



City of Arts & Innovation

Charter Review Committee Memorandum

TO: CHARTER REVIEW COMMITTEE **DATE: November 17, 2021**

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

**SUBJECT: DRAFT AMENDMENT TO CITY CHARTER REGARDING MAYOR'S POWERS/
VETO**

ISSUE:

To consider whether to recommend to the City Council an amendment to the City Charter to include within the Mayor's veto power the power to veto all formal actions taken by the City Council, except an ordinance proposed by initiative petition and including but not limited to any emergency ordinance, the annual budget and any formal action taken to appoint, adjust compensation, suspend or remove any officer or employee appointed by the City Council.

RECOMMENDATION:

That the Charter Review Committee approve recommending to the City Council:

1. An amendment to the City Charter to include within the Mayor's veto power the power to veto all formal actions taken by the City Council, except an ordinance proposed by initiative petition and including but not limited to any emergency ordinance, the annual budget and any formal action taken to appoint, adjust compensation, suspend or remove any officer or employee appointed by the City Council; and
2. Placing a ballot question on a ballot for voter approval for such veto authority.

BACKGROUND:

At the April 21, 2021 Charter Review Committee meeting, the Charter Review Committee ("Committee") approved a proposed amendment to the Mayor's powers in the City Charter and directed City staff to return with proposed City Charter amendment language for the Committee's review.

On May 11, 2021, the City Council extended by six months the Committee's time to consider both the "Granting the Mayor a Vote" and "Publication of an annual report on written complaints or whistle-blower complaints . . .", and directed that those proposals should now be considered for the November 2022 ballot. The City Council granted this extension to allow this Committee to focus solely on the GFT referral in time for the July 2021 deadline. The City Council gave the Committee until December 2021 to make its final recommendation on "Granting the Mayor a Vote" to City Council. As a result of the City Council's extension, the Committee tabled the "Granting the Mayor a Vote" item until August 18, 2021.

On August 18, 2021, the Committee considered its proposed “Granting the Mayor a Vote” Charter amendment language with suggested changes and questions from City staff. Although the Committee did not formally vote on these changes, Member Goldman, chair of the subcommittee tasked with reviewing the “Granting the Mayor a Vote” item, stated that the subcommittee had decided that all references to “line item veto” would be deleted from the proposal. City staff also noted that it would insert “veto authority over charter officer contracts” to the proposed language. Discussion was had concerning the proposed fourteen days the Mayor would have to veto any formal action taken by vote of the City Council. City staff advised that the fourteen-day veto period might prove problematic since City contracts could not be acted upon for at least fourteen days following City Council approval. Member Goldman tentatively offered to amend the language to make the veto period five days instead. Finally, City staff expressed concern regarding the vagueness of the sentence including the phrase “out of town” in the proposed language. The phrases “out of town” and “returns to the City” are vague and indefinite.

At their October 20, 2021 meeting, the Charter Review Committee considered the proposed amendment and ballot question and directed Chair Benavides and Member Goldman to meet with City staff to discuss final revisions to the proposed charter amendment and ballot question. Two meetings were held, with Member Clymer also participated in the meetings.

Here is the final recommendation that was approved by Chair Benavides and Members Goldman and Clymer for consideration by the Charter Review Committee:

Charter Amendment

Sec. 405.1 Mayor’s veto.

The Mayor may veto any formal action taken by vote of the City Council including any ordinance or resolution, except an ordinance proposed by initiative petition. The Mayor’s veto authority shall include a veto over any action taken to appoint, adjust compensation, suspend or remove any officer or employee appointed by the City Council.

The Mayor shall, no more than five days following the formal action, provide to Council members, in writing, a veto with the reasons for the Mayor's veto. The City Clerk shall immediately make the written veto available to the public. Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or formal action shall be deemed neither approved nor adopted. If the Mayor fails to provide a written veto within the time allotted, the original formal action of the Council shall stand. At any regular or adjourned meeting held not less than thirty days nor more than forty-five days after the veto, the City Council shall reconsider such ordinance, resolution or formal action and vote on the question of overriding the veto. Five affirmative votes shall be required for its adoption or approval. The Mayor shall have no right to veto the veto override of any formal action.

* * *

Sec. 413. Adoption of ordinances and resolutions.

With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Council members present. In the

event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the adoption of any ordinance or resolution.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

~~At any time before the adjournment of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, veto any formal action taken by vote of the City Council including any ordinance or resolution, except an emergency ordinance, the annual budget or an ordinance proposed by initiative petition. Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or action shall be deemed neither approved nor adopted. The Mayor shall, no more than twenty days following the veto, provide to Council members, in writing, reasons for the Mayor's veto. If the Mayor fails to provide a written veto message within the time allotted, the original action of the Council shall stand. At any regular or adjourned meeting held not less than thirty days, nor more than sixty days after veto the City Council shall reconsider such ordinance, resolution or action and vote on the question of overriding the veto. Five affirmative votes shall be required for its adoption or approval. The Mayor shall have no right to veto the veto override of any ordinance, resolution or action.~~

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Proposed Ballot question

Mayor Veto Shall the measure amending the City of Riverside's Charter to amend the Mayor's power to include the power to veto, within five days, any formal action taken by the City Council, including but not limited to any emergency ordinance, the annual budget, and any formal action taken to appoint, adjust compensation, suspend or remove any officer or employee appointed by the City Council, except an ordinance proposed by citizen initiative petition, be adopted?

FISCAL IMPACT:

None.

Prepared by: Susan Wilson, Assistant City Attorney