



Charter Review Committee

City of Arts & Innovation

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

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

SUBJECT: DRAFT REPORT TO THE CITY COUNCIL SUMMARIZING THE CHARTER REVIEW COMMITTEE'S RECOMMENDATIONS FOR CHARTER AMENDMENTS

ISSUE: At the January 13, 2020 meeting, the Committee requested that staff prepare a report which includes each of the City Charter amendments that the Committee has conceptually approved thus far, including any arguments raised by Committee members in opposition to a proposed amendment, and the sample ballot measure language for each proposed amendment.

RECOMMENDATION: That the Committee review this receive and file this report and recommend any revisions.

BACKGROUND:

The Charter Review Committee has conceptually approved the following 8 City Charter amendments to be presented to the City Council.

At the January 13, 2020 Committee meeting, the Committee directed staff to prepare a draft report to be presented to the City Council documenting the Committee's discussions and proposals. Staff has reviewed the Committee meeting minutes and video recordings of each meeting to ensure that the following summary accurately reflects each proposal, the discussion by the Committee (including any arguments or issued raised in opposition to a proposed Charter amendment), and the vote to approve each proposal for recommendation to the City Council.

Here is the summary of the Committee action to be presented to the City Council in April of 2020:

1	Amendment to Charter Section 400(b) that would clarify that Councilmembers are "nominated and" elected by registered voters from his/her ward.
<u>Proposal:</u> On July 8, 2019, the City Clerk proposed an amendment to Charter Section 400(b) to state that members of the City Council are nominated and elected by voters in their respective Wards. The City Clerk reported that Section 400(b) has always been read and implemented to provide that nomination of candidates be by registered voters of the respective ward only. The proposed language change would reaffirm the intent and historical implementation of this Section. The proposed Charter amendment is presented in a red-line format and attached to this report.	

Issues Raised by Committee in Opposition: No opposition was noted in the minutes.

Vote: 14 ayes, 1 no (the 1 “no” vote was not against this item in particular, but against the bundle of City Clerk amendments with respect to City elections; namely, that the City should wait for the outcome of the City of Redondo Beach lawsuit against the State of California challenging SB 415’s application to charter cities, which could determine whether these amendments are necessary). (Minutes of July 8, 2019 Meeting, pg. 2-3).

Proposed Ballot Measure:

MEASURE ____

Shall the Charter of the City of Riverside be amended to clearly state that members of the City Council are “nominated and” elected by voters in their respective Wards?

2 | Amendment to Charter Sections 400(c) – (h) that would consolidate Mayor and City Council runoff elections with state law requirements.

Proposal: On July 8, 2019 the City Clerk proposed an amendment to Charter Sections 400(c) – (h) to consolidate Mayor and City Council runoff elections with the statewide general election as required by state law (SB 415, the “California Voter Participation Rights Act”), and to accommodate any future changes in statewide general election dates. The City Clerk reported that an exception is needed for Ward 2, 4, and 6 runoff elections to occur on November 2, 2021 before transitioning to the statewide general election (even-numbered years). Current subsections 400(f), 400(g), and 400(h) would be outdated and were therefore proposed for deletion. This amendment is required in order comply with state law. The proposed Charter amendment is presented in a red-line format and attached to this report.

Issues Raised by Committee in Opposition: The City should wait for the outcome of the City of Redondo Beach lawsuit against the State of California challenging SB 415’s application to charter cities, which could determine whether this amendment is necessary. (Oral Discussions at July 8, 2019 Meeting).

Vote: 14 ayes, 1 no. (Minutes of July 8, 2019 Meeting, pg. 2-3).

Proposed Ballot Measure:

MEASURE ____

Shall the Charter of the City of Riverside be amended to consolidate Mayor and City Council runoff elections with the statewide general election as required by state law, provide an exception to allow Wards 2, 4, and 6 runoff elections on November 2, 2021 before transitioning to the statewide general election, and to delete Charter subsections 400(f), 400(g), and 400(h) as obsolete?

