



City of Arts & Innovation

Inclusiveness, Community Engagement & Governmental Processes Committee

**TO: INCLUSIVENESS, COMMUNITY ENGAGEMENT,
AND GOVERNMENTAL PROCESSES COMMITTEE** **DATE: JULY 7, 2021**

FROM: CITY MANAGER'S OFFICE **WARDS: ALL**

**SUBJECT: REVIEW CITY COUNCIL RULES OF PROCEDURE AND ORDER OF
BUSINESS - COUNCIL AGENDA ITEM REFERRAL PROCESS – DIRECT
SUBMITTAL**

ISSUE:

The issue for the Inclusiveness, Community Engagement, and Governmental Processes Committee is to give direction to staff relating to the existing and proposed City Council Rules of Procedure and Order of Business Council agenda item referral process as documented in Resolution 23618.

RECOMMENDATIONS:

That the Inclusiveness, Community Engagement, and Governmental Processes Committee:

1. Provide any recommendations deemed necessary to the current and/or proposed Council agenda item referral process documented in the City Council Rules of Procedure and Order of Business Resolution No. 23618; and
2. Request staff bring forth any specific language recommendations along with a corresponding resolution to the full City Council for discussion.

BACKGROUND:

The City Council referral process plays an integral role in the Riverside 2025 Strategic Plan and resulting operational work plan. The process provides a framework for City Council to create policy while aligning staff resources with strategic priorities. Decision-making systems should be periodically reviewed and adapted to reflect best practices in government transparency to effectively allocate public resources in alignment with the Riverside 2025 Strategic Plan and respective operational workplan.

The intent of Resolution No. 23618 is to establish Rules of Procedure and Order of Business for the City Council to conduct its business in an orderly and fair manner. According to Section XVI,

A – Administration, “The City Council will review and revise the City Council norms and procedures as needed or every two (2) years.”

DISCUSSION:

Five Rules of Procedure and Order of Business items have been selected for review. All items will be presented to the Inclusiveness, Community Engagement, and Governmental Process Committee (ICGC) for review and discussion with recommendations presented to City Council at a later date identified in the table below.

| Rules or Procedure and Order of Business Item | ICGC Meeting Date | Council Meeting Date |
|--|-------------------|----------------------|
| <ul style="list-style-type: none"> • Section IX, C 1- Persons Who May Place Matters on the Agenda • Section IX, D – Agenda Setting Meeting | July 7, 2021 | August 17, 2021 |
| <ul style="list-style-type: none"> • Section IX, F – Agenda Sequence and Order of Business • Section XIII, B – Referral of Matters to City Council Standing Committees • Section XIV, C – Boards, Commissions, and Committees | August 4, 2021 | September 7, 2021 |

Review Process

The review process format consists of four stages:

1. A review of current processes and practices used.
2. Identification of advantages and disadvantages to existing process.
3. Review of other cities similar processes/practices.
4. Proposed recommendations to processes/practices.

All proposed changes to City Council Rules of Procedure and Order of Business recommended by the ICGC will be presented to City Council for discussion and may result in amending Resolution No. 23618.

July 7, 2021 review Item(s) include:

Section IX, C Persons - Who May Place Matters on the Agenda

1. Except for matters pending before any committee, commission or other advisory body of the City or the City Council, matters pertinent to and within the jurisdiction of the City may be placed on the agenda by the Mayor, any Councilmember, the City Manager, City Attorney or City Clerk.

Section IX, D- Agenda Setting Meeting

5. When a City Councilmember refers an item to be placed on the agenda, a timeframe must be included. It will include the Councilmember’s name, the specific type of item requested (action vs discussion). City Council items should always be considered a priority for scheduling.

Review of Current Processes and Practices Used:

- For routine reports authored by Council (E.g., committee substitution, appointment of board/commission member)
 - Such reports can be prepared and submitted to Council and prepared by a single Council Member or charter officer.
- For non-routine City Council policy proposals or City Council Discussion items requested by individual Council Members:
 - Council members may individually author policy reports and submit directly to committee or Council as an individual rather than a body.
 - Any individual Council member can refer to a committee during “Items for future City Council consideration as requested by Mayor or Members of the City Council - City Manager/City Attorney reports” and refer to standing committee or directly to Council with a timeline.
 - Such requests can require significant staff time to prepare such reports without the majority consent of the City Council.
- City Clerk, City Attorney, and City Manager may also place matters pertinent to and within the jurisdiction of the City onto the agenda.

