



City of Arts & Innovation

Charter Review Committee

Memorandum

TO: CHARTER REVIEW COMMITTEE

DATE: October 21, 2019

FROM: CITY ATTORNEY'S OFFICE

WARDS: ALL

SUBJECT: MAYORAL AUTHORITY

ISSUE:

Mayoral vote has been a recurring topic of Committee discussion. This report summarizes the history of City Charter revisions regarding mayoral authority from 1953 to present, and examines mayoral authority in comparable California cities.

RECOMMENDATION:

To receive and file this report and provide staff with recommendations as to any Charter revisions.

BACKGROUND:

A. History of Mayoral Authority in Riverside, 1953 – Present.

In 1953, the City of Riverside changed its form of government from “strong-mayor” to “council-manager”, significantly redefining the Mayor’s role in the City. The renewed City Charter that year stated that the Mayor did not have a vote, but could “request the reconsideration of any formal action taken by vote of the City Council . . . [with exceptions]” whereupon the Council would be required to “vote upon the same anew” not less than thirty (30) and not more than sixty (60) days after the Mayor’s request. A reconsidered item would require the same number of Councilmember votes for approval as would have been required in the absence of reconsideration.

In 1967, the City Charter was amended to provide the Mayor with a vote only for the appointment or removal of boards and commission members. Furthermore, the Charter was amended to require five (5) affirmative Councilmember votes to approve any Mayor-requested reconsidered item.

In 1969, the City Charter was amended to provide the Mayor with a vote “to break a city council tie-vote which exists for any cause”. The Mayor retained his/her vote on board and commission members, as well as the authority to request reconsideration of Council action.

In 1981, the City Charter was amended to replace the Mayor’s authority to “request reconsideration”, with the Mayor’s authority to “veto” “any formal action taken by vote of the city council . . . [with exceptions]”. This new veto authority, unlike the reconsideration authority it replaced, required the Mayor to “no more than twenty days following the veto, provide to council members, in writing, reasons for the mayor’s veto.” If the mayor failed to provide such reason in said fashion, the original council action stood. Five affirmative Councilmember votes were

required to override the Mayor's veto.

In 1995, the City Charter was amended to add the following language qualifying the Mayor's tie-vote authority:

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 adoptions of both ordinances and resolutions.

1995 was the last time the Riverside Mayor's authority was amended in the City Charter. Currently, the Riverside City Charter authorizes the Mayor to veto "any formal action taken by vote of the city council . . . [with exceptions]" (§ 413), vote to break a City Council tie-vote (§ 405), and vote to appoint and remove a board or commission member (§ 802).

To aid this Committee, a table depicting the foregoing history of Charter revisions is attached hereto as **Attachment 1**.

B. Mayor Authority in Comparable California Cities.

Riverside is the 12th most populous California city. Staff researched mayoral authority in the California cities that rank 7-11 (Long Beach, Oakland, Bakersfield, Anaheim, Santa Ana), and 13-17 (Stockton, Irvine, Chula Vista, Fremont, San Bernardino) in population, as well as 4 cities contiguous to Riverside (Moreno Valley, Corona, Jurupa Valley, Norco).

Among those cities studied, only the mayors of Long Beach, Riverside, and San Bernardino have veto authority. In San Bernardino, where the City Council seats 7 members, the Mayor can only veto Council action of less than 5 votes. The San Bernardino city charter authorizes its mayor to vote to appoint or remove the City Manager, City Attorney, and City Clerk in addition to boards and commission members. The Mayor of Long Beach does not have a tie-vote; which leaves the Mayors of Riverside and San Bernardino as the only Mayors among the foregoing cities to have both veto authority and a tie-vote.

The Mayors of Oakland and Bakersfield both have a tie-vote, but do not have veto authority.

In all cities where the mayor has a vote on all matters (i.e. votes as a councilmember votes), the mayor does not have either veto authority or a tie-vote.

To aid this Committee, a Table depicting the mayor authority in the foregoing cities is attached hereto as **Attachment 2**.

FISCAL IMPACT:

None.

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Approved as to form: Gary G. Geuss, City Attorney

Attachments: Attachment 1 – History of Riverside City Charter revisions regarding Mayor Vote and Veto, 1953 – Present

Attachment 2 – Mayor Vote and Veto Authority in Comparable California Cities.