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| 3 | Amendment to Charter Section 500 that would require elections of the Mayor to be held on the same day as statewide elections, and requiring elections of the City Council to be held on the same day as statewide elections beginning in 2022, as required by state law. |
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Proposal: On July 8, 2019, the City Clerk proposed an amendment to Charter Section 500 to change the Mayor election date to coincide with the statewide primary and general election, as required by state law (SB 415, the “California Voter Participation Rights Act”), and to change the City Council election dates, beginning in 2022, to also coincide with the statewide primary and general election, as required by state law. City Council election dates cannot coincide with statewide elections before 2022 because the terms of the current Councilmembers who were elected in 2017 do not expire until 2021. Councilmembers elected in 2021 will serve a five-year term ending in 2026, at which point the City Council election cycle can transition back to 4-year terms that begin and end on even-numbered years, as currently required by state law. The proposed Charter amendment is presented in a red-line format and attached to this report.

Issues Raised by Committee in Opposition: The City should wait for the outcome of the City of Redondo Beach lawsuit against the State of California challenging SB 415’s application to charter cities, which could determine whether this amendment is necessary. (Oral Discussions at July 8, 2019 Meeting).

Vote: 14 ayes, 1 no. (Minutes of July 8, 2019 Meeting, pg. 2-3).

Proposed Ballot Measure:

MEASURE ____

Shall the Charter of the City of Riverside be amended to consolidate Mayor elections with the statewide primary and general election as required by state law, and to consolidate City Council elections beginning in 2022 with the statewide primary and general election as required by state law?

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| 4 | Amendment to Charter Section 1404 that would require the City Council to submit any proposed City Charter amendment to the Charter Review Committee for review and recommendation prior to placing the Charter amendment on a ballot. |
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Proposal: On April 8, 2019, Committee member Tom Evans proposed an amendment to Charter Section 1404 that would require the City Council to submit any proposed City Charter amendment to the Charter Review Committee for review and recommendation prior to place that proposed amendment on a ballot.

On August 12, 2019, the Committee discussed the amendment, made modifications to Member Evans’s proposed language, and voted to approve the amendment in concept. The proposed Charter amendment is presented in a red-line format and attached to this report.

Issues Raised by Committee in Opposition: The question was raised whether, if the City

Council were required to appoint a citizen committee every time it wanted to propose a Charter amendment, Councilmembers would appoint committee members who are likely to recommend the proposal in the Council's favor. (Oral Discussions at August 12, 2019 Meeting).

Vote: 12 ayes, 2 noes (Minutes of August 12, 2019, pg. 4).

Proposed Ballot Measure:

MEASURE ____

Shall the Charter of the City of Riverside be amended to require the City Council to submit any proposed amendment to the City Charter, except those proposed by voter initiative, to a Charter Review Committee for recommendation before the City Council places the Charter amendment proposal on a ballot?

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| 5 | <p>Amendment to Charter Section 404 that would require the City Council to appoint to fill a vacancy in elected office with up to one year remaining on the term, to call a special election to fill a vacancy with over one year remaining on the term, to call a special run-off election when no candidate receives a majority of the votes cast for the vacant office, and to prohibit appointed officials from referencing “incumbent, “member of the City Council”, or other designation indicating incumbency in a future election for the same seat.</p> |
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Proposal: On March 30, 2019, the League of Women Voters Riverside proposed an amendment to Charter Section 404 that would:

- require the City Council to appoint to fill a vacancy in elected office with up to one year remaining on the term within 30 days of the office being vacated;
- prohibit any person appointed by the Council to fill a vacant office from designating him/herself as an incumbent, a member of the City Council, or other designation indicating incumbency, on any ballot or voter pamphlet of the next election for members of the City Council;
- require the City Council that fails to fill a vacancy by appointment within sixty days after such office is declared vacant to cause an election to be held forthwith to fill the vacancy;
- if the vacancy occurs with more than one year remaining on the term, require the City Council to call a special election to be held within 120 days of the vacancy, unless there is a general election scheduled to be held within 180 days of the vacancy, in which case the City Council may consolidate the special election with that general election; and
- elect the candidate receiving the greatest vote in said election to fill the vacancy (i.e., without a run-off election even when no candidate receives a majority of the vote).

On September 9, 2019, the Committee discussed the League of Women Voters' proposal. The Committee approved in concept, with a vote of 10 ayes and 2 noes, the amendment as proposed and directed staff to return with draft language. (Minutes of September 9, 2019, pg. 5).

