

STANDING RULES OF THE BOARD OF PUBLIC UTILITIES OF THE CITY OF RIVERSIDE

Pursuant to Section 804 of the Riverside City Charter (“Charter”), the Board of Public Utilities hereby prescribes its standing rules, copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

1. POWERS, DUTIES AND FUNCTIONS (Charter sections 1200 through 1205)

There shall be a Board of Public Utilities (the “RPU Board”) which 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. (Charter Section 1202(a).)
- B. Authorize, and let public works contracts in compliance with Charter 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 Public Utilities General Manager or, (ii) if the amount exceeds \$100,000 by the ~~Director of Public Utilities~~ General Manager and the City Manager. As soon as practicable thereafter, the Public Utilities General Manager shall take the matter under Charter section 1202(b)(2) to the Board of Public Utilities for ratification. (Charter Section 1202(b).)

- 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. (Charter Section 1202(c).)

- 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. (Charter Section 1202(d).) This information may be conveyed by the Department of Public Utilities in any manner as directed by the Board, including (i) periodic summaries and (ii) a mid-year and annual comprehensive financial review.
- E. Establish rates for all utility operations as provided under Charter 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. (Charter Section 1202(e).)
- F. Authorize the Public Utilities General Manager to negotiate and execute contracts with individual retail customers for water, electric and any other utility service as provided under Charter section 1200, consistent with rates for such individualized service established pursuant to Charter section 1202(e). (Charter Section 202(f).)
- G. Approve or disapprove the appointment of the Public Utilities General Manager, who shall be the department head. (Charter Section 1202(g).)
- H. Designate its own secretary. (Charter Section 1202(h).)
- I. Make such reports and recommendations in writing to the City Council regarding the Department of Public Utilities as the City Council shall deem advisable. (Charter Section 1202(i).)
- J. 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. (Charter Section 1202(j).)

2. MEMBERS (RMC section 2.10.010)

- A. The RPU Board shall be comprised of nine members appointed by the Mayor and City Council. (RMC section 2.10.010, Charter section 802.)
- B. Appointments to fill unexpired terms on the Board shall be filled in the same manner as original appointments. (Charter section 805.)
- C. Each member must be a qualified elector of the City at the time of the appointment and throughout his/her service on the RPU Board. (Charter section 802.)
- D. Members who fail to maintain qualified elector status must resign from the RPU Board or be removed in accordance with Charter section 802. (Charter section 802.)

- E. The RPU Board shall have at least one member from each Council ward. (Charter section 802.)
3. TERM OF OFFICE (Charter Section 802)
- A. The term of office shall be four (4) years. No member shall serve more than two consecutive full terms. (Charter section ~~8023~~.) Service of less than one year of an unexpired term shall not be counted as service of one term. (City Council policy.)
 - B. In the event that a successor has not been appointed when the term of office of an incumbent member expires, the incumbent member may continue to serve until a successor is appointed. (Charter section 802.)
 - C. Members 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. (Charter section 802.)
 - D. Members shall be subject to all codes of ethics adopted by the City Council (~~Charter Section 202; RMC Chapter 2.78 Council Resolution 20986, "Adoption of Code of Ethics and Conduct"~~) and all applicable local, state and federal laws.
 - E. Any member may resign from the RPU Board by submitting their written resignation to the Mayor and City Council, as well as to the RPU Board Chair.
4. COMPENSATION; VACANCIES (Charter Section 805)
- A. Members shall serve without compensation for their services on the RPU Board but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council. (Charter section 805.)
 - B. The City's Code of Ethics sets forth a set of core values that constitute the guiding principles for the establishment of the code. These core values are expressed in a series of aspirations, one of which is to ensure that members of appointed boards, commissions, and committees make a diligent effort to attend all regularly scheduled meetings of their board, commission, or committee. (~~City Code of Ethics, Section II.C.9.~~) The RPU Board Chair is responsible to intervene and provide appropriate guidance to members and, if need be, communicate concerns to the City Council. (~~RMC Chapter 2.78 City Code of Ethics, Section III.A.5.~~)

