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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
ADOPTING CHAPTER ____ OF THE RIVERSIDE MUNICIPAL CODE
ESTABLISHING A CODE OF ETHICS AND CONDUCT

The City Council of the City of Riverside does ordain as follows:

Section 1: **PURPOSE.** Section 202 of The Charter of the City of Riverside mandates that 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. Heretofore, the City Council has adopted the Code of Ethics and Conduct by resolution, amended from time to time. The City Council now desires to adopt the Code of Ethics and Conduct by ordinance.

Section 2: **AUTHORITY.** This ordinance is adopted pursuant to Article 11, sections 5(a) and 7 of the California Constitution and Sections 200 and 202 of The Charter of the City of Riverside.

Section 3: Chapter _____ is hereby added to the Riverside Municipal Code as follows:

“Chapter _____

CODE OF ETHICS AND CONDUCT

Sections:

- _____ **Establishment of the Code of Ethics and Conduct.**
- _____ **Purpose.**
- _____ **Scope.**
- _____ **Implementation, Monitoring and Oversight.**
- _____ **Core Values.**
- _____ **Prohibited Conduct.**
- _____ **Complaint Procedures.**
- _____ **Hearing Procedures.**
- _____ **Appeal Procedures.**

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_____ **Enforcement and Sanctions.**

_____ **Monitoring and Oversight.**

_____ **Severability.**

Section _____ Establishment of the Code of Ethics and Conduct.

Pursuant to Article 11, sections 5(a) and 7 of the California Constitution and Sections 200 and 202 of The Charter of the City of Riverside, there is hereby established by the City Council of the City of Riverside a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions and committees which shall assure public confidence in the integrity of local government and its effective and fair operation.

Section _____ Purpose.

The purpose of this Code of Ethics and Conduct is to achieve fair, ethical, and accountable local government for the City of Riverside. The people of the City of Riverside expect their elected and appointed public officials to comply with both the letter and the spirit of the laws of the United States of America, the State of California, the Charter of the City of Riverside, the Riverside Municipal Code, and established policies of the City of Riverside affecting the operations of local government. In addition, public officials are expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this Code will aspire to meet the highest ethical standards in the conduct of their responsibility as an elected or appointed official of the City of Riverside.

This Code of Ethics and Conduct is divided into two areas: core values and specific prohibitions. The core values are intended to provide a set of principles from which elected and appointed officials of the City of Riverside can draw upon to assist them in conducting the public's business. As such, the core values are directory in nature and not subject to the complaint procedures set forth herein. The specific prohibitions are actions that elected and appointed officials of the City of Riverside shall not engage in, and, as such, are subject to the complaint procedures set forth

herein.

Section _____ Scope.

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council, the Mayor, or the Mayor and City Council, including any *ad hoc* committees. The provisions of this Code shall also apply to all members of committees appointed by individual members of the City Council or by Department Heads.

Further, the provisions of this Code shall apply to the Mayor and Members of the City Council at all times during their term of office as elected officials of the City of Riverside. However, the provisions of this Code shall apply to appointed officials only while they are acting in their official capacities and in the discharge of their duties.

Section _____ Implementation, Monitoring and Oversight.

A. Implementation.

To achieve the objectives of this chapter, the following mechanisms shall be followed.

1. All elected or appointed officials, upon election or reelection, or appointment or reappointment, shall be given a copy of this Code and required to affirm in writing they have received a copy of this Code and understand its provisions.

2. Within ninety (90) days of taking office, all newly elected or appointed officials shall be provided a training session which shall clarify the provisions and application of this Code. These sessions shall be coordinated by the City Clerk with assistance from the City Manager and City Attorney.

3. The City Attorney, or his or her designee, shall serve as a resource to those persons covered by this Code to assist them in understanding and abiding by the provisions therein.

4. All bodies covered by the Code shall adopt rules of procedure which include the provisions of this Code.

1 5. The chair of each board, commission or committee covered by this
2 Code is responsible to provide appropriate guidance to members of their respective
3 bodies and, if need be, communicate concerns to the City Council.

