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City of Riverside  
City Clerk's Office

October 10, 2017

Honorable Mayor and City Council:

The Code of Ethics and Conduct provides, "The people of the City of Riverside expect their 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..." In concert with that statement, we believe that the people of the City of Riverside do not expect perfection of elected officials and volunteer appointed officials who step up to a role in public service. The Code's purpose is to "achieve fair, ethical, and accountable local government for the City of Riverside." In support of these concepts, we offer the below recommendations.

1. Support the Board of Ethics and Governmental Affairs Committee recommendation to amend the Code of Ethics 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."*

Infrequent, minor, or inadvertent departures from policy are not unethical as envisioned in the Code and should not be defined or interpreted as such. The time and expense of convening a hearing panel, the public official, City Clerk, City Attorney, complainant, and witnesses for minor departures from policy or procedure does nothing to further the purpose of the Code. Conviction for violations of state or federal law is an appropriate precursor to filing of an ethics complaint.

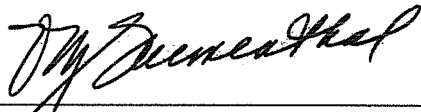
2. Support the Planning Commission and Board of Public Utilities recommendation to establish a vetting process for complaints. A subcommittee of the Board of Ethics or a retired judge could review complaints for serious, intentional, or repeated behaviors. Complaints deemed through vetting to not warrant a full hearing may be referred back to the Mayor and City Council or board/commission, as appropriate. Each legislative body holds the ability to add these matters to their formal agenda for further discussion or consideration of a change/clarification of policy or procedures, if they so desire.

3. Encourage the Board of Ethics to establish appropriate and fair time limits on presentation of opening and closing statements, presentation of evidence, and rebuttals. Concise statements from well-prepared parties can accomplish fair hearings and avoid unnecessarily lengthy presentations. Restatement of evidence included with the complaint or response already reviewed in advance by the hearing panel adds no value to deliberations.
4. Direct questioning of the public official who is the subject of the complaint as a witness by the complainant creates opportunity for antagonistic dialogue that we believe is not helpful to hearing panel deliberations and should be eliminated. Likewise, the public official may submit a response, present evidence, and defend their actions without direct questioning of the complainant.

The people of the City of Riverside rightly added the Code of Ethics requirement to the Charter in 2005 and public officials, we believe, welcome accountability to its stated values and aspirations. The above recommendations uphold the People's intent while acknowledging the practicalities of public service and resources.

Thank you for your consideration of the merits of these recommendations in furtherance of the Code of Ethics and its application.

Sincerely,



Virginia M. Blumenthal



Ronald O. Loverage

cc: Mayor  
City Council  
City Manager  
City Attorney  
ACMs