



City of Arts & Innovation

Governmental Processes Committee Memorandum

TO: GOVERNMENTAL PROCESSES COMMITTEE DATE: SEPTEMBER 4, 2024

FROM: BOARD OF ETHICS WARDS: ALL

SUBJECT: CODE OF ETHICS AND CONDUCT ANNUAL REVIEW

ISSUE:

Perform the annual review of the Code of Ethics and Conduct for its effectiveness and consider any revisions for recommendation for City Council consideration.

RECOMMENDATIONS:

That the Governmental Processes Committee perform the annual review of the Code of Ethics and Conduct for its effectiveness, consider any recommendations for revisions from the Board of Ethics, and submit its recommendations to the City Council as required by Section 2.78.110 of the Riverside Municipal Code.

LEGISLATIVE HISTORY/BACKGROUND:

Charter Section 202 requires the adoption of 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 first Code of Ethics and Conduct, adopted by a Resolution of the City Council on July 1, 2005, was amended several times.

On April 5, 2016, Ordinance No. 7328 was adopted adding Chapters 2.78 and 2.80 to the Riverside Municipal Code, adopting a revised Code of Ethics and Conduct, and establishing the Board of Ethics (BOE).

RMC Section 2.78.110 provides for annual monitoring and oversight in the following cadence:

- Before the end of July of each year, all boards and commissions shall review and discuss the Code of Ethics and Conduct and submit recommendations, if any, to the BOE for their consideration.

- Then before the end of August, the BOE shall review and discuss the effectiveness of the Code of Ethics and Conduct and the recommendations of the other boards and commissions, then submit their recommendations to the Governmental Processes Committee (GPC).
- Subsequently, in September, the GPC will review and discuss the effectiveness of this Code of Ethics and Conduct, in addition to the recommendations from the Boards and Commissions, then instruct the City Manager to prepare a report to the City Council for their consideration.
- Then lastly, prior to the end of each year, the Chair of the GPC will present a report to the City Council, which shall include the recommendations from the Boards and Commissions and GPC. At which time, the City Council conducts a public hearing to review the report and make an independent evaluation of the effectiveness of this chapter. After their discussion, City Council may direct the Attorney to make any necessary changes to this chapter it deems appropriate.

DISCUSSION:

On December 12, 2023, the City Council approved minor revisions to RMC Section 2.78.075, as outlined in Exhibit A. The modifications include Section 2.78.075(A), which pertains to the timing of filing amended complaints, and a correction to the sequential numbering of Section 2.78.075(D). These changes are intended to address inconsistencies and facilitate the effective implementation of the COE during the complaint proceedings.

On April 4, 2024, the Board of Ethics (BOE) approved the language revision to Riverside Municipal Code (RMC) Section 2.78.060(M) regarding Violations of federal, state, or local law prohibited; as proposed:

M. Violations of 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.

On May 2, 2024, the BOE approved the proposed language adding “Riverside Municipal Code (RMC) Section 2.78.060(N) as proposed:

N. Convictions of Federal or State Laws affecting their office prohibited. No public official of the City of Riverside shall be convicted of a violation of any state or federal law that affects the performance of their duties in the office that they hold.

The BOE recommends that the Governmental Processes Committee consider the proposed amendments and recommend the City Council amend RMC Section 2.78.060(M) and add Section 2.78.060(N) as proposed above and outlined in Exhibit A.

The proposed recommendations above were presented to the boards and commissions for their annual review of the Code of Ethics and Conduct.

As of August 2024, the Human Resources Board, Transportation Board, Board of Library Trustees, Airport Commission, Commission on Aging, Planning Commission, Museum of Riverside Board, Community Police Review Commission, Human Relations Commission, Budget Engagement Commission, and Cultural Heritage Board formally reviewed the Code of

Ethics and Conduct and submitted no recommendations for amendments to the BOE for their consideration.

However, the Board of Public Utilities recommended that the Board of Ethics consider the following amendments to the Code of Ethics and Conduct: (1) Change the statute of limitations under RMC Section 2.78.070(E) regarding the filing of complaints from one year to three years from the date of the alleged violation; (2) Restore subpoena powers to the Board of Ethics; and (3) Complainants should have the right to appeal a decision of the Board of Ethics at a pre-conference when a complaint is dismissed.

On August 1, 2024, the BOE conducted its annual review of the Code of Ethics and Conduct and considered the recommendations of the Board of Public Utilities. The BOE recommended the GPC consider the following revisions to the Code of Ethics and Conduct in addition to the revisions previously mentioned above outlined in Exhibit A:

1. Under RMC 2.78.070 Section E, revise the statute of limitations from 1 year to 3 years from the alleged violation date.
2. Under RMC 2.78.080.O, add to the end of the second sentence, "prepare a statement of findings to include a recommendation for sanctions."
3. Revise RMC 2.78.090 A to read "decision of a pre-conference or hearing panel of the Board of Ethics may be appealed to the City Council by either party."
4. Under Riverside Municipal Code (RMC) 2.78.090.B, remove "if applicable" and add "City Council will determine the level of sanctions that should be imposed."
5. City Council give authority to the Board of Ethics to compel the appearance of a City representative in response to a filed complaint.

STRATEGIC PLAN ALIGNMENT:

The annual review of the effectiveness of the Code of Ethics and Conduct contributes to the following City Council's Envision 2025 Strategic Plan Priorities and Goals:

Community Well-Being – Ensuring safe and inclusive neighborhoods where everyone can thrive with the following:

Goal 2.4 Support programs and innovations that enhance community safety, encourage neighborhood engagement, and build public trust: and,

High Performing Government – Providing world class public service that is efficient, accessible, and responsible to all, with the following goal:

Goal 5.3 - Enhance communication and collaboration with community members to improve transparency, build public trust, and encourage shared decision-making.

The Board of Ethics and the GPC reviewing and bringing forth recommendations for revisions to the Code of Ethics and Conduct aligns with the Envision 2025 Cross-Cutting Threads as follows:

1. **Community Trust** – Riverside’s annual review of the Code of Ethics and Conduct is transparent, the involvement of the City Boards and Commissions and public input creates sound policy, and inclusive community engagement builds community trust.
2. **Equity** – Outreach efforts were taken to encourage community input, which consisted of website displays and community group flyers and posters throughout the City advising the public members how to provide recommendations for consideration allowing for a fair and unbiased revision process.
3. **Fiscal Responsibility** – Riverside is a prudent steward of public funds and ensures responsible management of the City’s financial resources while providing quality public services to all. The City Clerk’s Office annual budget includes funding to support the annual code review and outreach efforts.
4. **Innovation** – Riverside’s annual review of the Code of Ethics and Conduct through collaborative partnerships. Adaptive processes bring new perspectives and ideas, helping to meet the Board of Ethics ever-changing needs for implementing the Code of Ethics and Conduct.
5. **Sustainability & Resiliency** – Riverside is committed to meeting the present needs without compromising the needs of the future and ensuring the City’s capacity to persevere, adapt, and grow during fluctuating times alike. It is essential to review the Code of Ethics and Conduct annually to maintain sustainable and resilient processes and monitor promoting innovation for a more sustainable future.

FISCAL IMPACT:

There is no fiscal impact associated with the annual review.

Prepared by: Donesia Gause, City Clerk
Approved as to form: Phaedra A. Norton, City Attorney

Attachment:

Exhibit A - Code of Ethics and Conduct Redlined Proposed Revisions
Presentation