4 B. Monitoring and Oversight.

5 Monitoring and oversight are essential to ensure this Code of Ethics and
6 Conduct is effectively implemented.

7 1. In September of each year, the Mayor, the City Manager, the City Attorney,
8 the City Clerk and the chairs of all Boards and Commissions shall meet with the
9 Governmental Affairs Committee of the City Council to assess the effectiveness of
10 this Code and its application. Prior to the annual Governmental Affairs Committee
11 meeting, every Board and Commission shall agendize and discuss the Code and
12 submit any recommendations for the Governmental Affairs Committee's
13 consideration.

14 2. Thereafter, the City Manager shall present a report to the City Council which
15 may include recommendations for changes to the current Code.

16 3. In October of each year, the City Council shall hold a public hearing on its
17 evening agenda at a regularly scheduled meeting, and shall review the report and
18 make an independent evaluation of the effectiveness of this Code and discuss any
19 recommended changes.

20 Section _____ Core Values.

21 The people of the City of Riverside share a set of core values that constitute
22 the guiding principles for the establishment of this Code. These core values are
23 expressed in the following aspirations:

24 A. To strive to create a government that is trusted by everyone.

25 The elected and appointed officials of the City of Riverside shall aspire to
26 operate the City government and exercise their responsibilities in a manner which
27 creates a trust in their decisions and the manner of delivery of programs through the
28 local government. The officials shall aspire to create a transparent decision making
process by providing easy access to all public information about actual or potential
conflicts between their private interests and their public responsibilities. The officials

1 shall aspire to make themselves available to the people of the city to hear and
2 understand their concerns. They shall aspire to make every effort to ensure that they
3 have accurate information to guide their decisions and to share all public information
4 with the community to ensure the community's understanding of the basis of the
5 officials' decisions.

6 B. To strive to make decisions that are unbiased, fair, and honest.

7 The elected and appointed officials of the City of Riverside shall aspire to
8 ensure that their decisions are unbiased, fair, and honest. They shall strive to avoid
9 participation in all decisions which create a real or perceived conflict of interest and
10 to disclose any personal interest that could be perceived to be in conflict with the fair
11 and impartial exercise of their responsibilities.

12 C. To strive to ensure that everyone is treated with respect and in a just and fair
13 manner.

14 The elected and appointed officials of the City of Riverside have a
15 responsibility to make extraordinary attempts to treat all people in a manner which
16 would be considered just and fair. They shall strive to value and encourage input from
17 members of the community and encourage open and free discussion of public issues.
18 They shall strive to have all persons treated with respect as they come before the body
19 on which they serve. They shall aspire to create an atmosphere of genuine interest in
20 the point of view expressed by members of the community even if it differs from their
21 own.

22 D. To strive to create a community that affirms the value of diversity.

23 The elected and appointed officials of the City of Riverside shall aspire to
24 recognize and affirm the value of all persons, families, and communities within the
25 City of Riverside. They will encourage full participation of all persons and groups, be
26 aware and observe important celebrations and events which reflect the values of our
27 diverse population, and provide assistance for those who find it difficult to participate
28 due to language barriers or disabilities.

E. To strive to ensure that all public decisions are well informed, independent,
and in the best interests of the City of Riverside.

1 The elected and appointed officials of the City of Riverside will encourage
2 and support research and information gathering from verifiable sources. They will
3 seek to ensure that information provided by the City Government to the public is
4 accurate and clear. They will ensure that all information utilized in the decision
5 making process, except that which by law is confidential, will be shared with the
6 public.

7 F. To strive to maintain a nonpartisan and civic minded local government.

8 The elected and appointed officials of the City of Riverside shall affirm the
9 value of a nonpartisan council-manager form of government.

10 G. To strive to ensure that all officials are adequately prepared for the duties of
11 their office.

12 The elected and appointed officials shall commit to participation in all
13 orientation and training sessions which are presented to ensure full preparation for the
14 exercise of their public duties.

15 H. To strive to ensure that appointed officials attend regularly scheduled
16 meetings.

17 Appointed officials shall make a diligent effort to attend all regularly
18 scheduled meetings of their respective Board, Commission or Committee.

