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| | Enforcement and Sanctions. |
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| | 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 chapter 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 chapter shall also apply to all members of committees appointed by individual members of the City Council, Mayor, or by Department Heads.

Further, the provisions of this chapter 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 chapter shall apply to appointed officials only while they are acting in their official capacities or affecting the discharge of their duties.

Section _____ Implementation.

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

- A. All elected or appointed officials, upon election or reelection, or appointment or reappointment, shall be given a copy of this chapter and required to affirm in writing they have received a copy of this chapter and understand its provisions.
- B. 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 chapter. These sessions shall be coordinated by the City Clerk with assistance from the City Manager and City Attorney.
- C. 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.
- D. All bodies covered by this chapter shall adopt rules of procedure which include the provisions of this chapter.
 - E. The chair of each board, commission or committee covered by this

chapter is responsible to provide appropriate guidance to members of their respective bodies and, if need be, communicate concerns to the Board of Ethics.

Section Core Values.

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

A. <u>To strive to create a government that is trusted by everyone.</u>

The elected and appointed officials of the City of Riverside shall aspire to operate the City government and exercise their responsibilities in a manner which creates a trust in their decisions and the manner of delivery of programs through the 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 shall aspire to make themselves available to the people of the city to hear and understand their concerns. They shall aspire to make every effort to ensure that they have accurate information to guide their decisions and to share all public information with the community to ensure the community understands the basis of the officials' decisions.

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

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

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

The elected and appointed officials of the City of Riverside have a responsibility to make extraordinary attempts to treat all people in a manner which would be considered just and fair. They shall strive to value and encourage input from members of the community and encourage open and free discussion of public issues.

They shall strive to have all persons treated with respect as they come before the body on which they serve. They shall aspire to create an atmosphere of genuine interest in the point of view expressed by members of the community even if it differs from their own.

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

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

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

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

F. <u>To strive to maintain a nonpartisan and civic minded local government.</u>

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

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

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

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

Appointed officials shall make a diligent effort to attend all regularly

scheduled meetings of their respective Board, Commission or Committee.

Section _____ Prohibited Conduct.

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

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

Elected or appointed officials shall not use their official title or position for personal gain. Personal gain includes, but is not limited to, situations wherein an elected or appointed 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. Elected and appointment 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 the office; and (c) engaging in decisions which would affect the level of compensation received for service except as otherwise required or allowed by law.

B. <u>Use or Divulgence of Confidential or Privileged Information Prohibited.</u>

Elected or appointed officials 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.

C. <u>Use of City Resources for Non-City Purposes Prohibited.</u>

Elected or appointed officials 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.

D. <u>Advocacy of Private Interests of Third Parties in Certain Circumstances</u> Prohibited.

No elected official shall appear on behalf of the private interests of third parties before the City Council; nor shall any appointed official appear before their own bodies 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.

E. Endorsements for Compensation Prohibited.

No elected or appointed official 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.

F. <u>Violation of Government Code Sections 87100 et seq.</u>, Prohibited.

No elected or appointed official shall violate Government Code Sections 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 filed concurrently with an FPPC complaint, then the City may defer action on such allegation until completion of the FPPC action. If a 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 the City.

G. Certain Political Activity Prohibited.

No elected or appointed official 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.

H. <u>Display of Campaign Materials in or on City Vehicles Prohibited.</u>

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

I. Knowingly Assisting Another Elected or Appointed Official in Violating This Code of Ethics and Conduct Prohibited.

No elected or appointed official shall knowingly assist another elected or appointed official in violating the specific prohibitions enumerated in this section, nor shall they engage any other person to assist them in any conduct that would constitute a violation of the specific prohibitions enumerated in this section.

J. <u>Negotiation for Employment with Any Party Having a Matter Pending</u> Prohibited.

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

K. Ex Parte Contact in Quasi-Judicial Matters Prohibited.

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

L. Attempts to Coerce Official Duties Prohibited.

No elected official shall coerce, or attempt to coerce, any appointed official in the performance of their official duties.

