



City of Arts & Innovation

Charter Review Committee Memorandum

TO: CHARTER REVIEW COMMITTEE **DATE: June 10, 2019**

FROM: CITY ATTORNEY'S OFFICE **WARDS: ALL**

SUBJECT: CODE OF ETHICS AND APPLICATION TO CHARTER OFFICERS

ISSUE:

At the May 13, 2019, meeting of the Charter Review Committee, the Committee requested that the City Attorney provide an analysis as to the application of the Code of Ethics and Conduct to the City's three Charter officers, the City Manager, the City Attorney and the City Clerk.

RECOMMENDATION:

That the Charter Review Committee determine whether to recommend to the City Council that the City's Charter be amended to require that the City's Code of Ethics and Conduct be applied to the City's three Charter officers, the City Manager, the City Attorney and the City Clerk.

BACKGROUND:

On November 2, 2004, the voters of the City of Riverside approved Measure DD, adding Section 202 of the Riverside City Charter. This section required the adoption of a Code of Ethics and Conduct for elected officials and for members of appointed boards and commission within six month of the effective date of the Charter amendment. On July 12, 20005, the City Council adopted Resolution No. 2896 in compliance with Charter Section 202, setting forth a Code of Ethics. The Code of Ethics and Conduct has been amended on several occasions and the current Code Ethics and Conduct is set forth in Riverside Municipal Code chapter 2.78, a copy of which is attached.

On September 23, 2014, 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 forwarded recommendations on the complaint process to the City's Governmental Affairs Committee. The Committee proposed adoption of the Code of Ethics by ordinance, rather than through a resolution.

One of the recommendations of the ad-hoc committee was to expand the scope of the persons subject to the Code of Ethics and Conduct to include the City Manager, the City Attorney, the City Clerk and Department Heads. On March 8, 2016, the City Council considered the recommendations of the ad hoc committee, and declined to adopt the recommendations to expand the scope of the Code of Ethics and Conduct to the three Charter officers and to the Department Heads. The Council debated this issue at length, including various pros and cons, which can be viewed by Committee members at the following link:

http://riversideca.granicus.com/player/clip/2422?view_id=2.

The presentation of the item begins at 2:47 and the City Council discussion at 3:13.

The Code of Ethics is currently codified as Riverside Municipal Code Chapter 2.78, and contains two areas: Core Values and Prohibited Conduct.

The Core Values are meant to be “directory” or aspirational in nature, are not subject to the complaint procedure, and the Code of Ethics and Conduct sets forth no penalty for a violation of a Core Value. The Core Values are set forth in Riverside Municipal Code section 2.78.050.

The Prohibited Conduct is set forth in Riverside Municipal Code Section 2.78.060 and shall be subject to the complaint procedures established in Code of Ethics. This section lists a number of prohibited actions. Upon a finding by a majority of the City Council that any public official violated any provision of the Prohibited Conduct section of this chapter, the City Council may impose any of the following sanctions:

1. For Elected Officials, Public censure.
2. For Appointed Officials of Boards, Commissions and Committees:
 - Referral to the Board, Commission or Committee of which the appointed official is a member for public censure;
 - Public censure by the Mayor and City Council; or
 - Removal from office by a majority of the Mayor and City Council.

FISCAL IMPACT:

None.

Prepared by: Susan Wilson, Assistant City Attorney

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

Attachments: Riverside Municipal Code Chapter 2.78