



Charter Review Committee

City of Arts & Innovation

TO: CHARTER REVIEW COMMITTEE MEMBERS DATE: February 10, 2020

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

SUBJECT: PROPOSED CITY CHARTER AMENDMENT TO REQUIRE A SUPER-MAJORITY VOTE OF THE CITY COUNCIL, AND THE BOARD OF PUBLIC UTILITIES WHEN APPLICABLE, TO APPROVE ALL CONTRACTS WITH COLLECTIVE BARGAINING UNITS, CONTRACTS WITH THE THREE CHARTER OFFICERS (CITY CLERK, CITY MANAGER, CITY ATTORNEY), CONTRACTS TO ISSUE DEBT, AND CONTRACTS WITH TERMS OVER 10 YEARS.

ISSUE:

On January 20, 2020, Committee Member Tom Evans submitted proposed language amending the City Charter to add a Section 1115 that would require a super-majority vote of the City Council, and the Riverside Board of Public Utilities when applicable, to approve all contracts with collective bargaining units, contracts with the three Charter officers (City Clerk, City Manager, City Attorney), contracts to issue debt, and contracts with terms over 10 years.

RECOMMENDATION:

That the Committee consider an amendment to the City Charter that would require a super-majority vote of the City Council, and the Board of Public Utilities when applicable, to approve all contracts with collective bargaining units, contracts with the three Charter officers (City Clerk, City Manager, City Attorney), contracts to issue debt, and contracts with terms over 10 years, and, if approved, direct staff to prepare proposed amendment and ballot measure language.

BACKGROUND:

At the January 13, 2020 Committee meeting, the Committee discussed City Charter restrictions on the power of City Council, and the Riverside Board of Public Utilities, to enter into certain contracts or to issue debt without voter approval. The staff report for that discussion is attached hereto.

During the discussion, Member Bristow moved, and Member Evans seconded, that the City Charter be amended to require a super-majority vote of the City Council, and the Board of Public Utilities when applicable, to approve all contracts with collective bargaining units, contracts with the three Charter officers (City Clerk, City Manager, City Attorney), contracts to issue debt, and

contracts with terms over 10 years. The motion failed with a vote of 7 ayes, 7 noes.

At the conclusion of the January 13, 2020 meeting, Member Evans requested that the Committee revisit this proposal due to the close vote and not all members of the Committee being present for the vote.

On January 20, 2020, Member Evans, via e-mail, proposed the following language amending the City Charter to add a new Section 1115:

All contracts for a term 10 years or more, issuance of debt, and collective bargaining agreements will require a 2/3 majority of the City Council for approval. This also applies to the Board of Public Utilities under its contracting authority.

A copy of Member Evans's e-mail is attached hereto.

In earlier meetings, the Committee asked if staff would generally advise as to any legal problems with proposed Charter amendments, as submitted by Committee Members. Staff suggests that the "2/3" vote requirement may be difficult to define (e.g., 2/3 of the total governing body? 2/3 of those present?) and that the Committee should consider requiring a fixed "5 vote" requirement instead.

FISCAL IMPACT:

None.

Prepared by: Susan Wilson, Assistant City Attorney
Elliot Min, Deputy City Attorney

Approved as to form: Gary G. Geuss, City Attorney

Attachments:

Charter Review Committee staff report re Restrictions on Power of City Council to Enter into Certain Contracts or to Issue Debt Without Voter Approval; Citizen Private Right of Action (January 13, 2020);

Member Evans's e-mailed proposed language (January 20, 2020).