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**RESOLUTION NO. 20750**

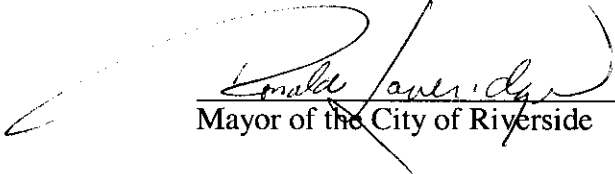
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,  
CALIFORNIA, PROPOSING AMENDMENTS TO THE CITY CHARTER.

The City Council of the City of Riverside, does hereby resolve as follows:

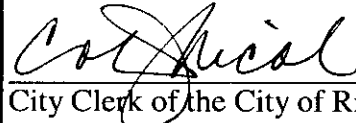
Section 1: That the City Council, pursuant to its right and authority under California law,  
proposes that the City Charter be amended as shown in attachment "A".

Section 2: By separate resolution, the City Council will call the election for this proposal to be  
presented to the electors.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 27<sup>th</sup>  
day of July, 2004.

  
\_\_\_\_\_  
Mayor of the City of Riverside

Attest:

  
\_\_\_\_\_  
City Clerk of the City of Riverside


1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of  
3 said City at its meeting held on the 27<sup>th</sup> day of July, 2004, by the following vote, to wit:

4 Ayes: Councilmembers Betro, Moore, Gage, Schiavone, Adkison, Hart, and Adams

5 Noes: None

6 Absent: None

7 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the  
8 City of Riverside, California, this 27<sup>th</sup> day of July, 2004.

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11 \_\_\_\_\_  
12 City Clerk of the City of Riverside

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## ATTACHMENT A

### Redlining Codes: ~~Deletions~~; *Additions*

#### PREAMBLE

*We, the people of the City of Riverside believe in promoting an inclusive community with shared economic, environmental and cultural prosperity, equal civil and political rights, social harmony and cohesion, and opportunities for all governed by responsible and responsive public officials who promote citizen participation, as well as just and equitable tax and financial policies; and these beliefs are rooted in our desire to enhance the uniqueness of the City of Riverside.*

We, the people of the City of Riverside, to obtain and retain for ourselves the benefits of local government, do hereby exercise the express right granted by the Constitution and statutes of the State of California and enact this Charter for the City of Riverside.

#### *Sec. 201. Access to public meetings and public records.*

*City agencies, boards, commissions, committees, officials, staff and officers, including the Mayor and members of the City Council, exist to conduct the people's business. It is fundamental that the people have full access to information, not to just what decisions have been made in their name but how those decisions were reached and how they were deliberated. The people insist on remaining informed so that they may retain control over the instruments they have created. The people do not give their agencies or public servants the right to decide what is good for the people to know and what is not good for them to know.*

*Our values lie in a government that helps its citizens in a timely way to obtain information. Our values lie in a broadening base of public participation, involvement and interest, providing new ideas and energy.*

*Our values lie not in hiding embarrassment and unpleasant occurrences. Our values lie not in preventing dissent.*

*To carry out the purposes set forth in this section, the provisions of the Ralph M. Brown Act (California Government Code Section 54950 et seq.) and the Public Records Act (California Government Code section 6250 et seq.) shall apply to the City Council, and any commission, committee, board or other body created by Charter, ordinance, resolution or formal action of the City Council, or the Mayor.*

*Special circumstances dictate that there must be exceptions to access. But those exceptions should be narrowly drawn and narrowly exercised. Public employees must be protected from unwarranted invasions of privacy while the public's right to fundamental information must be protected. Citizen right to privacy must be protected with the knowledge that involvement in government matters necessarily reduces an expectation of privacy.*

*In general, the value of access should be given a strong presumption of public benefit.*

**Sec. 202. Adoption of ethics code.**

*The City of Riverside shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation. The City Council shall adopt the Code of Ethics and Conduct by ordinance or resolution within six months of the effective date of this Charter section.*

**Sec. 403. Compensation.**

The *Mayor and* 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* Each member shall receive as compensation such amount as may be fixed by ordinance, *adopted by not fewer than five 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.

~~The Mayor shall receive compensation for services in such amount and at such stated times as shall be prescribed by ordinance.~~

~~Five affirmative votes of the City Council are necessary to establish a level of compensation for the City Council and the Mayor.~~

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*. ~~an external factor~~; every change in such compensation must be approved by five affirmative votes of the City Council.

**Sec. 405. Duties of Mayor; mayor pro tempore; council tie--mayor's vote.**

The Mayor shall be 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. *The Mayor shall appoint the chairperson to all City Council standing committees.* 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 the 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. 408. Meetings.**

The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Special meetings may be called in accordance with State law.

