodates any future change in statewide general election dates. An exception is needed to allow Wards 2, 4, and 6 runoff election of November 2, 2021, to occur in an odd-number year. All City Council elections thereafter are transitioning to even-numbered years. Current paragraphs (f), (g), and (h) are outdated and proposed for deletion.</p> <p><u>Positions:</u></p> <ul style="list-style-type: none"> • Amend Charter to comply with State law. • Wait until outcome of Redondo Beach case vs. State regarding applicability of State law to charter cities. <p><u>Recommendation:</u> Amend runoff election language to comply with State law.</p>	S	

		<p><u>Proposed Language:</u></p> <p>“(c) If in an election for a member of the City Council for any ward, or for the office of Mayor, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on the first Tuesday following the first Monday of November of that same year <u>same day as the statewide election of that same year, consistent with the general election date set by the State.</u> The two candidates receiving the highest number of votes for the office in the general municipal election shall be declared the candidates for the special election.</p> <p><u>(d) Notwithstanding the paragraph above, if in the June 8, 2021, election for members of the City Council for Wards 2, 4, and 6, no candidate receives a majority of the total votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special election to be held on November 2, 2021. The two candidates receiving the highest number of votes for the office in the June 8, 2021, election shall be declared the candidates for the special election.</u></p> <p>(de) Officials elected at the general municipal election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the general municipal election. Officials elected at any other election shall take office on the second Tuesday following completion of the canvass, but in no event later than the fifth Tuesday following the election.</p> <p>(ef) The qualifications of candidates and electors and the procedure governing general municipal elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election.</p> <p>(f) Notwithstanding the above, an election shall be held on June 5, 2007, for the purpose of electing members of the City Council from Wards 1, 3, 5, and 7 for terms expiring in June 2011, or until their successors are elected and seated.</p> <p>(g) Notwithstanding the above, an election shall be held on June 2, 2009, for the purpose of electing members of the City Council from Wards 2, 4, and 6 for terms expiring June 2013, or until their successors are elected and seated.</p> <p>(h) Notwithstanding the above, an election shall be held on November 3, 2009, for the purpose of electing the Mayor for a term expiring June 2012 or until their successor is elected and seated.</p> <p><u>Vote:</u> 14 Affirmative, 1 Negative (July 8, 2019)</p>	
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3	V	500	General municipal elections	<p><u>Issue 1:</u> The California Voter Participation Act requires local elections to be consolidated with statewide elections; currently, the Charter requires election of City Council members on odd-numbered years, thus contradicting State law.</p> <p><u>Issue 2:</u> The California Voter Participation Act requires local elections to be consolidated with statewide elections; currently, the Charter requires election of the Mayor on the first Tuesday following the first Monday in June of U.S. Presidential election years, thus contradicting State law.</p> <p><u>Positions:</u></p> <ul style="list-style-type: none"> • Amend charter to comply with State law. • Wait until outcome of Redondo Beach case vs. State regarding applicability of State law to charter cities. <p><u>Recommendation:</u> Amend language to provide that City Council elections be held on the same day as statewide primary and general elections beginning in 2022, and to provide that Mayoral elections be held on the same day as statewide primary and general elections.</p> <p><u>Proposed Language:</u> <i>“On June 8, 2021, an election for Councilmembers to represent Wards 2, 4 and 6 shall be held. Said term shall be for five (5) years and until their respective successors qualify. Beginning in 2026 and thereafter, the Councilmembers’ terms shall be for four (4) years.</i></p> <p><i>Beginning in 2022, Ggeneral municipal elections for the election of the members of the City Council and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday following the first Monday in June of each odd numbered year same day as the statewide election, consistent with the primary election date set by the State.</i></p> <p><i>Beginning in 2012, gGeneral municipal elections for the election of the Mayor shall be held on the first Tuesday following the first Monday in June the same day as the statewide election, consistent with the primary election date set by the State in United States Presidential election years.”</i></p> <p><u>Vote:</u> 14 Affirmative, 1 Negative (July 8, 2019)</p>	S	
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4	XI V	1404	Charter, amending	<p>Issue: The Charter should be amended to require the City Council to submit any proposed Charter amendment to a citizen committee (e.g. Charter Review Committee) for review and recommendation prior to placing the Charter amendment on a ballot.</p> <p>Position(s):</p> <ul style="list-style-type: none"> • Requiring a citizen committee to review a Charter amendment before placement on a ballot would invite increased citizen participation. <p>Recommendation: Amend the language of Section 1404 to require the City Council to submit any proposed Charter amendment to a citizen committee (e.g. Charter Review Committee) for review and recommendation prior to placing the Charter amendment on a ballot.</p> <p>Proposed Language: “This Charter, and any of its provisions, may be amended in accordance with the Constitution and laws of the State of California. <i>The City Council must submit any proposed Charter amendment, except for those proposed by voter initiative, to a Charter Review Committee for recommendation before the City Council places the Charter amendment proposal on a ballot.</i>”</p> <p>Vote: 12 Affirmative, 2 Negative (August 12, 2019)</p>		
5	IV	404	Vacancies	<p>Issue: The Charter should be amended to require City Council vacancies with more than one year left on its term to be filled by election.</p> <p>Sub-issue 1: A special election should be called to fill vacancies in excess of one year.</p> <p>Sub-issue 2: There should not be a run-off election when filling vacancies.</p> <p>Sub-issue 3: Appointed officials should be prohibited from referencing “incumbent”, “member of the city council”, or other designation indicating incumbency in a future election for the same seat.</p> <p>Sub-issue 4: The phrase “crime of moral turpitude” should be replaced with “a crime related to duties of performing the office.”</p> <p>Position(s):</p> <ul style="list-style-type: none"> • This amendment would ensure voters are not denied their right to a duly elected City Council representative for more than one year. 	S	

