



City of Arts & Innovation

# Governmental Affairs Committee

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**TO: GOVERNMENTAL AFFAIRS COMMITTEE      DATE: FEBRUARY 19, 2016**  
**FROM: VIRGINIA BLUMENTHAL, CHAIR      WARD: ALL**

**SUBJECT: CODE OF ETHICS AND CONDUCT – AD HOC COMMITTEE REPORT**

**ISSUE:**

The issue presented for consideration by the Governmental Affairs Committee is to receive and deliberate the final report from the Code of Ethics and Conduct Ad Hoc Committee for a recommendation to the City Council.

**AD HOC COMMITTEE RECOMMENDATIONS:**

That the Governmental Affairs Committee recommend that the City Council:

1. Introduce and subsequently adopt an Ordinance adopting a revised Code of Ethics and Conduct;
2. Introduce and subsequently adopt an Ordinance creating a Board of Ethics;
3. Repeal Resolution No. 22461; and
4. Thank the members of the Code of Ethics and Conduct Ad Hoc Committee for their diligence, commitment, and comprehensive work.

**CHAIR ADVISEMENT:**

The Committee is aware of the City Attorney's opinion that a Charter Amendment is required for City employees to be subject to the Code. The Committee's inclusion of this provision in the draft Ordinance reflects their desire that appropriate legislative steps be taken to require that Charter Officers and Department Heads be subject to the Code.

In light of the City Attorney's opinion, the Governmental Affairs Committee may wish to consider recommending that City Council amend the draft to remove the Charter Officers and Department Heads as being subject to the Code of Ethics at this time. If the City Council wishes these employees to be subject to the Code, a future ballot measure could be considered proposing an amendment to Charter Section 202 to expand those subject to the Code beyond elected officials and members of appointed boards, commissions, and committees.

## **BACKGROUND:**

On November 2, 2004, the voters of the City of Riverside approved Measure DD adding Section 202 to the Riverside City Charter and requiring the adoption of a Code of Ethics and Conduct for elected officials and for members of appointed boards and commissions within six months of the effective date of the Charter. On July 12, 2005, the City Council adopted Resolution No. 20986 in compliance with Charter Section 202. The Code of Ethics and conduct has been amended on several occasions and the current Code of Ethics is set forth in Resolution No. 22461 which was adopted by the City Council on October 11, 2012, and is attached to this report. The 2013 review did not result in any changes to the Code.

At the September 23, 2014, annual review the City Council approved appointment of a nine-member ad-hoc committee with representation from each Ward to review the Code of Ethics and Conduct and forward recommendations on the complaint process to the Governmental Affairs Committee within 90 days. The City Council subsequently approved three extensions through December 31, 2015. The Committee chaired by Virginia Blumenthal unanimously recommends the attached two Ordinances. The Committee proposes adoption of a Code of Ethics and Conduct by ordinance, rather than the current resolution. The ordinance brings the force of law and requires a more complex legislative process to amend.

The recommended scope expands those persons subject to the Code to include the City Manager, City Attorney, City Clerk, and Department Heads. The City Attorney opines that a Charter amendment is required to include additional officers as being subject to the Code. Charter Section 202 reads,

*“The City of Riverside shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation. The City Council shall adopt the Code of Ethics and Conduct by ordinance or resolution within six months of the effective date of this Charter section.”*

New or renegotiated contracts could also require employees be subject to the Code of Ethics and its complaint procedures, if mutually agreeable.

The implementation provisions in the proposed ordinance retain the requirement of providing a copy of the Code to all those subject to the Code upon election/reelection or appointment/reappointment. The current requirement for training those subject to the Code remains in the draft Ordinance and adds that the training be provided within 90 days of taking office.

Similar to the current Code, the proposed ordinance sets forth aspirational core values for practice by those subject to the Code. However, unlike the current Code, the proposed ordinance sets out specific prohibited conduct. Complaints may only be filed for alleged violation of the prohibited conduct, not the aspirational values. The ordinance details procedures for filing of complaints, conduct of hearings, appeals, and sanctions. Similar to the current resolution, monitoring and oversight provisions call for annual review of the Code by the Governmental Affairs Committee and City Council with review and comment from boards and commissions, including the Board of Ethics.

The second proposed ordinance creates a Board of Ethics to hear complaints. Currently, Chairs of Boards and Commissions are randomly drawn to form 5-member panels to hear

complaints. As proposed, randomly drawn panels of five of the nine Board of Ethics members convene to hear complaints.

The below chart compares the current Code of Ethics to the Committee’s proposed ordinances.

	CURRENT RESOLUTION	PROPOSED ORDINANCES
Legislation	Resolution	Ordinances
Scope	Mayor, City Council, Boards, Commissions, Committees	Mayor, City Council, Boards, Commissions, Committees, City Manager, City Attorney, City Clerk, Department Heads
Implementation	Copy of Code provided upon election/ appointment; training	Copy of Code provided upon election/appointment; training within 90 days
Core Values	10 values	8 values
Prohibited Conduct	N/A	13 prohibited conducts
Complaint Procedure	Form submitted to City Clerk	Form submitted to City Clerk
Hearing Panel	5 members randomly drawn from Chairs of boards/commissions	5 members randomly drawn from 9 Board of Ethics members
Appeals	By either party	By either party; finding of violation automatically appealed to City Council
Enforcement and Sanctions	Mayor and City Council: Censure; Boards/commissions/committees: censure or removal from office	Mayor and City Council: Censure; Boards/commissions/committees: censure or removal from office
Monitoring and Oversight	Annual review by Governmental Affairs Committee and City Council	Annual review by Board of Ethics, Governmental Affairs Committee, and City Council

The attached chart compares the current complaint process with the Ad Hoc Committee’s recommendations contained in the proposed ordinances including filing of a complaint, selection of a hearing body, scheduling of hearing, notification to parties, hearing procedures, appeals, and record keeping.

Chair Blumenthal compliments the Mayor and City Council on the caliber of members appointed to serve on the Code of Ethics and Conduct Ad Hoc Committee. Further, the Chair thanks the committee members for stellar attendance for the year-long project and sincere diligence in thoughtful review and deliberation of the recommendations presented in this report.

**FISCAL IMPACT:**

Continuing with current practices, it is anticipated that the City Attorney and City Clerk would staff the complaint hearings. Recruitment for the Board of Ethics membership would be folded

into the City Clerk's Office activities. These services would continue to be absorbed within the City Attorney and City Clerk Offices Budgets.

Submitted by:



VIRGINIA BLUMENTHAL, Chair  
Code of Ethics and Conduct Review Ad Hoc Committee

Approved as to form: Gary G. Geuss, City Attorney

Attachments: Resolution No. 22461  
Proposed Ordinance Adopting Code of Ethics and Conduct  
Proposed Ordinance Creating Board of Ethics  
Complaint Process Comparison