Meetings of City Council-appointed *and Mayoral-appointed* standing *and ad hoc* Council committees, regardless of the number of City Council members who might be on such committees, shall be open to the public and the time and place of such meetings shall be publicly announced at the City Council meetings prior to such committee meetings.

*All meetings of the City Council conducted in closed session under the Ralph M. Brown Act (California Government Code sections 54950 et. seq.) shall be audio recorded. The recording shall be confidential and shall be available for inspection only as permitted by state law. The recording shall be retained for a period of at least two years.*

#### **Sec. 411. Same--Citizen participation.**

Each citizen shall have the right, personally or through counsel, to present comments at any regular meeting of the Council, or a Council standing *or Ad Hoc* committee, or offer suggestions with respect to municipal affairs.

#### **Sec. 703. Powers and duties of City Clerk.**

The City Clerk shall have power and be required to:

(a) Be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose and attend all meetings of the City Council either in person or by deputy.

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been

published in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.

(f) Have charge of all City elections.

(g) *Facilitate and help members of the public examine and copy all appropriate public records, in accordance with the Government Code of the State of California.*

#### **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 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.

*Minors may be appointed to a youth commission or other boards or commissions if they would otherwise qualify as an elector under the Elections Code of the State of California. Minors appointed to a youth commission or other boards or commissions shall serve a term of one year and may serve for not more than two consecutive terms.*

*Except for minors appointed to a youth commission, a minor appointed to a board or commission shall serve as a preferential voting member of the board or commission but shall not be counted against the number of members established by ordinance of the City Council for each board or commission. The minor shall be seated with the members of the board or commission and shall be recognized as a full member of the board or commission at the meetings, including receiving all materials presented to the board or commission and participating in the discussion of issues. Preferential voting, as used in this section, means a formal expression of opinion that is recorded in the minutes and cast prior to the official vote of the board or commission. The non-voting or preferential voting member shall not be included in determining the vote required to carry any measure before the board or commission or affect the action taken by the board or commission.*

*Each minor member shall have the right to attend each and all meetings of the board or commission, except closed sessions. No preferential vote will be solicited on matters subject to closed session discussion.*

#### **Sec. 810. ~~Mayor and Council members salary commission:~~**

~~There shall be a Mayor and Council members salary commission which shall have the power and duty to:~~

~~— (a) In every even-numbered year, after study and public hearing and not later than ninety days before the end of the fiscal year, the commission shall make recommendations to the City Council concerning the compensation of the Mayor and members of the City Council. Such recommendations shall include salary and fringe benefits.~~

~~— (b) The commission shall consist of seven members composed, if practicable, of one business executive, one representative of a nonpartisan voter organization, one person experienced in public administration, one representative of a labor organization, one representative of an educational institute, and two other appointees.~~

~~— (c) No person shall be appointed to this commission while serving as Mayor, a member of the City Council, or employee of the City nor within two years after holding such positions.~~

~~— (d) The initial term of the members composing the initial commission shall be determined by the commission by lot so that four members shall serve a full four-year term and three members a two-year term.~~

**Sec. 810. Community police review commission.**

*There shall be a community police review commission which shall have the power and duty to:*

*(a) Advise the Mayor and City Council on all police/community relations issues.*

*(b) Conduct public outreach to educate the community on the purpose of the commission.*

*(c) Receive, and in its discretion, review and investigate citizen complaints against officers of the Riverside Police Department filed within six months of the date of the alleged misconduct in writing with the commission or any other City office as established by ordinance of the City Council.*

*(d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.*

*(e) Conduct a hearing on filed complaints or commission-initiated investigations when such hearing, in the discretion of the commission, will facilitate the fact finding process.*

*(f) Exercise the power of subpoena to require the attendance of witnesses, including persons employed by the City of Riverside, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses and to take testimony to the extent permissible by law. Subpoenas shall only be issued by the commission upon the affirmative vote of six commission members.*

*(g) Make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.*

*(h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.*

*(i) Prepare and submit an annual report to the Mayor and City Council on commission activities.*

**Sec. 1108. General obligation bonded debt limit; vote required for issuing general obligation bonds; issuance of revenue bonds, notes and other evidence of indebtedness.**

(a) The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

(b) No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. ***The City Council may by ordinance determine that the election shall be conducted as a mail-ballot election and prescribe the procedures for conducting the election.***

(c) The City Council by procedural ordinance or pursuant to State law, after a public hearing, notice of which has been given by publication at least fifteen days prior to such hearing, may issue revenue bonds, notes or other evidences of indebtedness without an election for any City purpose or purposes, and, any other provisions of this Charter notwithstanding, may make such covenants and exercise such powers as are deemed necessary in connection with the issuance and sale of such revenue bonds, notes or other evidences of indebtedness.