19 **Section _____ Prohibited Conduct.**

20 The following conduct is prohibited and shall be subject to the complaint
21 procedures established in this chapter. It shall be deemed unethical for any elected or
22 appointed official to engage in one or more of the following prohibited actions:

23 A. Use of Official Title or Position for Personal Gain Prohibited.

24 Elected or appointed officials shall not use their official title or position for
25 personal gain. Personal gain includes, but is not limited to, situations wherein an
26 elected or appointed official solicits or accepts items of value in consideration of their
27 official title or position. This does not include obtaining benefits that are otherwise
28 permitted or authorized by law. Therefore, acceptance of gifts shall otherwise be
 consistent with the requirements and limitations allowable by law. Elected and
 appointment officials shall refrain from the following: (a) accepting gifts or favors

1 that may compromise independent judgment or give the appearance of compromised
2 judgment; (b) using official title for matters other than the official conduct of the
3 office; and (c) engaging in decisions which would affect the level of compensation
4 received for service except as otherwise required or allowed by law.

5 B. Use or Divulgence of Confidential or Privileged Information Prohibited.

6 Elected or appointed officials shall not use or divulge confidential or
7 privileged information obtained in the course of their official duties for their own
8 personal gain, financial or otherwise, or for the gain of others, in a manner contrary to
9 the public interest or in violation of any law.

10 C. Use of City Resources for Non-City Purposes Prohibited.

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

16 D. Advocacy of Private Interests of Third Parties in Certain Circumstances
17 Prohibited.

18 No elected official shall appear on behalf of the private interests of third
19 parties before the City Council; nor shall any appointed official appear before their
20 own bodies on behalf of the private interests of third parties, except for limited
21 exceptions as provided for in the California Fair Political Practices Commission
22 Regulations or by law.

23 E. Advocacy for Compensation by Appointed Officials in Certain Matters
24 Prohibited for Twelve Months After Leaving Office.

25 For a period of 12 months after leaving office, appointed officials are
26 prohibited from acting as an agent or attorney for, or otherwise represent, any third
27 party for compensation by making oral or written communication before any City
28 administrative office or agency, or officer or employee thereof, if the appearance or
communication is for the purpose of influencing any action or proceeding involving
the issuance, amendment, awarding, or revocation of a permit, license, grant, or

1 contract for the sale or purchase of goods or property, real or personal.

2 F. Advocacy for Compensation by Elected Officials in Certain Matters
3 Prohibited for Twelve Months after Leaving Office.

4 For a period of 12 months after leaving office, elected officials are prohibited
5 from appearing before the City Council, or any City board, commission, or
6 committee as a compensated representative of a third party in connection with any
7 case or other matter in which the former elected official personally participated while
8 in office, except by permission of the City Council finding on 4 affirmative votes at a
9 regular meeting that special identified and articulated circumstances exist to allow the
10 appearance. Such special and articulated findings include, but are not limited to,
11 determinations that it is in the best interest of the City to permit such representation,
12 that the former Councilmember or Mayor is uniquely qualified to appear on the
13 matter, or it is impractical to require another representative to appear on the matter.

14 G. Endorsements for Compensation Prohibited.

15 No elected or appointed official shall endorse or recommend, for
16 compensation, any commercial product or service in the name of the City or in their
17 official capacity within the jurisdictional boundaries of the City without prior
18 approval of a City Council policy.

19 H. Violation of Government Code Sections 87100 et seq., Prohibited.

20 No elected or appointed official shall violate Government Code Sections
21 87100, et seq., or any of its related or successor statutes, from time to time amended,
22 regulating financial interests and governmental decisions made by public officials. If
23 an ethics complaint is filed alleging a violation of this subsection, the City recognizes
24 that the Fair Political Practices Commission (FPPC) is the primary enforcement
25 authority of the Political Reform Act and that its decisions should be given great
26 weight. As such, if a complaint is filed concurrently with an FPPC complaint, then
27 the City may defer action on such allegation until completion of the FPPC action. If a
28 complaint is not filed concurrently with the FPPC, the City may file a complaint with
the FPPC and defer action until a final action by the FPPC. A ruling on the merits by
the FPPC may be accepted by the City as a finding on the ethics complaint filed with

1 the City.

2 I. Certain Political Activity Prohibited.

3 No elected or appointed official shall coerce, or attempt to coerce, any of their
4 subordinates or any other City employee to participate in an election campaign,
5 contribute to a candidate or political committee, engage in any other political activity
6 relating to a particular party, candidate, or issue, or to refrain from engaging in any
7 lawful political activity. A general statement encouraging another person to vote
8 does not violate this provision.