Identification of Advantages and Disadvantages to Existing Process:

Advantages to Current Process:

- The process is expedited.
- The process is streamlined: no paperwork or reports are required to make requests for staff to bring back an item to City Council.
- Each Councilmember has autonomy.

Disadvantages of Current Practice:

- Requests made during “Items for future City Council consideration as requested by Mayor or Members of the City Council - City Manager/City Attorney reports” are often very brief and the Council, staff and the public are not able to fully appreciate the nature and scope of the item being requested.
- Requests are often difficult to prioritize within the context of available resources and competing Council requests, especially in light of the Envision Riverside 2025 Strategic Plan priorities, goals and workplan.
- City Council should be acting as a body for items that require the expenditure of public resources.
- There are legal, budgetary, administrative, political, ethical and other reasons to understand and consider alternatives.
- Requests may not be in alignment with Priority Based Budgeting and the Envision Riverside 2025 Strategic Plan.

Review of Other Cities Similar Processes/Practices:

Survey of Cities:

A survey of thirty-six cities in California was conducted in May of 2019, which produced the following results (see attached and below):

- Three cities require City Council Members to submit a written request to a Committee for approval in order for the item to be agendized.
- Seven cities require City Council Members to submit a verbal or written request to either the City Manager, City Clerk, or Mayor (or a combination of the 3) for approval for the item to be agendized.
- Twenty-three cities require City Council Members to make a verbal request during a public meeting and need a majority vote (of the quorum) for an item to be agendized. Of the twenty-three cities that require a majority vote, the composition of the council defines the majority.
 - Nineteen cities' councils are comprised of five council members
 - Two cities' councils are comprised of seven council members
 - Bakersfield City Council is comprised of eight council members
 - San Leandro City Council is comprised of nine council members

NOTE Some cities use more than one method and therefore may have been counted twice in the summary

Proposed Recommendations to Processes/Practices:

- No change recommended for routine reports authored by Council (E.g., committee substitution, appointment of board/commission member, etc.)
- No change is recommended for City Clerk, City Attorney, and City Manager placing matters pertinent to and within the jurisdiction of the City and their Charter authorities onto the agenda.
- For non-routine City Council policy proposals or City Council Discussion items requested by individual Council Members:
 - The proposed change would require that a simple 1 - 2 page Agenda Item Referral Template be submitted onto a Council Agenda under "Items for future City Council consideration as requested by Mayor or Members of the City Council - City Manager/City Attorney reports" in lieu of the verbal process that currently takes place. (See proposed template language, below).
 - The Council as a body (Council majority) would have to approve such policy-related referrals prior to them being researched/created by staff and brought back to City Council, boards or commissions.
 - Councilmembers leading policy report requests would present their item under "Items for future City Council consideration as requested by Mayor or Members of the City Council - City Manager/City Attorney reports" for the City Council's review and consideration. Verbal requests would no longer occur.

- The changes in process/workflow are consistent with implementation of the Envision Riverside 2025 Strategic Plan priorities and a natural part of priority-based budgeting.

Proposed Agenda Item Referral Template (i.e. Agenda Report) could include:

- About the Policy or Discussion Topic Section
 - Brief description of agenda item
 - Council Members Requesting (may be more than one)
 - Specific type of item requested (action vs discussion)
 - Return to Council, Committee, Board, or Commission
 - Standing Committee substitution, if requested for this item
 - Equity considerations
 - Timeline expectation for presentation to Council, Committee, board/commission
 - Urgency level of request: (High 1-3 months/Medium 3-6 months/Low 6+months)
 - Correlates with Strategic Plan #
 - Exists in current work plan #
- Fiscal Impact Section
 - Estimated Fiscal impact if known
 - Included in adopted budget
- Authorship and Time Estimate Section
 - Proposed author
 - Staff's estimated number of hours to research, provide analysis, and prepare report
 - Estimated by

A sample of the proposed referral template (i.e. Agenda Report) is attached. Any Council referrals that pass by City Council majority will then be tracked by the City Clerk's office via the Master Calendar to ensure the items are brought back to Council after staff research is completed.

FISCAL IMPACT:

The total impact to the General Fund will vary based on the recommendations of the Committee. It is estimated there may be General Fund staff savings if Council Referrals are approved by the full Council prior to staff spending time researching and preparing policy or discussion reports.

Prepared by: Al Zelinka, City Manager

Attachments:

1. Resolution R-23618
2. Survey of Cities
3. Proposed Referral Template Sample