



City of Arts & Innovation

Board of Ethics Memorandum

TO: BOARD OF ETHICS MEMBERS

DATE: September 2, 2021

FROM: CITY ATTORNEY'S OFFICE

WARDS: ALL

SUBJECT: USE OF OUTSIDE COUNSEL TO ADVISE THE BOARD OF ETHICS AND ITS HEARING PANELS ON SPECIFIC MATTERS

ISSUE:

Should the Board of Ethics (Board) exercise its discretion to use outside legal counsel in lieu of the City Attorney's Office to advise the Board of Ethics and its hearing panels on specific matters in accordance with Riverside Municipal Code section 2.78.040.

RECOMMENDATIONS:

The Board of Ethics discuss and decide whether to exercise its discretion to use outside legal counsel to advise the Board of Ethics and its hearing panels on specific matters and identify the specific matter(s) where outside counsel legal counsel shall be used.

BACKGROUND:

Riverside Municipal Code section 2.78.040, "Implementation," provides the following:

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

* * *

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. Use of outside legal counsel in lieu of the City Attorney to advise the Board of Ethics and its hearing panels on specific matters shall be at the discretion of the Board of Ethics. If outside legal counsel is so desired, the City Attorney shall contract with the appropriate party(ies)."

At the August 5, 2021 meeting of the Board, the Board requested that the City Attorney agendize this topic for discussion at their next meeting.

Under the Riverside Municipal Code, the Board has the discretion to use outside counsel in lieu of the City Attorney to advise the Board and its hearing panels on specific matters. If the Board exercises its discretion to use outside legal counsel, the City Attorney shall then contract with the appropriate parties.

FISCAL IMPACT:

The fiscal impact is dependent upon the action of the Board and the specific matters for which outside legal counsel shall be used.

Prepared by: Susan Wilson, Assistant City Attorney

Approved by: Al Zelinka, City Manager

Approved as to form: Phaedra A. Norton, City Attorney