9 J. Display of Campaign Materials in or on City Vehicles Prohibited.

10 No elected or appointed official shall display campaign materials in any City-
11 owned vehicle under their control or operated by that official. Campaign materials
12 include, but are not limited to, bumper stickers, signs, or other similar items.

13 K. Aiding and Abetting Another Elected or Appointed Official in Violating This
14 Code of Ethics and Conduct Prohibited.

15 No elected or appointed official shall aid and abet another elected or
16 appointed official in violating the specific prohibitions enumerated in this section, nor
17 shall they aid and abet any person to engage in conduct that would constitute a
18 violation of the specific prohibitions enumerated in this section on their behalf.

19 L. Negotiation for Employment with Any Party Having a Matter Pending
20 Prohibited.

21 No elected or appointed official shall negotiate for employment with any third
22 party at the same time that third party has a matter pending before the City Council,
23 or any board, commission, committee, or City department and upon which the elected
24 or appointed official must act or make a recommendation.

25 M. Ex Parte Contact in Quasi-Judicial Matters Prohibited.

26 No appointed official shall contact any elected official on any matter of a
27 quasi-judicial nature before the City Council in which the appointed official
28 participated.

N. Attempts to Coerce Official Duties Prohibited.

No elected official shall coerce, or attempt to coerce, any appointed official in

1 the performance of their official duties.

2 O. Violations of Federal, State, or Local Law Prohibited.

3 No elected or appointed official shall violate the Charter of the City of
4 Riverside, the Riverside Municipal Code, any established policies of the City of
5 Riverside affecting the operations of local government, or any state or federal law
6 pertaining to the office to which they are elected or appointed.

7 **Section _____ Complaint Procedures.**

8 A. Only alleged violations of the Prohibited Conduct section of this chapter shall
9 be grounds for a complaint against any elected or appointed official pursuant to this
10 Code.

11 B. Complaints shall be submitted on forms available from the City Clerk.

12 C. Complaints shall include all of the following:

- 13 1. Name, address, telephone number and email address, if available, of
14 the complainant;
- 15 2. Name and position of the elected or appointed official against whom
16 the complaint is made;
- 17 3. Date of the alleged violation;
- 18 4. The date and circumstances the complainant became aware of the
19 alleged violation
- 20 5. The specific provision of the Prohibited Conduct section of this
21 chapter alleged to be violated;
- 22 6. Description of the specific facts of the alleged violation;
- 23 7. The names, addresses, telephone numbers and email addresses, if
24 known, of each witness the complainant intends to call as a witness at
the hearing;
- 25 8. Copies of any and all documents, photographs, recordings or other
26 tangible materials to be introduced and considered at the hearing; and
- 27 9. Signed under penalty of perjury of the laws of the State of California.

28 D. Complaints shall be filed with the City Clerk within 180 days of discovery of
an alleged violation of this Code, but in no event shall the complaint be filed later

1 than three (3) years from the date of the alleged violation. ("Discovery" is defined as
2 when the complainant knew or reasonably should have known of the alleged violation
3 through the exercise of reasonable diligence.)

4 E. Upon filing of the complaint the City Clerk shall review the complaint for
5 completeness only. If the complaint is deemed incomplete the City Clerk shall notify
6 the complainant within ten (10) city business days as to the deficiencies. A new
7 complaint shall thereafter be required to be filed with the City Clerk. A complaint
8 shall not be deemed filed until the City Clerk accepts it as complete.

9 F. Once the complaint is deemed complete, the City Clerk shall set the matter for
10 hearing before a hearing panel of the Board of Ethics within forty-five (45) calendar
11 days and notify the complainant and the elected or appointed official against whom
12 the complaint is filed in writing of the date, time, and location of the hearing.

13 G. The City Clerk shall provide a copy of the complaint and its attachments,
14 without charge, to the elected or appointed official against whom the complaint is
15 made within ten (10) city business days after the complaint is deemed complete.

16 H. The elected or appointed official against whom the complaint is made shall
17 file the following with the City Clerk no later than ten (10) calendar days prior to the
18 date set for the hearing:

- 19 1. A written reply to the complaint;
- 20 2. Copies of any and all documents, photographs, recordings or other
21 tangible materials to be introduced and considered at the hearing; and
- 22 3. The names, addresses, telephone numbers and email addresses, if
23 available, of any witness the elected or appointed official intends to
24 call as a witness at the hearing.

