



BOARD OF ETHICS

Code of Ethics and Conduct Complaint Hearing Training

Office of the City Attorney
May 5, 2022

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TIPS FOR HEARING BOARD MEMBERS

- Read the law – the 13 prohibited types of conduct
- Consider only the evidence (the facts) that have been presented by both parties
- Do not consider facts that were not presented to you
- Apply the presented facts to the law
- The Board of Ethics does not investigate complaints
- Only consider the alleged violation of the law that is in the complaint



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HOW TO PREPARE FOR A HEARING

- Read the Complaint
 - Which of the 13 types of prohibited conduct is alleged?
 - Complainant is limited to that allegation
- Read the Law – the 13 prohibited types of conduct
- Read the evidence (facts) that has been presented
- Read any response (facts) submitted by the Public Official
- Keep an open mind!



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Code of Ethics Prohibited Conduct

The following conduct is prohibited and shall be subject to the complaint procedures established in this chapter. It may be unethical for any public official to engage in one or more of the following 13 types of prohibited actions. (RMC 2.78.060)



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PROHIBITED CONDUCT #1

Use of official title or position for personal gain prohibited. Public officials of the City of Riverside shall not use their official title or position for personal gain. Personal gain includes, but is not limited to, situations wherein a public official solicits or accepts items of value in consideration of their official title or position. This does not include obtaining benefits that are otherwise permitted or authorized by law. Therefore, acceptance of gifts shall otherwise be consistent with the requirements and limitations allowable by law. Public officials shall refrain from the following: (a) accepting gifts or favors that may compromise independent judgment or give the appearance of compromised judgment; (b) using official title for matters other than the official conduct of their office; and (c) engaging in decisions which would affect the level of compensation received for service except as otherwise required or allowed by law.



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PROHIBITED CONDUCT #2

Use or divulgence of confidential or privileged information prohibited. Public officials of the City of Riverside shall not use or divulge confidential or privileged information obtained in the course of their official duties for their own personal gain, financial or otherwise, or for the gain of others, in a manner contrary to the public interest or in violation of any law.



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PROHIBITED CONDUCT #3

Use of City resources for non-City purposes

prohibited. Public officials of the City of Riverside shall not use or permit the use of City resources including, but not limited to, funds, seals or logos, time, personnel, supplies, equipment, identification cards/badges, or facilities for unapproved non-City activities, except when available to the general public, provided for by administrative rules, regulations, or policies, or approved by a majority of the City Council.



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PROHIBITED CONDUCT #4

Advocacy of private interests of third parties in certain circumstances prohibited

No elected official of the City of Riverside shall appear on behalf of the private interests of third parties before the City Council; nor shall any appointed member of a board, commission or committee of the City of Riverside appear before their own body on behalf 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.



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PROHIBITED CONDUCT #5

Endorsements for compensation prohibited. No public official of the City of Riverside shall endorse or recommend, for compensation, any commercial product or service in the name of the City or in their official capacity within the jurisdictional boundaries of the City without prior approval of a City Council policy.



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PROHIBITED CONDUCT #6

Violation of Government Code §§ 87100 et seq., prohibited. No public official of the City of Riverside shall violate Government Code §§ 87100, et seq., or any of its related or successor statutes, from time to time amended, regulating financial interests and governmental decisions made by public officials. If an ethics complaint is filed alleging a violation of this subsection, the City recognizes that the Fair Political Practices Commission (FPPC) is the primary enforcement authority of the Political Reform Act and that its decisions should be given great weight. As such, if a complaint is pending before the FPPC raising the same or similar violations based upon the same or similar facts, then the Board of Ethics may defer action on such allegation until completion of the FPPC action. If a complaint has not been filed with the FPPC raising the same or similar violations based upon the same or similar facts, then the hearing panel of the Board of Ethics, upon a four-fifths vote, may file a complaint with the FPPC and defer action on a complaint filed pursuant to this chapter until a final action by the FPPC. A ruling on the merits by the FPPC may be accepted by the Board of Ethics as a finding on the ethics complaint filed with the City.



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PROHIBITED CONDUCT #7

Certain political activity prohibited. No public official of the City of Riverside shall coerce, or attempt to coerce, any of their subordinates or any other City employee to participate in an election campaign, contribute to a candidate or political committee, engage in any other political activity relating to a particular party, candidate, or issue, or to refrain from engaging in any lawful political activity. A general statement encouraging another person to vote does not violate this provision.



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PROHIBITED CONDUCT #8

Display of campaign materials in or on City vehicles prohibited. No public official of the City of Riverside shall display campaign materials in or on any City-owned or provided vehicle under their control or operated by that official. In addition, no public official shall transport, store, or otherwise have any campaign materials located within any City-owned or provided vehicle under their control or operated by that official. Campaign materials include, but are not limited to, bumper stickers, signs, brochures, informational documents, buttons or other similar items.



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PROHIBITED CONDUCT #9

Knowingly assisting another Public Official in violating this Code of Ethics and Conduct prohibited.

No public official of the City of Riverside shall knowingly assist another public official in violating the Prohibited Conduct section of this chapter, nor shall they engage any other person to assist them in any conduct that would constitute a violation of the Prohibited Conduct section of this chapter.



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PROHIBITED CONDUCT #10

Negotiation for employment with any party having a matter pending prohibited. No public official of the City of Riverside shall negotiate for employment with any third party at the same time that third party has a matter pending before the City Council, boards, commissions, committees, or City departments and upon which the public official must act or make a recommendation.



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PROHIBITED CONDUCT #11

Ex parte Contact in quasi-judicial matters prohibited.

No appointed official of the City of Riverside shall contact any elected official on any matter of a quasi-judicial nature before the City Council in which the appointed official participated. A quasi-judicial matter is any proceeding which may affect the legal rights, duties or privileges of any party to the proceeding and requires the public official to objectively determine facts and draw conclusions from those facts as the basis of an official action.



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PROHIBITED CONDUCT #12

Attempts to coerce official duties

prohibited. No elected official of the City of Riverside shall coerce, or attempt to coerce, any other public official in the performance of their official duties.



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PROHIBITED CONDUCT #13

Violations of federal, State, or local law prohibited. No public official of the City of Riverside shall intentionally or repeatedly violate the Charter of the City of Riverside, the Riverside Municipal Code, or any established policies of the City of Riverside affecting the operations of local government, or be convicted of violation of any State or federal law pertaining to the office which they hold.



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ROLE OF THE CITY ATTORNEY

Riverside Municipal Code section 2.78.040 provides the following:

The City Attorney, or his or her designee, shall serve as a resource to those persons covered by this chapter to assist them in understanding and abiding by the provisions therein. Use of outside legal counsel in lieu of the City Attorney to advise the Board of Ethics and its hearing panels on specific matters shall be at the discretion of the Board of Ethics. If outside legal counsel is so desired, the City Attorney shall contract with the appropriate party(ies). (RMC 2.78.040)



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Questions





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