

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)	<u>Enumerated; number, term and manner of elections; wards</u>	<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 Current paragraphs (f), (g), and (h) are outdated and proposed for deletion.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><u>“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.</u></i></p> <p><i><u>Beginning in 2022, General 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.</u></i></p> <p><i><u>Beginning in 2012, General 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</u></i> United States Presidential election years.”</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><u>Issue:</u> 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><u>Position(s):</u></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><u>Recommendation:</u> 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><u>Proposed Language:</u> “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><u>Vote:</u> 12 Affirmative, 2 Negative (August 12, 2019)</p>		
5	IV	404	Vacancies	<p><u>Issue:</u> 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><u>Sub-issue 1:</u> A special election should be called to fill vacancies in excess of one year.</p> <p><u>Sub-issue 2:</u> There should not be a run-off election when filling vacancies.</p> <p><u>Sub-issue 3:</u> 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><u>Sub-issue 4:</u> The phrase “crime of moral turpitude” should be replaced with “a crime related to duties of performing the office.”</p> <p><u>Position(s):</u></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	

			<ul style="list-style-type: none"> • There should be run-off election so that no candidate is elected without more than 50% of the votes. <p><u>Recommendation:</u> 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.</p> <p><u>Proposed Language:</u></p> <p>“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.</p> <p>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.</p> <p><u>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.</u> 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.</p> <p><u>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.</u></p> <p><u>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.</u></p>		
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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><u>Issue:</u> 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><u>Position(s):</u></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><u>Recommendation:</u> 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	

			<p>from Boards and Commissions from their office, and to waive competitive bidding requirements for certain public works contracts.</p> <p><u>Proposed Language:</u></p> <p>Sec. 400. Enumerated; number, term and manner of elections; wards.</p> <p>The elective officers of the City shall consist of a <i>There shall be a</i> City Council <i>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,</i> 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.</p> <p>The members of the City Council, <i>except for the Mayor,</i> shall be elected by wards by the registered voters of the respective wards only. One member of the City Council, <i>except for the Mayor,</i> 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.</p> <p>[...]</p> <p>Sec. 401. Eligibility to hold the office; member of the City Council; Mayor.</p> <p>A person is not eligible to hold the office of a member of the City Council of the City of Riverside, <i>except for the Mayor,</i> 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.</p> <p>If the residence of any member of the City Council, <i>except for the Mayor,</i> 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.</p> <p>[...]</p> <p>Sec. 403. Compensation.</p>		
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			<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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				<u>Vote:</u> <u>101</u> Affirmative, <u>52</u> Negative (November 18 <u>October 21</u> , 2019)		
<u>7</u>	<u>XI</u>	<u>1103</u> <u>1104</u> <u>1111(b)</u> <u>)</u>	<u>[Budget]—</u> <u>Further</u> <u>consideration</u> <u>, revision and</u> <u>adoption;</u> <u>availability to</u> <u>departments,</u> <u>etc.;</u> <u>[Budget]—</u> <u>Appropriatio</u> <u>ns; transfer of</u> <u>funds;</u> <u>Capital</u> <u>projects</u> <u>funds</u>	<p><u>Issue:</u> <u>The Charter should be amended to create efficiencies through the use of electronic information formats and to reduce production costs, and to further clarify appropriations for capital projects.</u></p> <p><u>Position(s):</u></p> <ul style="list-style-type: none"> <u>• The recommended changes are administrative and procedural in nature.</u> <p><u>Recommendation:</u> <u>Amend the Charter Section 1103 to create efficiencies through the use of electronic information formats and to reduce production costs, and amend Charter Sections 1104 and 1111(b) to further clarify appropriations for capital projects.</u></p> <p><u>Proposed Language:</u></p> <p><u>Sec. 1103. Same—Further consideration, revision and adoption; availability to departments, etc.</u> <u>After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before the day preceding the start of the fiscal year, it shall adopt the budget.</u> <u>A copy of the adopted budget shall be placed, and shall remain on file, in the office of the City Clerk and copies shall be placed in all the public libraries in the City where they shall be available for public inspection, and a copy shall be placed on the City's accessible website where it is available for public inspection and for the use of departments, offices, and agencies of the City. The budget shall be reproduced and copies made available for the use of departments, offices and agencies of the City.</u></p> <p><u>Sec. 1104. Same—Appropriations; transfer of funds.</u> <u>From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices, agencies, and funds for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered, except for appropriations for City Council approved capital projects which shall continue to the completion of the capital projects unless a different rule has been established by action of the City Council.</u></p> <p><u>[...]</u></p>		

				<p><u>Sec. 1111. Capital projects funds</u></p> <p><u>[...]</u></p> <p><u>(b) –A City Council-approved capital project and funding shall remain for the established purpose and the appropriations therein shall carry over to the completion of each project, as set forth in Section 1104. When a capital project has been completed, the City Council may transfer any unexpended or unencumbered budget to any account similarly restricted.</u></p> <p><u>To the extent permitted by law, the City Council may levy and collect taxes for capital projects and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such account or accounts the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which such question is submitted.</u></p> <p><u>[...]</u></p> <p><u>Vote: 13 Affirmative, 0 Negative (January 13, 2020)</u></p>		
8	XI	1113	Independent audit	<p><u>Issue:</u> <u>Charter Section 1113 should be amended to require the City Council to publish an annual report specifying the nature of any written claims, whistle-blower complaints alleging fraud, waste, abuse, or other criminal conduct, audits and/or investigation (collective investigations) undertaken by the City, its staff or outside consultants; the outcome of those investigations; and the annual budget (including internal costs) expended to undertake the investigations.</u></p> <p><u>Position(s):</u></p> <ul style="list-style-type: none"> <u>• City Council should notify the public of internal investigations, the outcome of those investigations, and the costs of those investigations.</u> <u>• This amendment might conflict with employee confidentiality rules and laws, in some instances.</u> <u>• The words “claims”, “outcomes”, and “abuse” are vague and should be further defined.</u> <p><u>Recommendation:</u> <u>Amend Charter Section 1113 to require the City Council to publish an annual report specifying the nature of any written claims, whistle-blower complaints alleging fraud, waste, abuse, or other criminal conduct, audits and/or investigation (collective investigations) undertaken by the City, its</u></p>		

			<p><u>staff or outside consultants; the outcome of those investigations; and the annual budget (including internal costs) expended to undertake the investigations.</u></p> <p><u>Proposed Language:</u></p> <p><u>Sec. 1113. Independent audit.</u></p> <p><u>The City Council shall employ, at the beginning of each fiscal year, a qualified public accountant who shall, at such time or times as may be specified by the City Council, and at such times as such accountant shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, with copies to be placed on file in the Office of the City Clerk and on the City's accessible website where they shall be available for inspection by the general public. At least every five years, the City Council shall employ a qualified public accountant different from the qualified public accountant who submitted the immediately preceding year's audit report.</u></p> <p><u>The City Council shall on an annual basis publish a comprehensive report specifying the nature of any written claims, whistle blower complaints alleging fraud, waste, abuse, or other criminal conduct, audits and/or investigation (collective investigations) undertaken by the City, its staff or outside consultants; the outcome of those investigations; and the annual budget (including internal costs) expended to undertake the investigations.</u></p> <p><u>Vote:</u> 12 Affirmative, 1 Negative (January 13, 2020)</p>		
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