- C. Any vacancies, from whatever cause arising, shall be filled by the Mayor and City Council with the Mayor entitled to vote on any such appointment. Upon vacancy occurring leaving an unexpired portion of a term, any appointment to fill such a vacancy shall be for the unexpired portion of such term. If a position on the RPU Board has remained vacant for sixty (60) days, the Mayor shall appoint a person to fill the vacancy in accordance with Charter section 803. (Charter section 803.)
 - D. If a member absents himself/herself from three consecutive regular meetings, unless by permission of the RPU Board, expressed in its official minutes, or is convicted of a crime of moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council. (Charter section 805.)
 - E. A member shall notify the Chair or the Public Utilities General Manager no later than 24 hours prior to any regular meeting of his/her intent not to attend said meeting. In the event a member fails to do so, then the absence shall be deemed unexcused. The term of any member of the RPU Board shall become vacant if he or she is absent unexcused from three of any five consecutive meetings of the RPU Board. It is the responsibility of the RPU Board Chair to notify the City Clerk's Office in writing if it becomes necessary to change a member's unexcused absence to an excused one. (City Council policy)
 - F. If a member has (i) three consecutive absences, (ii) missed three out of any five consecutive meetings; or (iii) excessive absenteeism, the Chair shall notify the City Clerk and request that the member be replaced and that the City Clerk notify the City Council of such request.
5. OFFICERS (Charter Section 804)
- A. The RPU Board shall have at least two officers, Chair (Charter section 804) and Vice-Chair, and such other officers as it deems necessary.
 - B. The Chair shall preside over all meetings of the RPU Board and shall have the same rights as other members ~~(Charter section 805)~~, including the right to make or second a motion. The Chair shall have the right to vote on all matters. The Chair shall sign all documents on behalf of the RPU Board after such documents have been approved by the RPU Board, shall appoint the membership of each ad hoc committee and the ad hoc committee chair, shall enforce these standing rules, shall serve on or appoint a member to serve on any ad hoc committees as requested by the City Council and shall perform other such duties and delegated responsibilities as may be imposed upon the Chair by the RPU Board. The Chair may also be chosen, on a random basis, to serve as a member of an adjudicating body considering a complaint from members of the public regarding elected or appointed officials that the City's Code of Ethics has been violated.

- C. In the absence of the Chair, the Vice-Chair shall assume all the duties and powers of the Chair. In the absence of the Chair, all actions taken by the Vice-Chair shall have the same force and effect as if taken by the Chair.
- D. The election of officers shall be conducted annually at the first meeting in March. (Charter section 804.)
- E. All officers shall be elected by the members for a term of one year. A member may serve no more than two successive years in the same office.
- F. Election of officers shall be conducted in the following manner:
 - 1. The outgoing chair shall call for nominations. Any member may make a nomination for officers, and such nomination does not need to be seconded by another member.
 - 2. Nominations will be closed only by motion of a member, and seconded by another member.
 - 3. The Board shall then vote for the officer by a hand vote.
 - 4. In the event of a tie, the two members that received the most votes shall have a run-off election, conducted in the same manner.
 - 5. In the event of another tie, the officer shall be selected by a coin toss.
- G. In the event of the resignation or removal of the Chair during the year, the Vice-Chair shall become the Chair and a new election shall be held for Vice-Chair. In the event of the resignation or removal of any other officer, a new election shall be held to fill the vacant office.
- H. If the Chair and Vice-Chair are both absent at any meeting of the RPU Board, the RPU Board shall elect a Chair Pro Tem which shall perform all duties of the Chair.

6. MEETINGS

- A. Regular meetings of the RPU Board shall be held on the second and fourth Mondays at 6:30 p.m. at a location as designated by the Department of Public Utilities. **Ad hoc** Committee meeting times will be **annually** determined by the committee members, at a mutually convenient time.
- B. A special meeting may be called by the Chair or any five members of the RPU Board. Members shall be given at least twenty-four hours notice before any special meeting. The notice and agenda for any special meeting will be distributed in accordance with the Brown Act, Section 54950 *et seq.* of the California Government Code.

- C. All meetings of the RPU Board ~~and its standing Committees~~ shall be open to the public. (Charter section 804.) Notice shall be given to the public prior to convening any meeting in accordance with the Brown Act.
- D. A majority of all members of the RPU Board shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at the meeting.
- E. The RPU Board meeting may be cancelled, continued or adjourned by the Chair, or the Public Utilities General Manager or his designee, due to a lack of a quorum or lack of sufficient agenda items.
- F. The RPU Board has designated the City Clerk to act as secretary for the recording of minutes of the RPU Board and for any other duties as delegated by the RPU Board. The minutes shall be kept on file in the Public Utilities Department, City Hall, and shall be available for public inspection.
- G. The RPU Board may promulgate such rules, regulations, policies and procedures for its conduct, as it deems necessary.