- There should be run-off election so that no candidate is elected without more than 50% of the votes.

Recommendation: The Charter should be amended to require City Council vacancies with more than one year left on its term to be filled by special election, without a run-off election; and appointed officials should be prohibited from referencing “incumbent”, “member of the city council”, or other designation indicating incumbency in a future election for the same seat.

Proposed Language:

~~“A vacancy in an elective office, from whatever cause arising, except in the event of a successful recall, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.~~

If a member of the City Council or the Mayor is absent from three consecutive regular meetings of the City Council, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, the office of such person shall become vacant.

~~*Within fourteen days from notice of the vacancy, the City Council shall declare the existence of any vacancy in elected office, from whatever cause arising, except in the event of a successful recall. In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.*~~

~~*For vacancies in elected office with no more than one year remaining on the term from declaration of the vacancy, the City Council shall appoint to fill the vacancy for the remaining term within sixty days after such office shall have been declared vacant. In the event the City Council fails to fill such vacancy by appointment within sixty days after such office shall have been declared vacant, the City Council shall cause an election to be held within one hundred twenty days to fill such vacancy.*~~

~~*For vacancies in elected office with more than one year remaining on the term, the City Council shall call a special election for the purpose of filling the vacancy for the remainder of the term. Such special election shall be held within one hundred twenty days after such office shall have been declared vacant.*~~