On October 21, 2019, the Committee discussed the proposed draft language of this amendment, modified the language to eliminate potential ambiguities, and amended the proposed amendment to require the City Council to call a special run-off election to fill a vacancy

in the event no candidate receives a majority of the votes cast for the office. The proposed Charter amendment is presented in a red-line format and attached to this report.

Issues Raised by Committee in Opposition: If an elected office becomes vacant, and that vacancy is to be filled by election, the vacancy should be filled at a general, and not a special, election; to require otherwise would result in low voter turnout. (Oral Discussions at September 9, 2019 Meeting).

A special run-off election would cause increased delay and costs, and voter fatigue in the vacancy election; also, historically, voter turnout drops significantly for run-off elections. (Oral Discussions at October 21, 2019 Meeting).

Vote: 11 ayes, 3 noes (Minutes of October 21, 2019, pgs. 2-3).

Proposed Ballot Measure:

MEASURE ____

Shall the Charter of the City of Riverside be amended to require the City Council to appoint to fill a vacancy in elected office with up to one year remaining on the term, to call a special election to fill a vacancy with over one year remaining on the term, to call a special run-off election when no candidate receives a majority of the votes cast for the vacant office, and to prohibit appointed officials from referencing "incumbent, "member of the City Council", or other designation indicating incumbency in a future election for the same seat?

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| 6 | <p>Amendment to Charter Sections 400(a)-(b), 401, 405, 413, 802, 805, and 1109 that would 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 of Boards and Commissions from their office, and to waive competitive bidding requirements for certain public works contracts.</p> |
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Proposal: On October 21, 2019, the Committee discussed an amendment to Charter Sections 400(a) - (b), 401, 405, 413, 802, 805, and 1109, that would 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 of Boards and Commissions from their office, and to waive competitive bidding requirements for certain public works contracts. The Charter amendment is presented in a red-line format and attached to this report.

Issues Raised by Committee in Opposition: The current system of government (i.e., the Mayor can veto a Council decision, but cannot vote) works well; the Mayor should not be given a vote, and should keep his/her veto power; the veto is a more powerful tool for checks and

balances of Riverside's government; even if the veto power is not used frequently, the threat of a veto impacts City Council decisions; the Mayor has a stronger voice for the City through the veto power, not the vote; the veto power serves as a last defense against an extremely wrong decision by City Council. (Oral Discussions at October 21, 2019 Meeting).

Vote: 10 ayes, 5 noes (Minutes of October 21, 2019, pgs. 4-5).

Proposed Ballot Measure:

MEASURE ____

Shall the Charter of the City of Riverside 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 of Boards and Commissions from their office, and to waive competitive bidding requirements for certain public works contracts?

7 Amendment to Charter Sections 1103, 1104, and 1111(b) that would create efficiencies through the use of electronic information formats and to reduce production costs, and to further clarify appropriations for capital projects.

Proposal: On January 13, 2020, the City Manager proposed amendments to Charter Sections 1103, 1104, and 1111(b) that would create efficiencies through the use of electronic information formats and to reduce production costs, and to further clarify appropriations for capital projects. These changes would be administrative, procedural, and cost-saving in nature. The Charter amendment is presented in a red-line format and attached to this report.

Issues Raised by Committee in Opposition: No opposition was noted in the minutes.

Vote: 13 ayes, 0 noes (January 13, 2020).

Proposed Ballot Measure:

MEASURE ____

Shall the Charter of the City of Riverside be amended to eliminate the requirement that the adopted budget be placed in all public libraries in the City, to eliminate the requirement that the budget be reproduced and copies made available for the use of departments, offices, and agencies of the City other than on the City website, and to clarify that "City Council approved" capital projects "and funding" shall be exempt from lapsing at the end of each fiscal year?

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| 8 | Amendment to Charter Section 1113 that would require the City Council to publish an annual report specifying the nature of any material 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. |
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Proposal: On July 8, 2019, Members Mckeith (Alternate), Beeman, Bristow, Clymer, and Barnhart formed a subcommittee to discuss, among other issues, whether the City Charter should be amended to require a City Inspector General. (Minutes of July 8, 2019, pgs. 4-5).