All adopted rules, regulations, policies, and procedures shall be promptly filed with the City Clerk (Charter section 804), and shall bear the signature of the Chair and the date they were adopted.

7. CONDUCT OF MEETINGS

A. Order of Discussion

The order of discussion after introduction of an item by the presiding Officer will be as follows:

1. Generally
 - Staff presentation, information and reports
 - Public comments
 - RPU Board members, including questions, discussion, motion and action
2. Public Hearings
 - Opening of public hearing
 - Staff presentation, information and reports
 - Public comments
 - Closure of public hearing
 - RPU Board members, including questions, discussion, motion and action

3. Appeals

- Staff presentation, information and reports
- Appellant presentation, comments and information
- Public comments
- Closing statements by appellant
- Closure of public testimony
- RPU Board members, including questions, discussion, motion and action

Once the agenda item is placed before the RPU Board for questions, discussion, motion and action, no member of the public shall be allowed to address the RPU Board without the consent of the RPU Board

B. Oral Communications from the Audience

A portion of each agenda of a regular meeting of the RPU Board shall provide an opportunity to members of the public to address the RPU Board on any issue concerning Riverside Public Utilities business, including consent calendar items. Each person desiring to address the RPU Board shall fill out and file a form with the RPU Board Secretary. Requests to be heard ~~may must~~ be submitted to the RPU Board Secretary any time prior to the conclusion of public comment on the agenda item. ~~before the scheduled meeting time. Requests will not be accepted during the meeting so as not to disrupt the meeting.~~ Each person speaking shall limit his/her remarks to three minutes. For each and every public speaker, the RPU Board Secretary shall be required to utilize the timing system which provides the speakers with notice of their remaining time to complete their presentations. In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not concede any part of their time to another speaker.

~~The RPU Board retains the right, by majority vote, to alter the time allotted for public remarks.~~

C. Time Limitation for Public Testimony at Public Hearings and Public Discussion

The RPU Board reserves the right to determine the total amount of time for testimony on any particular hearing matter and/or for each individual speaker. The RPU Chair, in his or her discretion, or the Board, by majority vote, retains the right, by majority vote, to alter the time allotted for public remarks.

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| ~~part of their time to another speaker.~~

8. COMMITTEES

- A. The RPU Board or the Board Chair may appoint an ad hoc committee as needed. Each ad hoc committee shall consist of an appointed Chairperson and at least two other RPU Board members. Ad hoc committees serve a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed.

9. APPOINTMENT TO COMMITTEES OF OUTSIDE ORGANIZATIONS

When openings arise on committees for outside organizations (including but not limited to trade organizations, government associations and other outside organizations), the RPU general manager will agendaize the item on the next scheduled board meeting. Prior to the meeting, the RPU Board will be provided an outline of the duties and responsibilities of the position and be requested to indicate their interest in serving on the committee. At the scheduled board meeting, the RPU Board will request that the City Council nominate a member.

10. REPORT TO THE CITY

The RPU Board shall present an annual report of its activities for the past year to the Mayor and City Council, at the direction of the Mayor and City Council.

11. AMENDMENT OF STANDING RULES

The standing rules may be amended at any regular meeting of the RPU Board by majority vote of the RPU Board, provided that notice of such amendment was provided in accordance with State law, the City Charter and Riverside Municipal Code.~~the Brown Act.~~

12. ADVOCACY

- A. Board members shall represent the official policies or positions of the Board of Public Utilities when designated as delegates for this purpose.
- B. When representing their individual opinions and positions, Board members shall explicitly state they do not represent the Riverside Board of Public Utilities, nor will they allow the inference that they do.
- C. Board members shall be clear about representing the City or personal interests to members of other agencies.

~~G-D.~~ Advocacy of private interests of third parties in certain circumstances prohibited. No elected official of Riverside shall appear on behalf of private interests of third parties before City Council; nor shall any appointed member of a board, commission or committee of the City of Riverside appear before their own body of the private interests of third parties, except for limited exceptions as provided for in the California Fair Political Practices Commission Regulations or otherwise by law. (Charter section 2.78.060)

Respectfully Submitted,

Board Chair

Date of Adoption