

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.

Sample Ballot

E

**OFFICIAL BALLOT**  
Consolidated General Election  
**Riverside County**  
November 2, 2004

This ballot stub shall be removed and retained by the voter.

MEASURE(S) SUBMITTED TO THE VOTERS	
CITY	
CITY OF RIVERSIDE	
II	Shall the Charter of the City of Riverside be amended to add a new section 810, which would add the Community Police Review Commission to the Charter?
	Yes <input type="checkbox"/> No <input type="checkbox"/>
JJ	Shall the Charter of the City of Riverside be amended to allow the City Council (1) to conduct an election for a bonded indebtedness by a mail-ballot election; and (2) to sell such bonds, notes or other evidences of indebtedness at public sale by notice inviting bids or by negotiated private sale?
	Yes <input type="checkbox"/> No <input type="checkbox"/>
KK	Shall the Charter of the City of Riverside be amended to (1) provide that bids on public works contracts can be accompanied by such other form of bidder's security as the City Council establishes by ordinance; and (2) add a new Section 1114, entitled "Use of design-build procurement for public works projects," which would permit the award of contracts for the combined design and construction of public works projects?
	Yes <input type="checkbox"/> No <input type="checkbox"/>
LL	Shall the Charter of the City of Riverside be amended to provide that the City change its independent auditor at least every five years?
	Yes <input type="checkbox"/> No <input type="checkbox"/>
MM	Shall the Charter of the City of Riverside be amended to (1) allow the board of public utilities to award and execute contracts for construction, goods or services for the public utility; (2) allow the director of public utilities to approve work to be done at the customers' request and expense; and (3) allow the director of public utilities to negotiate and execute contracts with individual retail customers for utility services?
	Yes <input type="checkbox"/> No <input type="checkbox"/>

33-E015

TURN CARD OVER

E

I HAVE VOTED—HAVE YOU?

This page was intentionally left blank.  
Examine both sides of each card for  
voting opportunities.

39-N999

N

Sample Ballot



## IMPARTIAL ANALYSIS OF MEASURE "MM"

(City of Riverside's Board of Public Utilities)

This measure contains three proposed amendments to the City of Riverside Charter.

The first portion of this measure concerns the power of the City's Board of Public Utilities ("the Board") to award and authorize public utilities department contracts. The current Charter provides that most procurements of goods, services and construction for the public utilities department be approved by both the Board of Public Utilities and the City Council if the procurement exceeds \$50,000. If passed by a majority of voters, this measure would authorize the Board, instead of the City Council, to award contracts for public utilities public works projects, purchases of equipment, materials, supplies, goods and services, if the procurement exceeds \$50,000, and authorizes the City Manager or his designee to execute such contracts or issue purchase orders, as appropriate. The limitation on such power is that the funds for such contracts must be included in the City Council-approved budget for public utilities.

The second portion of this measure concerns work done at the request and expense of a customer of the City's Public Utilities. Current law provides that such work be approved by both the Board of Public Utilities and the City Council. If passed by a majority of voters, this measure would allow the Director of Public Utilities to authorize and execute contracts for such work. The two limitations on the director's power would be that the work must be done pursuant to rules established by the Board and approved by the City Council, and if the cost of such work exceeds \$100,000, that the City Manager must approve as well.

The third portion of this measure concerns individual contracts with public utilities department customers for water, electric and any other utility service. Current law provides that all such individualized contracts be approved by both the Board of Public Utilities and the City Council. If passed by a majority of voters, this measure would allow the Director of Public Utilities to negotiate and execute such individualized contracts for such utilities. The limitation on the director's power would be that the rate under such utility contracts would be established by the Board and approved by the City Council in accordance with existing Charter provisions.

If Measure "MM" is approved, there would be no direct fiscal impact to the City.

By: City Attorney  
City of Riverside

**The above statement is an impartial analysis of Measure "MM." If you desire a copy of the proposed Charter language, please call the City Clerk at 951-826-5557 and a copy will be mailed at no cost to you or view the full text at [www.riversideca.gov](http://www.riversideca.gov).**

## ARGUMENT IN FAVOR OF MEASURE "MM"

The City should be allowed to serve its utility customers faster than the current charter allows. Under this proposal, the City Council would still control all spending and policies.

This measure allows the utilities board to execute contracts that are within the scope of work and budget already approved by the Council. It would allow the City utilities director to approve work done at the request and expense of customers. It also would allow the director to negotiate and execute contracts with individual retail customers following rules and rates previously approved by the Council. This latter change would allow the City to attract and retain economically important institutions and companies and, if de-regulation returns, would allow the City to compete for the utility business of its biggest customers.

The current charter's requirement that all these contracts return to the council for unnecessary redundant votes delays projects for at least 30 days, if not two months.

By: Marcia McQuern

Dorothy Bailey

Sharon L. B. Tyrrell

Eric Haley

Ben Johnson, II

**NO ARGUMENT FILED AGAINST MEASURE "MM"**

