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

Budget Engagement Commission
July 11, 2024

RiversideCA.gov

1

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.

2

RiversideCA.gov

2

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.**

*Board of Ethics recommends separating "Local Law" from "Federal and State laws"

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 conducts a pre-conference prior to a hearing date to determine if the complaint complies with the provisions of the Code and if the evidence, taken as true, more likely than not shows that there may be a potential violation of prohibited conduct.

If so, a hearing panel is drawn from the Board members and a hearing is set.

If not, the complaint is dismissed.

Appeals shall be addressed in RMC Section 2.78.090 (A).

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.

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 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 recorded by City Clerk and prepare statement of findings for approval within 30 City business days.

P. Within 5 City business days of approval, City Clerk notifies all parties.

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. No party shall be represented at a hearing by an attorney.

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. City Clerk shall place appeal on an agenda within 30 City business days.

B. If there is no appeal, the decision of the hearing panel becomes final. The City Council will then determine if sanctions should be imposed.

C. The record on appeal shall consist of a transcript and complaint only.

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 of clear error or abuse of discretion, the City Council shall refer back to the hearing panel for a re-hearing to consider the clear error or abuse of discretion.

E. If the City Council finds a violations was committed, they may determine sanctions.

F. City Clerk notifies all parties and there is no further right to appeal.

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 discuss [the effectiveness of this Code] and make recommendations to Board of Ethics for consideration;

B. Prior to end of August, Board of Ethics shall discuss effectiveness of this Code and make recommendations to the Governmental Processes Committee;

C. Prior to end of September, the Governmental Processes Committee shall discuss effectiveness of this Code and make recommendation to the City Council for consideration;

D. Prior to end of the year, the City Council shall hold a public hearing in the evening to make independent evaluation of the effectiveness of this Code.

RECOMMENDATION

That the Budget Engagement 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.