				<p><u>If in a special election to fill a vacancy for a member of the City Council for any ward, or for the office of Mayor, no candidate receives a majority of the votes cast for the office, the City Council shall immediately upon the determination of that fact, call a special runoff election to be held within ninety days. The two candidates receiving the highest number of votes in the special election to fill the vacancy shall be declared the candidates for the special runoff election.</u></p> <p><u>If for any election called pursuant to this section, there is a local or statewide election scheduled within one hundred eighty days after such office shall have been declared vacant, the City Council shall consolidate the special election with such local or statewide election.</u></p> <p><u>Appointed officials shall not be permitted to reference “incumbent”, “member of the City Council”, “Mayor”, or other designation indicating incumbency in a Statement of Qualifications published in the sample ballot materials at the subsequent election for the same seat.</u></p> <p>Vote: 11 Affirmative, 3 Negative (October 21, 2019)</p>		
6	IV VII I XI	400(a) 400(b) 401(a) 405 413 802 805 1109	City Council and Mayor; Appointive Boards and Commissions ; Public works contracts [Mayor’s Vote]	<p>Issue: The Charter should be amended to give the Mayor a vote, change the definition of “City Council” to be seven councilmembers and the Mayor, eliminate the Mayor’s veto and tie-breaking vote, and to increase by one vote the required number of votes to set City Council compensation by ordinance, to adopt an ordinance or resolution, to adopt an emergency ordinance or resolution, to remove members from Boards and Commissions from their office, and to waive competitive bidding requirements for certain public works contracts.</p> <p>Position(s):</p> <ul style="list-style-type: none"> • The Mayor should not have a vote and should retain his veto power, which is more powerful than a vote. • Providing the Mayor a vote allows one official elected at-large to have a voice in all matters; if the Mayor is provided a vote, the Mayor’s veto and tie-breaking vote should be eliminated; furthermore, if the Mayor becomes a voting member of the City Council, then certain items within the Charter which require a super-majority vote of the Council should be accordingly increased by 1 vote. <p>Recommendation: Amend the Charter to give the Mayor a vote, change the definition of “City Council” to be seven councilmembers and the Mayor, eliminate the Mayor’s veto and tie-breaking vote, and to increase by one vote the required number of votes to set City Council compensation by ordinance, to adopt an ordinance or resolution, to adopt an emergency ordinance or resolution, to remove members</p>	S	

from Boards and Commissions from their office, and to waive competitive bidding requirements for certain public works contracts.

Proposed Language:

Sec. 400. Enumerated; number, term and manner of elections; wards.

~~The elective officers of the City shall consist of a~~ *There shall be a City Council consisting of a Mayor elected from the City at large, and seven members elected from wards, and a Mayor elected from the City at large,* at the times and in the manner provided in this Charter, who shall serve for a term of four years and until their respective successors qualify. The terms of all officials, so elected, shall be deemed to have commenced on the fifth Tuesday following the general municipal election.

The members of the City Council, *except for the Mayor,* shall be elected by wards by the registered voters of the respective wards only. One member of the City Council, *except for the Mayor,* shall be elected by each ward, and only the registered voters of each ward shall vote for the member of the City Council to be elected by that ward. In those wards where there are more than two candidates, only a candidate receiving a majority of the total votes cast for the office shall be declared elected.

[. . .]

Sec. 401. Eligibility to hold the office; member of the City Council; Mayor.

A person is not eligible to hold the office of a member of the City Council of the City of Riverside, *except for the Mayor,* unless such person is a qualified elector within the territory comprising the ward by which such person is elected or for which such person is appointed at the time of such election or appointment and continues to be a qualified elector of said ward.

If the residence of any member of the City Council, *except for the Mayor,* is changed to a place outside the boundaries of the ward from which such member was elected or for which such member was appointed, the office of such member shall become vacant. The existence of the vacancy shall be declared and filled as provided by Section 404 of this Charter.

[. . .]

Sec. 403. Compensation.

The Mayor and members of the City Council shall receive compensation for their services as such, and in addition, when on official duty, shall receive reimbursement for their necessary expenses on order of the City Council. In January of every odd-numbered year, the City Council shall review the compensation including salary and benefits, of the Mayor and members of the City Council, and shall establish any increase in compensation of the Mayor and/or the members of the City Council. No increase in salary shall exceed 5 percent of their then-existing salary. Compensation shall be fixed by ordinance, adopted by not fewer than ~~five~~^{six} affirmative votes of the City Council, after a noticed, public hearing, notice of which has been given by publication at least fourteen days prior to such hearing.

Once a level of compensation for City Council members and the Mayor is established, such level will not be permitted to change automatically by linking such compensation to internal or external factors.

Sec. 405. Duties of Mayor; Mayor Pro Tempore; Council tie—Mayor’s vote

The Mayor shall be a voting member of the City Council and the presiding officer at all meetings of the City Council ~~and shall have a voice in all its proceedings but shall not vote except to break a City Council tie vote which exists for any cause.~~ The Mayor shall be the official head of the City for all ceremonial purposes. The Mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and of informing the people of any major change in policy or program. The Mayor shall advise the City Council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter. During the months of January or February, the Mayor shall deliver a State of the City message at any location within the City that the Mayor deems appropriate at which the Mayor will present the Mayor’s programs, objectives and priorities.