M. <u>Violations of Federal, State, or Local Law Prohibited.</u>

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

Section _____ Complaint Procedures.

- A. Only alleged violations of the Prohibited Conduct section of this chapter shall be grounds for a complaint against any elected or appointed official pursuant to this chapter.
- B. Complaints shall be submitted on forms available from the City Clerk.
- C. Complaints shall include all of the following:
 - 1. Name, address, telephone number and email address, if available, of the complainant;
 - 2. Name and position of the elected or appointed official against whom the complaint is made;
 - 3. Date of the alleged violation;
 - 4. The date and circumstances the complainant became aware of the alleged violation
 - 5. The specific provision of the Prohibited Conduct section of this chapter alleged to be violated;
 - 6. Description of the specific facts of the alleged violation;
 - 7. The names, addresses, telephone numbers and email addresses, if known, of each witness the complainant intends to call as a witness at the hearing;
 - 8. Copies of any and all documents, photographs, recordings or other tangible materials to be introduced and considered at the hearing; and
 - 9. Signed under penalty of perjury of the laws of the State of California.
- D. Complaints shall be filed with the City Clerk within 180 days of discovery of an alleged violation of this chapter, but in no event shall the complaint be filed later than three (3) years from the date of the alleged violation. ("Discovery" is defined as when the complainant knew or reasonably should have known of the alleged violation through the exercise of reasonable diligence.)
- E. Upon filing of the complaint the City Clerk shall review the complaint for completeness only. If the complaint is deemed incomplete the City Clerk shall notify

the complainant within ten (10) city business days as to the deficiencies. A new complaint shall thereafter be required to be filed with the City Clerk. A complaint shall not be deemed filed until the City Clerk accepts it as complete.

- F. Once the complaint is deemed complete, the City Clerk shall set the matter for hearing before a hearing panel of the Board of Ethics within forty-five (45) calendar days and notify the complainant and the elected or appointed official against whom the complaint is filed in writing of the date, time, and location of the hearing.
- G. The City Clerk shall provide a copy of the complaint and its attachments, without charge, to the elected or appointed official against whom the complaint is made within ten (10) city business days after the complaint is deemed complete.
- H. The elected or appointed official against whom the complaint is made shall file the following with the City Clerk no later than ten (10) calendar days prior to the date set for the hearing:
 - 1. A written reply to the complaint;
 - 2. Copies of any and all documents, photographs, recordings or other tangible materials to be introduced and considered at the hearing; and
 - 3. The names, addresses, telephone numbers and email addresses, if available, of any witness the elected or appointed official intends to call as a witness at the hearing.
- I. The City Clerk shall provide a copy of the written reply, documents, photographs, recordings or other tangible materials, and the names, addresses, telephone numbers and email addresses of any listed witness, without charge, to the complainant no later than ten (10) city business days after receipt of the foregoing from the elected or appointed official against whom the complaint is made.

Section _____ Hearing Procedures.

- A. The Board of Ethics shall have the authority to adopt hearing procedures not in conflict with this chapter. In addition to any hearing procedures adopted by the Board of Ethics, the following hearing procedures shall also apply.
- B. The preliminary review and hearing on the merits are not formal judicial proceedings. The technical rules of evidence do not apply.

