

City of Arts & Innovation

# Governmental Affairs Committee Memorandum

TO: GOVERNMENTAL AFFAIRS COMMITTEE DATE: NOVEMBER 1, 2017  
FROM: BOARD OF ETHICS WARDS: ALL  
SUBJECT: CODE OF ETHICS ANNUAL REVIEW - RIVERSIDE MUNICIPAL CODE  
AMENDMENT SECTION 2.78.060 PROHIBITED CONDUCT

## ISSUE:

Review the Board of Ethics recommended amendment to Riverside Municipal Code (RMC) Section 2.78.060 Prohibited Conduct for recommendation to the City Council.

## RECOMMENDATIONS:

That the Governmental Affairs Committee recommend that the City Council:

1. Amend Riverside Municipal Code Section 2.78.060 Prohibited Conduct to read, "*It ~~shall~~ may be deemed unethical for any public official to engage in one or more of the following prohibited actions: ...*", and
2. Introduce and subsequently adopt the attached ordinance.

## LEGISLATIVE HISTORY/BACKGROUND:

On September 6, 2017, the Governmental Affairs Committee performed the annual review of the Code of Ethics and Conduct for recommendation to the City Council. At that meeting the Governmental Affairs Committee requested that the Board of Ethics forward any further recommendations to the Committee upon completion for review.

On October 15, 2017, the Board of Ethics discussed and recommended replacing "shall" with "may" in RMC Section 2.78.060 to allow the Board the ability to exercise discretion in determining whether a violation of any of its provisions is unethical or not, depending on the facts of each individual case. The Board unanimously, with Member Nelson absent, recommended that RMC Section 2.78.060 be amended as follows:

*"2.78.060 Prohibited Conduct.*

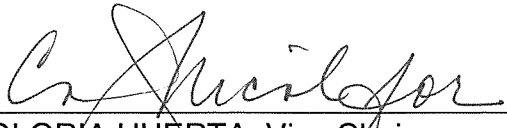
*The following conduct is prohibited and shall be subject to the complaint procedures established in this chapter. It ~~shall~~ may be deemed unethical for any public official to engage in one or more of the following prohibited actions:.."*

Further, the Board authorized the City Attorney and City Clerk to prepare the attached ordinance incorporating the amendment shown above to RMC Section 2.78.060.

**FISCAL IMPACT:**

There is no fiscal impact associated with this Code of Ethics amendment. 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:

  
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GLORIA HUERTA, Vice Chair  
Board of Ethics

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

Attachment:

Ordinance