On December 9, 2019, Committee Alternate Mckeith, on behalf of the subcommittee, provided an update that the subcommittee was discussing a City Charter amendment that would require the City Council to appoint an independent auditor (i.e. Inspector General) who shall report the results of internal investigations to the City Council and public at least annually. Member Mckeith noted that the subcommittee was split as to whether this independent auditor should be an appointed or elected position. The Committee moved unanimously to have the Inspector General issue agendaized for the next meeting and directed staff to return with informational material in support thereof. (Minutes of December 9, 2019, pg. 6-7).

On January 13, 2020, staff returned with the requested informational material and recommended that the Committee determine whether to propose a ballot amendment for an Inspector General. Member McQuern moved to not amend the Charter to include an Inspector General, and Member Webb seconded the motion. Committee discussion followed with members supporting the motion, and others dissenting.

Alternate Mckeith proposed language amending Charter Section 1113 that would require the City Council to publish an annual report specifying the nature of any material 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. Alternate Mckeith noted that this amendment would not create an Inspector General position. Member Beeman made a substitute motion to adopt Alternate Mckeith's proposed language with slight modifications to the proposed language; Member Miller seconded the motion.

The Committee discussed the proposal, made further modifications to the proposed language, and conceptually approved the amendment. The proposed Charter amendment is presented in a red-line format and attached to this report.

Issues Raised by Committee in Opposition: This amendment could potentially conflict with employee confidentiality and privacy rules and laws, in some instances; furthermore, the word "claims" is overbroad and should be further defined. (Oral Discussions at January 13, 2020 Meeting).

Vote: 12 ayes, 1 noes (January 13, 2020).

Proposed Ballot Measure:

MEASURE ____

Shall the Charter of the City of Riverside 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?

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 § 400(b) Proposed Amendment Red-line
Charter §§ 400(c)-(h) Proposed Amendment Red-line
Charter § 500 Proposed Amendment Red-line
Charter § 1404 Proposed Amendment Red-line
Charter § 404 Proposed Amendment Red-line
Charter §§ 400(a)-(b), 401, 405, 413, 802, 805, 1109 Proposed Amendment Red-line
Charter §§ 1103, 1104, 1111(b) Proposed Amendment Red-line
Charter § 1113

Charter § 400(b) Proposed Amendment Red-line

“(b) The members of the City Council shall be nominated and elected by wards by the registered voters of the respective wards only. [. . .]”

Charter §§ 400(c)-(h) Proposed Amendment Red-line

“(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~~ same day as the statewide election of that same year, consistent with the general election date set by the State. 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.

(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.

(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.

(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.

~~(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.~~

~~(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.~~

~~(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.”~~

Charter § 500 Proposed Amendment Red-line

“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.”

*Beginning in 2022, G*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.*

~~Beginning in 2012, g~~*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* United States Presidential election years.”

Charter § 1404 Proposed Amendment Red-line

“This Charter, and any of its provisions, may be amended in accordance with the Constitution and laws of the State of California. 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.”

Charter § 404 Proposed Amendment Red-line

~~“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.~~

~~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.~~

~~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.~~

~~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.”~~

Charter §§ 400(a)-(b), 401, 405, 413, 802, 805, 1109 Proposed Amendment Red-line

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 m~~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 required for its adoption or approval. The Mayor shall have no right to veto the veto override of any ordinance, resolution or action.~~

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Sec. 802. Appointments; terms.

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 six 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.

Sec. 805. - Compensation; vacancies.

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.

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.

Sec. 1109. Public works contracts.

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 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.

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.

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.

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~~ six 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~~ six affirmative votes of the City Council and containing a declaration of the facts constituting such urgency.

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~~ six affirmative votes."

Charter §§ 1103, 1104, 1111(b) Proposed Amendment Red-line

Sec. 1103. Same—Further consideration, revision and adoption; availability to departments, etc.

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.

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.~~

Sec. 1104. Same—Appropriations; transfer of funds.

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.

[. . .]

Sec. 1111. Capital projects funds

[. . .]

(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.

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.

[. . .]

Charter § 1113 Proposed Amendment Red-line

“Sec. 1113. Independent audit.

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.

The City Council shall on an annual basis publish a comprehensive report specifying the nature of any material written complaints from community members, written claims, whistleblower 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.”