



# City Council Memorandum

*City of Arts & Innovation*

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**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: DECEMBER 9, 2014**

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

**SUBJECT: CLARIFICATION AND CONSIDERATION OF MODIFICATIONS TO RULES OF  
PROCEDURE AND ORDER OF BUSINESS – RESOLUTION NO. 22676 –  
SPECIFICALLY POLICY SECTIONS IX (C)(1), (E)(1)(F), (E)(2)(F) AND X(C)**

**ISSUE:**

The item for City Council consideration is the clarification and/or consideration of modifications to the Rules of Procedure and Order of Business for the City Council of the City of Riverside.

**RECOMMENDATIONS:**

That the City Council consider the clarification and/or consideration of modifications to the following three issues relating to Resolution No. 22676 – Rules of Procedure and Order of Business for the City Council of the City of Riverside:

1. Clarification of Section IX(C) Agenda - Procedure for Bringing Matters Before City Council (1) Persons Who May Place Matters On the Agenda;
2. Consideration of modifications to Section IX(E)(1)(F) and IX(E)(2)(F) Agenda – Agenda Sequence and Order of Business;
3. Consideration of modifications to Section X(C) Oral Communications from the Audience; and
4. Direct the City Attorney to draft a Resolution to reflect the City Council's direction.

**BACKGROUND:**

During a March 4, 2014, City Council meeting, Councilman Soubrious proposed – during future items for consideration – that the Public Comment period should be moved to the first item of business after the invocation and flag pledge. Subsequently, questions have surfaced regarding who may place matters on the City Council agenda which require clarification. In addition, the process for receiving public comment cards has been recently modified to be more in-line with Resolution 22676 Section X(C). At the City Council meeting of October 28, 2014, the City Council recommended that this issue not be forwarded to the Governmental Affairs Committee but return to the City Council in order to discuss the issue further.

Below are the sections of Resolution 22676 the City Council has indicated that they will review, discuss, and provide direction to staff regarding any modifications:

## IX. AGENDA

### Section C. Procedure for Bringing Matters Before City Council

1. **Persons Who May Place Matters on the Agenda**  
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, any Department Director, or any other person, subject to the discretion of the City Manager.

### Section E. Agenda Sequence and Order of Business

- 1f. Oral communications from the audience regarding consent calendar items or matters within the jurisdiction of the City.
- 2f. Oral communications from the audience regarding consent calendar items or matters within the jurisdiction of the City.

## X. CONDUCT OF MEETING

### Section C. Oral Communications from the Audience

A portion of each agenda of a regular meeting of the City Council shall provide an opportunity to members of the public to address the City Council on any issue concerning City business, including closed session, consent calendar items, or items of interest that is within the subject matter jurisdiction of the City. Each person desiring to address the City Council shall fill out and file a form provided by the City Clerk. Requests to be heard must be submitted to the City Clerk before the scheduled meeting time, or at any recess called by the Presiding Officer prior to the oral communication portion of the meeting. 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 (3) minutes. For each and every public speaker, the presiding officer shall be required to utilize the timing system which provides them with notice of their remaining time to complete their presentations.

The Mayor and member of the City Council may:

1. Briefly respond to statements made or questions posed by members of the public.
2. Ask questions for clarification.
3. Provide a reference to staff or other resources for factual information.
4. Request staff report back to the City Council at a subsequent meeting on any matter.
5. Take action to direct staff to place a matter on a future agenda.

The City Council retains the right, by majority vote, to alter the time allotted for remarks.

## **COMPARATIVE REVIEW:**

Staff has surveyed all fifteen municipalities in the Riverside “Market Basket” of cities similar in size and services. The “Market Basket” was originally established to compare salaries and benefits of like cities and was approved by the City Council.

The first issue relates to individual councilmembers placing items on the City Council agenda. In reviewing the 15 cities, only four cities (Long Beach, San Bernardino, Corona and Oceanside) allow individual councilmembers to place items on the agenda, attachment “A.” In twelve cities, the City Manager is final authority on managing the agenda. However, at eight of the eleven cities allow individual councilmembers to place items on the agenda if a majority of their colleagues vote affirmatively to have the item or items place on the agenda. Therefore, based on the review of this issue, the current process utilized by the Riverside is consistent with the majority of like cities. However, staff does recommend clarifying the current language to read:

### *IX. AGENDA*

#### *Section C. Procedure for Bringing Matters Before City Council*

1. ***Persons Who May Place Matters on the Agenda***  
***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 subject to the discretion of the City Manager or with a majority vote of the City Council during the “Future Items” for consideration section of the City Council agenda. Department Directors may have matters placed on the agenda subject to the discretion of the City Manager.***

The second item reviewed related to the agenda sequence and order of business. Again, staff contacted the Market Basket cities to identify their agenda sequencing of which the results are provided in attachment “B.” The majority of the cities provide for public comment, after presentations but before the consent calendar and discussion calendar. Staff does not recommend changes to the current process which allows for public comment after presentations and discussion calendar.

The third issue relates to oral communications from the audience and speaker slips. The results from the Market Basket cities is also found on attachment “B” with the majority of the cities requiring the speaker slips prior to Public Comment or the item being discussed. Four cities do allow speaker slips to be submitted until the final speaker on a specific item. Riverside’s current process is more lenient than the approved meeting rules, therefore staff recommends revising the meeting rules to be consistent with the current practice as follows:

## X. CONDUCT OF MEETING

### Section C. Oral Communications from the Audience

*A portion of each agenda of a regular meeting of the City Council shall provide an opportunity to members of the public to address the City Council on any issue concerning City business, including closed session, consent calendar items, or items of interest that is within the subject matter jurisdiction of the City. Each person desiring to address the City Council shall fill out and file a form provided by the City Clerk. Requests to be heard must be submitted to the City Clerk prior to the oral communication portion of the meeting or prior to the agenda item beginning. Each person speaking shall limit his/her remarks to three (3) minutes. For each and every public speaker, the presiding officer shall be required to utilize the timing system which provides them with notice of their remaining time to complete their presentations.*

*The Mayor and member of the City Council may:*

- 1. Briefly respond to statements made or questions posed by members of the public.*
- 2. Ask questions for clarification.*
- 3. Provide a reference to staff or other resources for factual information.*
- 4. Request staff report back to the City Council at a subsequent meeting on any matter.*
- 5. Take action to direct staff to place a matter on a future agenda.*

*The City Council retains the right, by majority vote, to alter the time allotted for remarks.*

### **FISCAL IMPACT:**

There is no fiscal impact associated with this report.

**Prepared by:** Belinda J. Graham, Assistant City Manager

Certified as to

availability of funds: Brent A. Mason, Finance Director/Treasurer

Approved by: Scott C. Barber, City Manager

Approved as to form: Cristina Talley, Interim City Attorney

Attachments:

- A. Survey of Agenda Setting Authority
- B. Survey of Public Comment