



City of Arts & Innovation

Board of Ethics Memorandum

TO: BOARD OF ETHICS

DATE: AUGUST 5, 2021

FROM: CITY CLERK

WARDS: ALL

SUBJECT: CODE OF ETHICS ANNUAL REVIEW

ISSUE:

Conduct annual review of the Code of Ethics and Conduct for recommendation to the City Council Inclusiveness, Community Engagement, and Governmental Processes Committee.

RECOMMENDATION:

Perform annual review the effectiveness of the Code of Ethics and Conduct and recommendations of other City boards and commissions as required by Section 2.78.110 of the Riverside Municipal Code for recommendation to the City Council Inclusiveness, Community Engagement, and Governmental Processes Committee.

LEGISLATIVE HISTORY/BACKGROUND:

Charter Section 202 requires the 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 were added to the Riverside Municipal Code effective May 5, 2016, adopting a revised Code of Ethics and Conduct and establishing the Board of Ethics. RMC Section 2.78.110 provides the following steps for monitoring and oversight :

- 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 Inclusiveness, Community Engagement, and Governmental Processes Committee its recommendations.

- Prior to the end of September of each year, the Inclusiveness, Community Engagement, and Governmental Processes 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 Chair of the City Council Inclusiveness, Community Engagement, and Governmental Processes Committee 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 Inclusiveness, Community Engagement, and Governmental Processes 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 Attorney 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 or Inclusiveness, Community Engagement, and Governmental Processes Committee meetings. The minutes from the Boards and Commissions are attached to this report indicating no substantive recommendations were forwarded for the Board of Ethics consideration.

On July 1, 2021, the Board of Ethics requested the following be clarified and addressed in the Code of Ethics Ordinance:

1. The language on who the final determinant in the case of dispute;
2. Clarification of the Sunshine Ordinance definition of “urgency”;
3. A review of the Code of Ethics and Conduct to consider whether or not the entire City Council is guilty of violating the Sunshine Ordinance when one councilmember violates the Sunshine Ordinance; and
4. A review of Section 2.78.090 - the appeal procedures

On August 4, 2021, Chair Nelson and Vice-Chair Stahovich will present the following to the Inclusiveness, Community Engagement, and Governmental Processes Committee (ICEGPC):

1. Review of the purpose, values, and scope of the Board of Ethics.
2. Determining who authors, reviews, and presents the hearing panel findings to the City Council.
3. The appeal and de novo hearing process.
4. The process for enforcing subpoena power.
5. The continuance procedures.

After which, Chair Nelson and Vice-Chair Stahovich will present any outcomes from the discussion with the ICEGPC at the next regular Board of Ethics meeting.

FISCAL IMPACT:

There is no fiscal impact associated with the annual review.

Prepared by: Donesia Gause, City Clerk
 Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

Riverside Municipal Code Chapter 2.78
Riverside Municipal Code Chapter 2.80
Board/commission minutes