The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall assume the duties of the Mayor. The Mayor Pro Tempore shall conduct the Council meetings and shall vote only as a member of the Council, not as Mayor Pro Tempore. ~~In the event of a tie vote, the Mayor Pro Tempore shall not have a tie-breaking vote and Council vote shall be recorded as a negative or “nay” vote. With regards to the veto power, the Mayor Pro Tempore shall not have the power to veto acts of the City Council.~~

~~Notwithstanding any other provisions of this Charter, when a tie vote exists for any cause, in order to break that tie, the Mayor shall have the same voting right as a member of the City Council for or against the item before City Council. The Mayor's vote shall be deemed a City Council member's vote for all purposes, including the introduction or adoption of both ordinances and resolutions.~~

Sec. 413. Adoption of ordinances and resolutions.

With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Council members present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least ~~four~~ five members of the City Council shall be required for the adoption of any ordinance or resolution.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least ~~five~~ six affirmative votes.

~~At any time before the adjournment of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, veto any formal action taken by vote of the City Council including any ordinance or resolution, except an emergency ordinance, the annual budget or an ordinance proposed by initiative petition. Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or action shall be deemed neither approved nor adopted. The Mayor shall, no more than twenty days following the veto, provide to Council members, in writing, reasons for the Mayor's veto. If the Mayor fails to provide a written veto message within the time allotted, the original action of the Council shall stand. At any regular or adjourned meeting held not less than thirty days, nor more than sixty days after veto the City Council shall reconsider such ordinance, resolution or action and vote on the question of overriding the veto. Five affirmative votes shall be~~

		<p>required for its adoption or approval. The Mayor shall have no right to veto the veto override of any ordinance, resolution or action.</p> <p>All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.</p> <p>Sec. 802. Appointments; terms.</p> <p>The members of each such board or commission shall serve at the pleasure of the Mayor and City Council and shall be nominated and appointed by the Mayor and City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. Each such board or commission shall have at least one member from each Council ward. They shall be subject to removal by the Mayor and City Council by a motion adopted by five <u>six</u> affirmative votes with the Mayor entitled to vote. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified, and may serve for not more than two consecutive full terms.</p> <p>Sec. 805. - Compensation; vacancies.</p> <p>The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.</p> <p>Any vacancies in any board or commission, from whatever cause arising, shall be filled by the Mayor and City Council with the Mayor entitled to vote on any such appointment. Upon vacancy occurring leaving an unexpired portion of a term, any appointment to fill such a vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself/herself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime of moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council. If a position on an enumerated board or commission has remained vacant for sixty days, the Mayor shall appoint a person to fill the vacancy in accordance with Section 803.</p> <p>Sec. 1109. Public works contracts.</p> <p>Every project for the construction and/or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such</p>	
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		<p>project, when the total expenditures required for the same exceed \$50,000 shall be let by the City Council or by the Board of Public Utilities pursuant to Section 1202(b), by contract to the lowest responsible bidder after notice by publication in a newspaper of general circulation within the City by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the maintenance or repair of streets, drains or sewers are excepted from the requirements of this section if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.</p> <p>All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City, or such other form of bidder's security as the City Council establishes by ordinance. Such security shall be in an amount not less than that specified in the notice inviting bids or in an amount not less than ten percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of the bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.</p> <p>The City Council or Board of Public Utilities pursuant to Section 1202(b) may reject any and all bids presented and may readvertise in its discretion.</p> <p>The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to that effect by at least five <u>six</u> affirmative votes of the City Council may proceed to have said work done or said supplies or materials purchased in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids if such work or supplies or materials shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least five <u>six</u> affirmative votes of the City Council and containing a declaration of the facts constituting such urgency.</p> <p>Projects for the construction and/or improvement of any public utility operated by the City or for the purchase of supplies or equipment for any such utility may be excepted from the requirements of this section, provided the City Council so determines by at least five <u>six</u> affirmative votes.</p>	
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