25 I. The City Clerk shall provide a copy of the written reply, documents,
26 photographs, recordings or other tangible materials, and the names, addresses,
27 telephone numbers and email addresses of any listed witness, without charge, to the
28 complainant no later than five (5) calendar days after the receipt of the foregoing
from the elected or appointed official against whom the complaint is made.

Section _____ Hearing Procedures.

- 1 A. In addition to any hearing procedures adopted by the Board of Ethics, the
2 following hearing procedures shall also apply.
- 3 B. The preliminary review and hearing on the merits are not formal judicial
4 proceedings. The technical rules of evidence do not apply.
- 5 C. The Chair of the Board of Ethics or, in the absence of the Chair, the vice-
6 Chair shall preside over the hearing.
- 7 D. No documents, photographs, recordings or other tangible materials, other than
8 those submitted with the complaint and reply, shall be introduced at the
9 hearing or considered by the hearing panel of the Board of Ethics.
- 10 E. No witnesses, other than those identified in the complaint and reply, shall
11 offer testimony at the hearing except as rebuttal evidence.
- 12 F. The hearing panel of the Board of Ethics shall conduct a preliminary review
13 of the complaint to determine if it complies with all of the following to
14 establish jurisdiction of the Board of Ethics:
- 15 1. The Complaint Procedures section of this chapter;
- 16 2. The complaint is against an elected or appointed official as set forth in
17 the Scope section of this chapter;
- 18 3. The complaint alleges a violation of one or more of the enumerated
19 provisions of the Prohibited Conduct section of this chapter; and
- 20 4. The complaint does not restate allegations of violations that have
21 previously been considered and disposed of by the Board of Ethics.
- 22 G. If a majority of the hearing panel of the Board of Ethics determines that the
23 complaint does not comply with all of the provisions of subsection A above,
24 the Chair shall state the findings of deficiency on the record and dismiss the
25 complaint without a hearing. A roll call vote of the hearing panel shall be
26 taken by the City Clerk to record the vote of each member of the hearing
27 panel. If a majority of the hearing panel of the Board of Ethics determines
28 that the complaint complies with all of the provisions of subsection A above,
then a hearing on the merits of the complaint shall proceed.
- H. The complainant shall have the burden of proof by a preponderance of the

1 evidence to establish a violation of the Prohibited Conduct section of this
2 chapter. The complainant shall proceed first and shall have fifteen (15)
3 minutes to make an opening statement, present evidence, and examine
4 witnesses. The complainant shall have an additional fifteen (15) minutes to
5 present rebuttal evidence, cross-examine witnesses, and make a closing
6 statement, including any rebuttal argument.

7 I. The elected or appointed official shall proceed second and shall have fifteen
8 (15) minutes to make an opening statement, present evidence, and examine
9 witnesses. The elected or appointed official shall have an additional fifteen
10 (15) minutes to cross-examine witnesses and make a closing statement.

11 J. During the hearing, any member of the hearing panel of the Board of Ethics
12 may ask questions of the parties or witnesses which will not be counted
13 against the time allotted to that party.

14 K. Upon the conclusion of evidence presented by the parties, the Chair shall
15 facilitate verbal deliberations by the hearing panel.

16 L. Any findings shall be by a majority of the hearing panel of the Board of Ethics
17 and recorded by the City Clerk.

18 M. Within five (5) city business days following the hearing, the City Clerk shall
19 notify all parties in writing of the decision of the hearing panel of the Board of
20 Ethics and the appeal procedures.

21 N. Any party may appeal the decision of the hearing panel of the Board of Ethics
22 to the City Council within seven (7) city business days following the hearing
23 by filing a written appeal with the City Clerk. If no written appeal is received
24 by the City Clerk within this timeframe, the decision of the hearing panel of
25 the Board of Ethics shall be final.

26 **Section _____ Appeal Procedures.**

27 A.

Section 3: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 4: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 20_____.

Mayor of the City of Riverside

Attest:

City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the _____ day of _____, 20____, and that thereafter the said ordinance was duly and

1 regularly adopted at a meeting of the City Council on the _____ day of _____, 20____,
2 by the following vote, to wit:

3 Ayes:

4 Noes:

5 Absent:

6 Abstain:

7

8 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
9 City of Riverside, California, this _____ day of _____, 20____.

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City Clerk of the City of Riverside

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