

RIVERSIDE PUBLIC UTILITIES

Board Memorandum

BOARD OF PUBLIC UTILITIES

DATE: June 22, 2020

ITEM NO: 4

SUBJECT: AMEND BOARD STANDING RULES REGARDING APPEARING OR ATTENDING NON-BOARD OF PUBLIC UTILITIES MEETINGS AND TIME AND DATE OF BOARD MEETINGS; PRECEDENCE OF MOTIONS AT BOARD MEETINGS

ISSUES:

To (1) consider amendments to Standing Rules of the Board of Public Utilities approved at May 11, 2020 Board meeting and at the December 18, 2015 Board meeting regarding appearing or attending non-Board of Public Utilities meetings and time and date of board meetings, respectively; and (2) information about precedence of motions after an initial motion has been made and seconded.

RECOMMENDATIONS:

That the Board of Public Utilities:

1. Approve amendments to Standing Rules of the Board of Public Utilities approved at May 11, 2020 Board meeting and at the December 18, 2015 Board meeting;
2. Receive and file information as to precedence of motions after an initial motion has been made and seconded.

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, Board meeting, the Board directed staff to provide a proposed revision to the Standing Rules regarding such conduct.

At the May 11, 2020, Board meeting, the Board directed staff to amend the Board Standing rules by adding a new Section 12, "Advocacy," 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.

On December 18, 2015, the RPU voted to amend the Standing Rules to change the date and time of meetings to the second and fourth Monday of each month, at 6:30 pm. The attached rules reflect that change. The Standing Rules have now been conformed to reflect that change.

DISCUSSION

Staff recommends, to avoid confusion by Board members when at non-Board meetings, that the rules be further amended as follows:

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. When appearing before another agency, government official or private party, the Board member shall clearly specify if they are representing the Board of Public Utilities or personal interests.
- ~~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.~~

The Board also requested examples of how Section 11, "Advocacy", would apply. Here are some examples:

- 1. Standing Rule 12.A: When the Board designates a specific Board member to appear at a particular meeting, such as a City Council meeting, the designated Board member shall only present policies or positions that have been approved by a majority of the Board (Rule 12A).
- 2. Standing Rule 12.B: When representing their individual opinions and positions, the Board Member shall clearly specify that they are not representing the Board. The rule does not preclude a Board member from identifying themselves as a member of the Board of Public Utilities.
- 3. Standing Rule 12.C: When appearing before another agency, government official or private party, the Board member shall clearly specify if they are representing the Board of Public Utilities or personal interests. The rule does not preclude a Board member from identifying themselves as a member of the Board of Public Utilities.

If Board members have specific scenarios and are unsure of how the rules would be applied, Board members are encouraged to contact the Board chair or the City Attorney's Office for guidance.

The Board has also requested guidance as to the precedence of motions after an initial motion has been made and seconded. The Board Standing Rules are silent as to the precedence of motions and the Board has been informal in such precedence.

Here is an excerpt from the City Council Rules of Procedure and Order of Business, as to the precedence of motions after an initial motion has been made and seconded:

3. Motion to Call for The Question (Close Debate).

The Councilmember moving any item before the City Council, including, the adoption of an ordinance or resolution, or the Mayor Pro Tem, shall have the privilege of moving to close the debate and at once to take the vote on the immediately pending question. Such a motion requires a second and is not debatable, and is not amendable, and shall require a two-thirds vote of Councilmembers present and voting for adoption. Such a motion also requires that each Councilmember be afforded at least one opportunity to speak on the item before closing the debate. The making of the motion shall not constitute a violation of Section V of these rules.

4. Motion To Postpone To A Certain Time/Day.

A motion to postpone to time certain is amendable, and is debatable as to the propriety of postponement and as to time set in the motion. The purpose of the motion is to postpone the subject under discussion to another, specified time.

5. Motion to Substitute.

A motion to substitute the motion under consideration with another motion requires a second, is not amendable and is debatable. A motion to substitute must be germane to the subject and compatible with the underlying purpose of the motion under consideration; and if passed, the substitute motion will, by its own action, eliminate the necessity to vote on the motion being substituted. If the substitute motion fails to pass, debate will resume on the motion previously being contested. Only two substitute motions shall be on the floor at any time.

6. Motion to Amend.

A motion to amend the motion under consideration requires a second, but the proposed amendment must be germane, or related, to the main motion, and is debatable. A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, or striking out and inserting words within the main motion. The proposed amendment is voted on first, and if adopted, there is a vote on the main motion as amended. If the motion fails, debate will resume on the main motion.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended actions in this report.

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Attachments:

1. Board of Public Utilities Standing Rules, redlined with changes approved at December 18, 2015 and May 11, 2020 Board meetings
2. December 18, 2015 Board of Public Utilities Report
3. Minutes of December 18, 2015 Board of Public Utilities
4. City Council Resolution No. 23559 (Rules of Procedure and Order of Business)