



*City of Arts & Innovation*

# Governmental Affairs Committee Memorandum

**TO: GOVERNMENTAL AFFAIRS COMMITTEE**      **DATE: SEPTEMBER 6, 2017**  
**FROM: BOARD OF ETHICS**      **WARDS: ALL**  
**SUBJECT: CODE OF ETHICS ANNUAL REVIEW**

**ISSUE:**

Perform annual review of the Code of Ethics and Conduct for recommendation to the City Council.

**RECOMMENDATIONS:**

That the Governmental Affairs Committee recommend that the City Council:

1. Perform the annual review of the effectiveness of the Code of Ethics and Conduct including recommendations of the Board of Ethics and other City boards and commissions as required by Section 2.78.110 of the Riverside Municipal Code;
2. Introduce and subsequently adopt the attached ordinance; and
3. Request the Board of Ethics to forward any further recommendations upon completion of continued review.

**LEGISLATIVE HISTORY/BACKGROUND:**

**Legislative History**

Charter Section 202 requires 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 Resolution of the City Council on July 1, 2005, was amended on several occasions.

In 2014, the City Council appointed an ad hoc citizen committee to review the Code of Ethics and make recommendations. Subsequently, Chapters 2.78 and 2.80 added to the Riverside Municipal Code effective May 5, 2016, adopted a revised Code of Ethics and Conduct and established the Board of Ethics. RMC Section 2.78.110 provides the following monitoring and oversight steps:

- Prior to the end of July of each year, the boards and commissions shall agendaize and discuss at a regular meeting this Code of Ethics and Conduct and submit to the Board of Ethics any recommendations for the Board's consideration.
- Prior to the end of August of each year, the Board of Ethics shall agendaize and discuss at a regular meeting the effectiveness of this Code of Ethics and Conduct, recommendations of the other boards and commissions, and submit to the Governmental Affairs Committee its recommendations.

- Prior to the end of September of each year, the Governmental Affairs Committee shall agendaize and discuss at a regular meeting the effectiveness of this Code of Ethics and Conduct and the recommendations of the Board of Ethics and other boards and commissions, and instruct the City Manager to present a report to the City Council for its discussion and consideration.
- Prior to the end of each year, the City Manager shall present a report to the City Council which shall include the recommendations of the Board of Ethics, the other boards and commissions, and the Governmental Affairs Committee. The 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.

Board and commission Chairs and staff liaisons were reminded of their obligations to review the Code of Ethics and Conduct and invited to submit written comments and/or appear at the Board of Ethics and/or Governmental Affairs Committee meetings. Written responses received from the Board of Public Utilities and Planning Commission were considered as attached.

A stay on the complaint process imposed by the City Council on September 23, 2014, to accommodate the ad hoc citizen committee work, review and adoption of the new Code by the City Council, and seating of the Board of Ethics members, expired on September 1, 2016. The attached log details the ten ethics complaints filed since expiration of the stay.

At the request of Councilmember Perry, the City Clerk prepared the attached analysis of costs, staff resources, and volunteer hours for processing of ethics complaints based on experience and hard costs. The analysis represents an average estimate of complaints processed as of June 22, 2017.

#### Board of Ethics Review

On August 3, 2017, the Board of Ethics began their review of the Code of Ethics and Conduct. The Board unanimously recommends that RMC Section 2.78.060 M be amended to read:

*2.78.060 M. 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."*

As the Board of Ethics is not a court of law, the members feel the above amendment is appropriate. Further, the Board authorized the City Attorney and City Clerk to prepare recommendations to the Governmental Affairs Committee amending the complaint process timelines, as needed. The attached draft ordinance incorporates the amendment shown above to RMC Section 2.78.060 M and timeline changes for simplification and scheduling accommodations.

A subcommittee of the Board prepared a flow chart proposing changes to the hearing process which affect the Code of Ethics and Conduct as adopted by the City Council. The Board of Ethics began review of the proposed hearing process changes and upon completion of their analysis will forward any further recommendation to the Governmental Affairs Committee.

**FISCAL IMPACT:**

There is no fiscal impact associated with the annual review. The average per complaint filed as of June 22, 2017, estimates \$4,483 in costs to convene a Board of Ethics Hearing Panel, \$3,724 in costs to present an appeal to the City Council, 60 hours of panel member volunteer hours, and 14 hours of the public official's time.

Submitted by:

  
ERIN HOUSE, Chair  
Board of Ethics

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

Attachments:

Ordinance  
Riverside Municipal Code Chapter 2.80  
Board of Public Utilities comments  
Planning Commission comments  
Complaint log  
Hearing fiscal impact analysis