- C. The Chair of the Board of Ethics or, in the absence of the Chair, the vice-Chair shall preside over the hearing.
- D. No documents, photographs, recordings or other tangible materials, other than those submitted with the complaint and reply, shall be introduced at the hearing or considered by the hearing panel of the Board of Ethics.
- E. No witnesses, other than those identified in the complaint and reply, shall offer testimony at the hearing except as rebuttal evidence.
- F. The hearing panel of the Board of Ethics shall conduct a preliminary review of the complaint to determine if it complies with all of the following to establish jurisdiction of the Board of Ethics:
 - 1. The Complaint Procedures section of this chapter;
 - The complaint is against an elected or appointed official as set forth in the Scope section of this chapter;
 - 3. The complaint alleges a violation of one or more of the enumerated provisions of the Prohibited Conduct section of this chapter; and
 - 4. The complaint does not restate allegations of violations that have previously been considered and disposed of by the Board of Ethics.
- G. If a majority of the hearing panel of the Board of Ethics determines that the complaint does not comply with all of the provisions of subsection A above, the Chair shall state the findings of deficiency on the record and shall call for a vote of the hearing panel to dismiss the complaint without a hearing. A roll call vote of the hearing panel shall be taken by the City Clerk to record the vote of each member of the hearing panel. If a majority of the hearing panel of the Board of Ethics determines 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 evidence to establish a violation of the Prohibited Conduct section of this chapter. The complainant shall proceed first and shall have fifteen (15) minutes to make an opening statement, present evidence, and examine witnesses. The complainant shall have an additional fifteen (15) minutes to present rebuttal evidence, cross-examine

witnesses, and make a closing statement, including any rebuttal argument.

- I. The elected or appointed official shall proceed second and shall have fifteen (15) minutes to make an opening statement, present evidence, and examine witnesses. The elected or appointed official shall have an additional fifteen (15) minutes to cross-examine witnesses and make a closing statement.
- J. During the hearing, any member of the hearing panel of the Board of Ethics may ask questions of the parties or witnesses which will not be counted against the time allotted to that party.
- K. Upon the conclusion of evidence presented by the parties, the Chair shall facilitate verbal deliberations by the hearing panel.
- L. Any findings shall be by a majority vote of the hearing panel of the Board of Ethics and recorded by the City Clerk.
- M. Within five (5) city business days following the hearing, the City Clerk shall notify all parties in writing of the decision of the hearing panel of the Board of Ethics and the appeal procedures.

Section _____ Appeal Procedures.

- A. A decision by the hearing panel of the Board of Ethics finding a violation of the Prohibited Conduct section of this chapter shall be automatically appealed to the Mayor and City Council. The City Clerk shall place the appeal on the agenda of a regular meeting of the City Council within thirty (30) calendar days of the hearing by the hearing panel of the Board of Ethics and shall notify the parties in writing of the hearing date.
- B. A decision by the hearing panel of the Board of Ethics not finding a violation of the Prohibited Conduct section of this chapter may be appealed to the Mayor and City Council by either the complainant or the elected or appointed official against whom the complaint is made. The appeal shall be taken by filing a written notice of appeal with the City Clerk within ten (10) city business days following the date of the hearing by the hearing panel of the Board of Ethics. The notice of appeal shall be in writing on a form provided by the City Clerk. The City Clerk shall place the appeal on the agenda for a regular meeting of the City Council within thirty (30) calendar

days of the filing of the notice of appeal. The City Clerk shall notify the parties in writing of the hearing date.

- C. If there is no appeal of the decision by the hearing panel of the Board of Ethics not finding a violation of the Prohibited Conduct section of this chapter, then the decision of the hearing panel of the Board of Ethics shall become final and there shall be no further right to appeal.
- D. The record on appeal shall consist of a transcript of the hearing before the hearing panel of the Board of Ethics, as well as all documentary evidence and testimony considered at the hearing. No new evidence will be received or considered by the Mayor and City Council at the hearing on the appeal.
- E. The Mayor and City Council shall review the record of the hearing to determine whether the hearing panel of the Board of Ethics committed a clear error or an abuse of discretion based upon the record. If no such finding is made by a majority of the Mayor and City Council, then the Mayor and City Council shall adopt the decision of the hearing panel of the Board of Ethics as the findings of the Mayor and City Council on appeal. If there is a finding of a clear error or an abuse of discretion by a majority of the Mayor and City Council, then that finding shall be clearly stated and the matter shall be referred back to the Board of Ethics for a *de novo* (new) re-hearing of the matter in light of the findings on appeal.
- F. If the Mayor and City Council find there is a violation of the Prohibited Conduct section of this chapter, then the Mayor and City Council may determine sanctions in accordance with the Enforcement and Sanctions section of this chapter.
- G. The City Clerk shall notify both parties in writing of the findings and determination of the Mayor and City Council on the appeal. The findings and determination of the Mayor and City Council is final and there is no further right to appeal.
- H. Complaints, replies, supporting documentation, transcripts of hearings, notices of appeal, and all decisions thereon shall be public records and retained by the City Clerk for a period of at least two (2) years.