***(d) Before issuing general obligation bonds or revenue bonds, notes or other evidences of indebtedness, the City Council shall determine by ordinance or resolution whether such bonds, notes or other evidences of indebtedness shall be sold at public sale by notice inviting bids or by negotiated private sale.***

#### **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 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 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 affirmative votes.

#### **Sec. 1110. Cash management.**

Adequate cash shall be maintained to meet lawful demands of the City. ~~Transfer~~*Transfers* and loans may be made by the City Council from one fund to another as may be required.

#### **Sec. 1111. Capital projects funds.**

(a) Funds for capital projects are hereby created. Capital projects initiated by the City Council which only require approval by the City Council are provided for in subsection B (b). Capital projects initiated by the City Council which also require approval by the voters are provided for in subsection C(c).

(b) A City Council approved capital project fund shall remain for the established purpose and the appropriation shall carry over to the completion of the project, as set forth in Section 1104. When a capital project has been completed, the City Council may transfer any unexpended or unencumbered surplus to any fund 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 fund or funds 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.

(c) A fund for a voter approved capital project shall remain inviolate for the purpose for which it was created unless the use of such fund for other capital project purposes was authorized by the electors voting on such proposition at the general or special election at which such proposition was submitted. The majority or super-majority for passage of a voter approved capital project will depend on the enabling legislation under which it is proposed. Notwithstanding the above, the proposition approving a capital project may be amended as provided in the proposition or the enabling legislation.

#### **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, one copy thereof to be distributed to each member, one to the City Manager, controller, treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk 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.*

**Sec. 1114. Use of design-build procurement for public works projects.**

*Notwithstanding any provision to the contrary in the California Public Contracts Code, in Charter Section 1109, or any other law or regulation of the City of Riverside, the use of design-build procurement by competitive negotiation is authorized. The City Council shall establish by ordinance regulations for the award, use and evaluation of such design-build contracts, in which the design and construction of public works project are procured from a single entity.*

**Sec. 1202. Same--Powers and duties.**

The board of public utilities shall have the power and duty to:

(a) Consider the annual budget for the department of public utilities during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(b) Authorize, *and let public works contracts in compliance with Section 1109*, within the limits of the budget of the department of public utilities, any purchase of equipment, materials, supplies, *goods or services*, or any acquisition, construction, improvement, extension, enlargement, diminution, or curtailment of all or any part of any public utility system when the amount exceeds \$50,000, *and authorize the City Manager, or his designee, to execute contracts or issue purchase orders for the same*. This amount may be increased in \$1,000 increments by ordinance to account for inflation whenever the cumulative increase in the consumer price index exceeds \$2,000 from the last increase. No such purchase, or acquisition, construction, improvement, extension, enlargement, diminution or curtailment shall be made without such prior authorization.

Notwithstanding the above, such a purchase, or acquisition, construction, extension, enlargement, diminution or curtailment may be made without prior approval *(1) for work done at the request of and at the expense of a customer, pursuant to rules established by the board of public utilities and approved by the City Council, or (2)* if there is an urgent necessity to preserve life, health or property *(i)* as determined by the director of public utilities or, *(ii)* if the amount exceeds \$100,000 by the director of public utilities and the City Manager. As soon as practicable thereafter, the director of public utilities shall take the matter *under Section 1202(b)(2)* to the board of public utilities for ratification.

(c) Within the limits of the budget of the department of public utilities, make appropriations from the contingency reserve fund for capital expenditures directly related to the appropriate utility function.

(d) Require of the City Manager monthly reports of receipts and expenditures of the department of public utilities, segregated as to each separate utility, and monthly statements of the general condition of the department and its facilities.

(e) Establish rates for all utility operations as provided under Section 1200 including but not

limited to water and electrical revenue producing utilities owned, controlled or operated by the City, but subject to the approval of the City Council.

*(f) Authorize the director of public utilities to negotiate and execute contracts with individual retail customers for water, electric and any other utility service as provided under Section 1200, consistent with rates for such individualized service established pursuant to Section 1202(e).*

*(gf)* Approve or disapprove the appointment of the director of public utilities, who shall be the department head.

*(hg)* Designate its own secretary.

*(ih)* Make such reports and recommendations in writing to the City Council regarding the department of public utilities as the City Council shall deem advisable.

*(ji)* Exercise such other powers and perform such other duties as may be prescribed by ordinance not inconsistent with any of the provisions of this Charter.