ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING SECTIONS 2.78.110, 3.18.030, 5.15.145, 5.28.050, 5.32.120, 5.40.185, 5.52.050, 5.66.010, 5.66,060, 6.04.055, 9.20.200, 9.20.220, 9.40.120, 9.42.080, 16.32.170 AND 20.50.010 OF THE RIVERSIDE MUNICIPAL CODE TO CHANGE THE COUNCIL COMMITTEE NAMES.

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 2.78.110 of the Riverside Municipal Code is hereby amended as follows:

"A. Prior to the end of July of each year, the boards and commissions shall agendize and discuss at a regular meeting this Code of Ethics and Conduct and submit to the Board of Ethics any recommendations for the Board's consideration.

B. Prior to the end of August of each year, the Board of Ethics shall agendize and discuss at a regular meeting the effectiveness of this Code of Ethics and Conduct, recommendations of the other boards and commissions, and submit to the Inclusiveness, Community Engagement, and Governmental Processes Committee its recommendations.

C. Prior to the end of September of each year, the Inclusiveness, Community Engagement, and Governmental Processes Committee shall agendize and discuss at a regular meeting the effectiveness of this Code of Ethics and Conduct and the recommendations of the Board of Ethics and other boards and commissions, and instruct the City Manager to present a report to the City Council for its discussion and consideration.

D. Prior to the end of each year, the Chairperson of the Inclusiveness, Community Engagement, and Governmental Processes Committee shall present a report to the City Council which shall include the recommendations of the Board of Ethics, the other boards and commissions, and the Inclusiveness, Community Engagement, and Governmental Processes Committee. The City Council shall hold a public hearing on its evening agenda at a regularly scheduled meeting, and shall review the report and make an independent evaluation of the effectiveness of this chapter and discuss and direct the City Attorney to make any changes to this chapter it deems appropriate."

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Section 2: Section 3.18.030(D) of the Riverside Municipal Code is hereby amended as follows:

"D. Monitor and report annually to the City's Financial Performance and Budget Committee and City Council the insurance administration, and the compliance of City departments, offices, and agencies with the internal controls; and"

Section 3: Sections 5.15.145(I) and (J) of the Riverside Municipal Code are hereby amended as follows:

"I. If the Tow Board arrives at a decision to suspend or terminate the services of an Official Police Tow Service, the decision will be forwarded as a recommendation to the Field Operations Captain.

1. If the Field Operations Captain concurs with the decision to suspend an Official Police Tow Service, the company will be notified in writing of the impending disciplinary action and the right to appeal to the Chief of Police or his designee.

2. If the Field Operations Captain concurs with the decision to terminate a contract with an Official Police Tow Service, the company will be notified in writing of the impending disciplinary action and the right to appeal to the Safety, Wellness and Youth Committee.

J. If the Official Police Tow Service exercises the right to appeal, a request for an appeal hearing must be made in writing to the Riverside Police Department Traffic Bureau Commander or designee within five business days after receiving the notice to suspend or terminate towing services.

1. Upon receiving a request for an appeal regarding a suspension, the Chief of Police will set a hearing date within ten business days. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by Official Police Tow Service in the written appeal. The Official Police Tow Service will be given written notice at least ten business days before the hearing date. This notice will include the date, time, and place of the hearing. The hearing may take place at an earlier date, if all parties agree. Within a reasonable time after the conclusion of the appeal hearing, the Chief of Police or his designee shall make a finding as to any disciplinary action

to be taken against Official Police Tow Service (other than termination) and notify Official Police Tow Service in writing of his finding. All findings of the Chief of Police are final.

2. Upon receiving a request for an appeal regarding a termination of an Official Police Tow Service contract, the Riverside Police Department will request that a hearing be conducted by the Safety, Wellness and Youth Committee at its next available public meeting. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by Official Police Tow Service in the written appeal. The Official Police Tow Service will be given written notice at least ten business days before the hearing date. This notice will include the date, time, and place of the hearing. Within a reasonable time after the conclusion of the appeal hearing, the Safety, Wellness and Youth Committee shall make any finding regarding any termination of any Official Police Tow Service Agreement and notify the Official Police Tow Service in writing of its finding. All findings of the Safety, Wellness and Youth Committee are final."

