

RIVERSIDE PUBLIC UTILITIES

Board Memorandum

BOARD OF PUBLIC UTILITIES

DATE: MAY 11, 2020

ITEM NO: 7

SUBJECT: CONDUCT OF BOARDMEMBERS WHEN APPEARING OR ATTENDING NON-BOARD OF PUBLIC UTILITIES MEETINGS; TELEPHONIC PUBLIC COMMENT AT BOARD OF PUBLIC UTILITIES MEETINGS

ISSUES:

Amend the Standing Rules of the Board of Public Utilities as to the conduct of Boardmembers who appear or attend non-Board of Public Utilities meeting, as set forth in this report and consider allowing public comments by telephone at the beginning of Board of Public Utilities "virtual" board meetings, with individual comments extended to five minutes or less.

RECOMMENDATIONS:

That the Board of Public Utilities:

1. Amend the Standing Rules of the Board of Public Utilities to provide rules of conduct for Boardmembers who appear at or attend non-Board of Public Utilities meetings, as set forth in this report; and
2. Approve allowing public comments by telephone at the beginning of Board of Public Utilities "virtual" board meetings, with individual comments extended to five minutes or less, while Governor Newsome's Executive Order N-29-20 or other similar order is in effect.

BACKGROUND:

The Standing Rules are silent as to the conduct of Boardmembers at non-Board of Public Utilities meetings. The Standing Rules, Rule 5.B only provides that "The Chair or a Board designee may represent the Board on an issue before the City Council."

After discussion at the April 27, 2020, the Board directed staff to provide a revision to the Standing Rules regarding such conduct. Based upon the comments provided at the April 27th Board meeting, staff recommends that the Board consider the following new section, which is modeled after the City Council's Rules of Procedures and Order of Business:

12. ADVOCACY
 - A. Board members shall represent the official policies or positions of the Board of Public Utilities when designated as delegates for this purpose.
 - B. When representing their individual opinions and positions, Board members shall explicitly state they do not represent the Riverside Board of Public Utilities, nor will they allow the inference that they do.

- C. Board members shall be clear about representing the City or personal interests to members of other agencies.
- D. Board members can lobby or discuss with other legislators, government officials or developers issues that have been adopted by the Board of Public Utilities or are Board of Public Utilities policy; they should not represent themselves as a member of the Board of Public Utilities if it is only an individual issue.
- E. Board members shall not participate in City Council meetings or meetings of other City Board and Commission meetings for the purpose of, and to avoid perception of, influencing the outcome of said meetings.

DISCUSSION:

The novel Coronavirus (COVID-19) pandemic is an unprecedented global emergency. In response, multiple emergency declarations have been adopted in California to encourage people to stay at home.

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20. Under the Executive Order, Governor Newsom waived several requirements of the Brown Act for teleconferenced meetings of local agencies, which would enable public agencies to hold “remote” meetings, where members are not physically present at a meeting. The executive order also provides that there is no requirement to provide any physical location from which the public may attend and participate. The Executive Order provides that if a local legislative body holds a teleconferenced meeting and allows members of the public to observe and address the meeting by telephone or some other electronic means, the body has satisfied the requirements to permit members of the public to attend the meeting and offer comment. The agency must give notice of the means by which members of the public may observe the meeting and offer public comment when it gives notice of the meeting or post the agenda.

The Board’s current standing rules provide that public speakers are limited to three minutes and may provide comments during general public comment, discussion items, workshops and public hearings.

Staff proposes that while Executive Order N-29-20 or other similar order is in effect, that public comments be allowed by telephone at the beginning of Board of Public Utilities “virtual” board meetings, during the “public comment” section of the agenda, with individual comments extended to five minutes or less. This practice is similar to the practice that the City council is currently following and will protect the health and safety of people while still allowing opportunity to provide oral public comment.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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Attachments:

1. Board of Public Utilities Standing Rules
2. City Council Resolution No. 23437 (Rules of Procedure and Order of Business)