Section Enforcement and Sanctions.

Upon a finding by the Mayor and City Council that any elected or appointed official violated any provision of the Prohibited Conduct section of this chapter, the Mayor and City Council may impose any of the following sanctions:

A. <u>Elected Officials</u>.

1. Public censure.

B. Appointed Officials of Boards, Commissions and Committees.

- 1. Referral to the Board, Commission or Committee of which the appointed official is a member for public censure;
- 2. Public censure by the Mayor and City Council; or
- 3. Removal from office by a majority of the Mayor and City Council.

Section _____ Monitoring and Oversight.

- A. Prior to the end of July of each year, the boards and commissions shall agendize and discuss at a regular meeting this Code and submit to the Board of Ethics any recommendations for the Board's consideration.
- B. Prior to the end of August of each year, the Board of Ethics shall agendize and discuss at a regular meeting the effectiveness of this Code, recommendations of the other boards and commissions, and submit to the Governmental Affairs Committee its recommendations.
- C. Prior to the end of September of each year, the Governmental Affairs Committee shall meet with the Chair of the Board of Ethics, the Mayor, the City Manager, and the City Attorney to assess the overall effectiveness of this Code, the recommendations of the Board of Ethics, and discuss any proposed changes to this Code.
- D. Prior to the end of each year, the City Manager shall present a report to the Mayor and City Council which shall include the recommendations of the Board of Ethics and Governmental Affairs Committee. The Mayor and City Council shall hold a public hearing on its evening agenda at a regularly scheduled meeting, and shall review the report and make an independent evaluation of the effectiveness of this chapter and discuss and direct the City Manager to make any changes to this chapter it deems appropriate.

| 1 | Section Severability. |
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| 2 | If any section, subsection, subdivision, paragraph, sentence, clause, or phrase |
| 3 | in this chapter or any part thereof is for any reason held to be unconstitutional or |
| 4 | invalid or ineffective by any court of competent jurisdiction, such decision shall not |
| 5 | affect the validity or effectiveness of the remaining portions of this chapter or any |
| 6 | part thereof. The City Council hereby declares that it would have passed each section, |
| 7 | subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of |
| 8 | the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, |
| 9 | clauses, or phrases be declared unconstitutional, or invalid, or ineffective." |
| 10 | Section 3: The City Council has reviewed the matter and, based upon the facts and |
| 11 | information contained in the staff reports, administrative record, and written and oral testimony, |
| 12 | hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), |
| 13 | 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title |
| 14 | 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change |
| 15 | in the environment nor have a significant impact on the environment. |
| 16 | Section 4: The City Clerk shall certify to the adoption of this ordinance and cause |
| 17 | publication once in a newspaper of general circulation in accordance with Section 414 of the Charter |
| 18 | of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its |
| 19 | adoption. |
| 20 | ADOPTED by the City Council this day of, 20 |
| 21 | |
| 22 | Mayor of the City of Riverside |
| 23 | Attest: |
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| 25 | City Clerk of the City of Riverside |
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| 27 | I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the |
| 28 | foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the |

| 1 | day of, 20, and that thereafter the said ordinance was duly and |
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| 2 | regularly adopted at a meeting of the City Council on theday of, 20, |
| 3 | by the following vote, to wit: |
| 4 | Ayes: |
| 5 | Noes: |
| 6 | Absent: |
| 7 | Abstain: |
| 8 | |
| 9 | IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the |
| 10 | City of Riverside, California, this day of, 20 |
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| 12 | City Clerk of the City of Riverside |
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