Section 4: Section 5.28.050 of the Riverside Municipal Code is hereby amended as follows:

"An applicant may appeal a decision of the Chief of Police to deny an application. The appeal shall be heard by the Safety, Wellness and Youth Committee of the City Council. The City Attorney or designated representative shall be present at all appeal hearings. A notice of appeal must be filed by the applicant with the City Clerk within 30 days after being notified of the final determination of the Chief of Police by personal service or by certified mail. Such appeal shall be accompanied by a fee in an amount as set from time to time by resolution of the City Council."

Upon the filing of the notice of appeal, the City Clerk shall set the matter for hearing before the Safety, Wellness and Youth Committee not more than 40 days after receipt of said notice. The Committee shall hear all relevant evidence and shall render its decision within ten days after the conclusion of the hearing. The Committee may uphold, reverse or modify the decision of the Chief of Police. The decision of the Committee shall be final with no further right of appeal to the City Council."

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Section 5: Section 5.32.120 of the Riverside Municipal Code is hereby amended as follows:

"Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of any tax, interest or penalties, if any, may appeal to the Financial Performance and Budget Committee within 15 days after notice thereof by filing with the City Clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the City Clerk shall cause the matter to be set for hearing before the Financial Performance and Budget Committee within 30 days from the date of receipt of such notice of appeal, giving the appellant not less than ten days' notice in writing of the time and place of hearing. The findings and determination of the Financial Performance and Budget Committee at such hearing shall be final and conclusive, and within three days after such findings and determination are made, the City Clerk shall give notice thereof to the appellant."

Section 6: Section 5.40.185 of the Riverside Municipal Code is hereby amended as follows:

"Any applicant under this chapter who has been denied a driver's permit or any driver's permit holder who has had his or her permit revoked may, within 15 days of notification of the denial or revocation of such permit, file an appeal in writing with the City Clerk. The applicant shall set forth in writing the grounds for the appeal. Upon filing of the appeal, the City Clerk shall set the matter for hearing before the City Council's Safety, Wellness and Youth Committee, which hearing shall be within 60 days after receipt of said notice of appeal. The City Clerk shall give notice of the time set at least five days before the date of such hearing to the applicant or driver's permit holder, by mail, at the address set out in such application or permit. At the time set for hearing of such appeal, the Safety, Wellness and Youth Committee shall receive from the Chief of Police and the applicant or driver's permit holder information regarding the denial or revocation and appeal. The Safety, Wellness and Youth Committee shall make a determination whether to uphold or reverse the denial or revocation within ten days after the date of said hearing. The determination of the Safety, Wellness and Youth Committee shall be the final determination of the matter."

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Section 7: Section 5.52.050(B) of the Riverside Municipal Code is hereby amended as follows:

"B. Denial of a massage establishment permit shall be given to the applicant in writing and shall specify the grounds for such denial. Notice of the denial shall be deemed to have been served upon personal service or when deposited in the United States Mail with postage prepaid and addressed to the applicant at the address listed on the application. Such refusal to issue a permit may be appealed to the City Council's Safety, Wellness and Youth Committee."

Section 8: Section 5.66.010 of the Riverside Municipal Code is hereby amended as follows:

"**Definitions.**

. . .

City means the City Council of the City.

Committee means the City Council's Safety, Wellness and Youth Committee.

Consumer price index means the price index as set by the United States Bureau of Labor Statistics.

. . ."

Section 9: Section 5.66.060(D) of the Riverside Municipal Code is hereby amended as follows:

"D. Appeal. Any applicant under this chapter who has been denied a permit or who has had his, her or its permit revoked or suspended, may, within 15 days of notification of the denial or revocation or suspension of such permit, pay a nonrefundable fee as set by resolution and file an appeal in writing with the City Clerk. The applicant shall set forth in writing the grounds for the appeal. The City Clerk shall set a time not less than 30 but no more than 60 days thereafter for the hearing of the appeal before the Safety, Wellness and Youth Committee of the City Council, and shall give notice to the applicant or permit holder of the time set for hearing at least ten days before the date of such hearing, by mail, at the address set out in such application or permit. At the time set for hearing of such appeal, the Safety, Wellness and Youth Committee shall receive from the

Administrator and the applicant or permit holder information regarding the denial or revocation or suspension of the permit. The Safety, Wellness and Youth Committee shall make a determination whether to uphold or reverse the denial or revocation or suspension. The determination of the Safety, Wellness and Youth Committee shall be a final determination of the matter."

