

RIVERSIDE MUNICIPAL CODE 2.78 - CODE OF ETHICS AND CONDUCT ANNUAL REVIEW

Human Relations Commission

May 22, 2025

Item No. X

PURPOSE OF THE CODE OF ETHICS AND CONDUCT

Pursuant to Riverside Municipal Code 2.78.020:

...to achieve fair, ethical, and accountable local government for the City of Riverside.

Public officials are expected to comply with the provisions of this Code of Ethics and Conduct and shall aspire to meet the standards in the conduct of their responsibility as a public official of the City of Riverside.



SCOPE

Pursuant to Riverside Municipal Code 2.78.030:

Public Officials subject to the Code:

1. Mayor
2. City Councilmembers
3. All members of appointed boards, commissions and committees appointed by City Council and/or Mayor

IMPLEMENTATION

Pursuant to Riverside Municipal Code 2.78.040:

- A. Upon election, re-election, appointment or re-appointment, public officials shall be given copy and required to affirm receipt and understanding
- B. Within 90 days of taking office, public officials shall receive training.
- C. City Attorney or designee shall serve as resource to assist public officials in understanding and abiding by the Code.

IMPLEMENTATION

- D. All bodies whose members are covered by this chapter shall adopt rules of procedure which include provisions of this Code
- E. Chair of each body is responsible to provide appropriate guidance to its members and, if needed, communicate concerns to Board of Ethics
- F. Only those who live, work, or attend school in Riverside may bring a complaint, unless alleged violation took place outside city limits and witnessed first hand.

CORE VALUES

Pursuant to Riverside Municipal Code 2.78.050:

- A. To strive to create a government that is trusted by everyone.
- B. To strive to make decisions that are unbiased, fair, and honest.
- C. To strive to ensure that everyone is treated with respect and in a just and fair manner.
- D. To strive to create a community that affirms the value of diversity.

CORE VALUES

- E. To strive to ensure that all public decisions are well informed, independent, and in the best interests of the City of Riverside.
- F. To strive to maintain a nonpartisan and civic minded local government.
- G. To strive to ensure that all public officials are adequately prepared for the duties of their office.
- H. To strive to ensure that appointed members of boards, commissions and committees attend regularly scheduled meetings.

PROHIBITED CONDUCT

Pursuant to Riverside Municipal Code 2.78.060:

- A. Use of Official Title or Position for Personal Gain Prohibited.
- B. Use or Divulgence of Confidential or Privileged Information Prohibited.
- C. Use of City Resources for Non-City Purposes Prohibited.
- D. Advocacy of Private Interests of Third Parties in Certain Circumstances Prohibited.

PROHIBITED CONDUCT

- E. Endorsements for Compensation Prohibited.
- F. Violation of Government Code Sections 87100 et seq., Prohibited.
- G. Certain Political Activity Prohibited.
- H. Display of Campaign Materials in or on City Vehicles Prohibited.

PROHIBITED CONDUCT

- I. Knowingly Assisting Another Public Official in Violating This Code of Ethics and Conduct Prohibited.
- J. Negotiation for Employment with Any Party Having a Matter Pending Prohibited.
- K. Ex Parte Contact in Quasi-Judicial Matters Prohibited.
- L. Attempts to Coerce Official Duties Prohibited.
- M. Violations of Local Law Prohibited.
- N. Convictions of Federal or State Law Affecting Their Office Prohibited.



WRITTEN COMPLAINT PROCEDURES

Pursuant to Riverside Municipal Code 2.78.070:

- A. Only alleged violations of prohibited conduct shall be grounds for a complaint.
- B. Complaints are submitted on forms available from the City Clerk.
- C. Complaints and evidence are filed with the City Clerk.
- D. Complaints must be filled out completely in accordance with this chapter.

WRITTEN COMPLAINT PROCEDURES

- E. Complaints must be filed no later than one year of alleged violation.
- F. City Clerk reviews for completeness.
- G. Any filed complaint not in compliance shall be administratively rejected by the City Clerk with the approval of the Chair of the Board of Ethics.