Section 10: Section 6.04.055(G) of the Riverside Municipal Code is hereby amended as follows:

"G. A denial or revocation may be appealed to the Safety, Wellness and Youth Committee of the City Council whose decision shall be final. Such appeal shall be filed with the City Clerk within ten days after the receipt of the Public Works Director's written notice of denial or revocation."

Section 11: Section 9.20.200 (F) of the Riverside Municipal Code is hereby amended as follows:

"F. Chairperson - Safety, Wellness and Youth Committee;"

Section 12: Section 9.20.220(P) of the Riverside Municipal Code is hereby amended as follows:

"P. Chairperson - Safety, Wellness and Youth Committee;"

Section 13: Section 9.40.120 of the Riverside Municipal Code is hereby amended as follows:

"**Section 9.40.120 - Appeal of denial; suspension or revocation; Administrative appeal to the Safety, Wellness and Youth Committee; expedited review of free speech claim; automatic stay of enforcement.**

A. After denial of an application for an adult-oriented business regulatory permit or an adult-oriented business performer permit, or after denial of renewal of a permit, or suspension or revocation of a permit, the applicant or person to whom the permit was granted may seek review of such administrative action by the Safety, Wellness and Youth Committee of the City of Riverside. An administrative appeal must be filed with the City Clerk within ten calendar days of a denial, suspension or revocation of a permit. The hearing before the Safety, Wellness and Youth Committee

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shall be held no less than five business days from the date of the filing of the appeal or at the next regularly scheduled meeting of the Safety, Wellness and Youth Committee. The Committee shall issue its decision within ten calendar days of the hearing. The decision of the Safety, Wellness and Youth Committee shall be final. If the denial, suspension or revocation is affirmed on review, the applicant, permittee may seek expedited judicial review of such administrative action pursuant to California Code of Civil Procedure Section 1094.8 because the permits regulate expressive conduct protected by the First Amendment to the United States Constitution. The petitioner shall be responsible for reimbursing the City for its actual costs for transcribing, copying, or otherwise preparing the administrative record.

B. There shall be an automatic stay of enforcement of a permit suspension or revocation throughout the administrative and/or judicial appeal process."

Section 14: Section 9.42.080 of the Riverside Municipal Code is hereby amended as follows:

"A notice of appeal must be deposited with the City Clerk within 30 days after denial of the application or revocation of the license has been served. Upon the filing of a notice of appeal, the revocation of a license shall remain in effect until such time as a decision has been rendered.

Upon the filing of the written notice of appeal, the City Clerk shall set the matter for hearing before the Safety, Wellness and Youth Committee, which hearing shall be within 30 days after the date of said notice. The Safety, Wellness and Youth Committee shall receive a copy of the denial or revocation notice and shall conduct a hearing to determine whether or not the license should be granted or reinstated. The scope of evidence presented to the Safety, Wellness and Youth Committee shall be limited to evidence regarding the reasons for denial or revocation. The burden of proof shall be upon the appellant/applicant.

The decision of the Safety, Wellness and Youth Committee shall be final with no right of further appeal to the City Council."

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Section 15: Section 16.32.170 of the Riverside Municipal Code is hereby amended as follows:

"Section 109 is amended to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the Safety, Wellness and Youth Committee of the City Council. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code."

Section 16: Section 20.50.010(T) of the Riverside Municipal Code is hereby amended as follows:

"T. Land Use Committee means the Land Use, Sustainability, and Resilience Committee."

Section 17: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 18: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2020.

_____
Mayor of the City of Riverside

Attest:

_____
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the _____ day of _____, 2020, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the _____day of _____, 2020, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of _____, 2020.

_____
City Clerk of the City of Riverside

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