PRE-CONFERENCE PROCEDURES

Pursuant to Riverside Municipal Code 2.78.075:

- A. Complainants may submit one revised complaint only to add additional allegations within 30 days of the original filing.
- B. City Clerk sets matter for a pre-conference for no later than 45 City business days.
- C. City Clerk provides a copy of complaint to public official within 10 calendar days

PRE-CONFERENCE PROCEDURES

D. Board of Ethics (BOE) conducts a pre-conference prior to a hearing date set by the City Clerk. All parties are to attend the pre-conference; however, the absence of a party shall not be grounds for a continuance. The pre-conference shall be conducted as follows:

1. BOE reviews complaint to determine if it complies with all of the following to establish jurisdiction of the BOE:

- a. Complaint procedures have been followed
- b. Complaint is against a public official
- c. Complaint alleges a violation of Prohibited Conduct.
- d. Complaint does not restate violations of previous complaint



PRE-CONFERENCE PROCEDURES

2. If majority of the BOE determines that the complaint does not comply with the provisions mentioned in prior slide, the Chair states the findings of deficiency and calls for a vote of the BOE to dismiss the complaint without a hearing. The statement of findings is adopted at the next meeting and it is the final decision of the BOE.

If a majority of the BOE determines that the complaint complies with all of the provisions mentioned in prior slide, then the pre-conference proceeds.

3. The BOE shall facilitate settlement discussions between the parties by allowing the parties to confer privately to determine if a resolution can be reached. If so, then no hearing is necessary. If not, the pre-conference continues.

PRE-CONFERENCE PROCEDURES

4. The BOE reviews the submitted tangible evidence to determine if it is relevant to the issues raised in the complaint. If it determines, by majority vote, that such evidence is irrelevant, then such evidence will be deemed inadmissible at the hearing and shall be excluded.

5. The complainant may verbally present any and all evidence that will be presented at the hearing to prove allegations in the complaint. The public official has same opportunity.

6. The BOE shall determine, by majority vote, whether the complainant has shown that the evidence, if taken as true, more likely than not shows that there may be a potential violation of the prohibited conduct.

PRE-CONFERENCE PROCEDURES

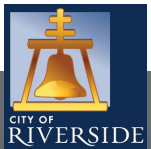
7. If it is determined by the BOE that it is more likely than not that there may be a potential violation of the prohibited conduct has occurred, then a hearing panel is selected by random draw of the BOE members to consist of five members and one alternate. The City Clerk sets a hearing date for no later than 45 City business days following the pre-conference.

8. If it is determined by the BOE that the complainant failed to show that it is more likely than not that there may be a potential violation of the prohibited conduct, the Chair of the BOE instructs the City Clerk to prepare a statement of findings for adoption at the next regular meeting of the BOE. This statement of findings is the final decision of the BOE.

HEARING PROCEDURES

Pursuant to Riverside Municipal Code 2.78.080:

- A. Public official shall file a written reply no later than 20 calendar days prior to the hearing date.
- B. City Clerk shall provide copy of written reply to complainant no later than 10 City business after receipt.
- C. Board of Ethics shall have authority to adopt hearing procedures not in conflict with this chapter.
- D. Pre-conferences and hearings on their merits are not formal judicial proceedings. Technical rules of evidence do not apply.



HEARING PROCEDURES

- E. Chair of hearing panel presides over the hearing.
- F. No new witnesses or evidence other than what was submitted may be introduced at the hearing unless hearing panel determines complainant discovered after the filing.
- G. Prior to commencement of the hearing, either party may ask for a continuance.
- H. Only one continuance of the hearing shall be granted to each party.

HEARING PROCEDURES

- I. Complainant goes first and shall have burden of proof by preponderance of the evidence.
- J. Public official proceeds second and may make an opening and closing statement, examine witnesses, evidence and introduce rebuttal evidence.
- K. Neither party shall be allowed to examine the other party; however may cross examine.
- L. Hearing panel may ask questions of the parties or witnesses.
- M. Parties may present rebuttal evidence.

HEARING PROCEDURES

- N. Upon conclusion of evidence presented, the Chair shall facilitate verbal deliberations by the hearing panel.
- O. All findings shall be approved by majority vote and panel shall direct City Clerk to prepare statement of findings or designate members to prepare statement of findings to include recommendation for sanctions. Panel must approve within 30 City business days.
- P. Within 5 City business days of approval, City Clerk notifies all parties in writing of the decision of the hearing panel and the appeal procedures.

HEARING PROCEDURES

- Q. No member of the Board of Ethics who is the complainant of subject of the complaint shall sit as a member of the hearing panel.
- R. Neither the complainant, not the public official against whom the complaint is filed, shall be represented at the hearing by an attorney. Although an attorney may be present and consulted at the hearing, the attorney shall not address the hearing panel or participate in any aspect of the hearing.

APPEAL PROCEDURES

Pursuant to Riverside Municipal Code 2.78.090:

A. A decision of the hearing panel may be appealed to the City Council. Appeals of pre-conference decisions may only be appealed if the appeal is based upon a clear procedural error. Appeals are filed in writing with the City Clerk within 10 City business days following the date of the decision. Appellant must specify the clear procedural error or abuse of discretion.

The City Clerk shall place the appeal on a City Council agenda within 30 City business days.

APPEAL PROCEDURES

Pursuant to Riverside Municipal Code 2.78.090:

- B. If there is no appeal, the decision of the hearing panel becomes final and there shall be no further right to appeal. The City Council will then determine if sanctions should be imposed, if applicable.
- C. The record on appeal shall consist of a transcript of the hearing, the complaint and tangible evidence and testimony considered at the hearing. No new evidence will be received or considered by the City Council at the hearing on the appeal.

APPEAL PROCEDURES

- D. City Council shall review record. If no finding of clear procedural error or abuse of discretion, the City Council shall adopt findings of the hearing panel. If there is a finding by the City Council of a clear procedural error or abuse of discretion by the hearing panel, that finding shall be clearly stated and the matter shall be referred back to the hearing panel for a re-hearing to consider the matter in light of the findings of the City Council on appeal.
- E. If the City Council finds a violation was committed, the City Council may determine sanctions.
- F. City Clerk notifies all parties and there is no further right to appeal.



APPEAL PROCEDURES

- F. City Clerk shall notify all parties of the findings and determination of the City Council on the appeal. The findings and determination are final and there is no further right to appeal.
- G. Complaints, replies, supporting documentation, transcripts of hearing, notices of appeal and all decisions thereon shall be public records and retained by the City Clerk for a period of two years.
- H. No public official who is a party to a complaint shall participate in the appeal of a decision of the hearing panel and must recuse from participation.

ENFORCEMENT AND SANCTIONS

Pursuant to Riverside Municipal Code 2.78.100:

Upon a finding by a majority of the City Council that any public official violated any provision of the prohibited conduct, or no appeal has been made to a Board of Ethics finding such violation the City Council may impose any of the following sanctions:

ENFORCEMENT AND SANCTIONS

Pursuant to Riverside Municipal Code 2.78.100:

A. Elected Officials.

1. Public apology by official to complainant;
2. Recommendation for training;
3. Removal from regional committees;
4. Removal from Mayor Pro Tem rotation;
5. Public censure; or
6. Restrict from traveling to attend meetings/conferences outside city limits

ENFORCEMENT AND SANCTIONS

Pursuant to Riverside Municipal Code 2.78.100:

B. Appointed Officials of Boards, Commissions, and Committees.

1. Public apology by the official to the complainant;
2. Recommendation for training;
3. Referral to the Board, Commission or Committee of which the appointed official is a member for public censure;
4. Public censure by the Mayor and City Council;
5. Removal from Chair, Vice-chair, or other leadership positions; or
6. Removal from office as provided by City Charter.

MONITORING AND OVERSIGHT

Pursuant to Riverside Municipal Code 2.78.110:

- A. Prior to end of July each year, the boards and commissions shall agendaize and discuss at a regular meeting the effectiveness of this Code of Ethics and Conduct (Code) and make recommendations to the Board of Ethics for consideration;
- B. Prior to end of August, Board of Ethics shall discuss effectiveness of this Code, consider board/commission recommendations and submit recommendations for amendments to the Governmental Processes Committee b(GPC) for consideration;
- C. Prior to end of September, the GPC shall discuss effectiveness of this Code and instruct the City Manager to present a report to the City Council for its discussion and consideration;
- D. Prior to end of the year, the Chair of the GPC shall present a report to the City Council at a public hearing in the evening. The City Council shall make an independent evaluation of the effectiveness of this Code and consider those recommendations of the BOE, boards/commissions, and GPC. The City Council shall direct City Attorney to make any changes to the Code it deems appropriate.



RECOMMENDATION

That the Human Relations Commission discuss and review the Code of Ethics and Conduct for its effectiveness and forward any recommended revisions to the Board of Ethics for consideration.