



City of Arts & Innovation

Inclusiveness, Community Engagement, and Governmental Processes Committee

TO: INCLUSIVENESS, COMMUNITY ENGAGEMENT, AND GOVERNMENTAL PROCESSES COMMITTEE **DATE: SEPTEMBER 1, 2021**

FROM: CITY CLERK'S OFFICE

WARDS: ALL

SUBJECT: CODE OF ETHICS ANNUAL REVIEW

ISSUES:

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

RECOMMENDATIONS:

That the City Council Inclusiveness, Community Engagement, and Governmental Processes Committee recommend the City Council:

1. Perform the annual review of the effectiveness of the Code of Ethics and Conduct and consider the recommendations of the Board of Ethics and other City boards and commissions as required by Section 2.78.110 of the Riverside Municipal Code for recommendation to the City Council; and
2. Approve the timeline set forth by the Board of Ethics Ad Hoc Committee.

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 was adopted by Resolution of the City Council on July 1, 2005 and was amended several times.

In 2014, the City Council appointed an ad hoc citizen committee to review the Code of Ethics and make recommendations for improvement.

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 monitoring and oversight steps:

- Prior to the end of July of each year, the boards and commissions shall agendize 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 agendize 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 agendize 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 Chairperson of the 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 City 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 meeting. The minutes of those meetings indicate that no substantive recommendations were forwarded for the Board of Ethics' consideration.

In addition, outreach efforts were taken seeking community input which consisted of website displays and community group flyers and posters throughout the city advising how public members may provide recommendations for consideration of the Inclusiveness, Community Engagement, and Governmental Processes Committee (ICGC). No recommendations were received prior to the completion of this report.

Pursuant to the Code of Ethics provisions, the Board of Ethics addressed the Code of Ethics and Conduct Annual review on August 5, 2021. The Board of Ethics unanimously accepted the recommendations for amendments to Chapter 2.78 the Code of Ethics and Conduct and developing language to revise the ordinance.

BOARD OF ETHICS RECOMMENDATIONS:

1. The language on who has the final determination in the case of a 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

In addition, on August 4, 2021, Keith Nelson, Board of Ethics Chair presented the following to the ICGC for consideration:

1. Review of the purpose, values, and scope of the Board of Ethics.
2. Determine 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 discussion, the ICGC unanimously approved that the Board of Ethics recommendations, in addition to changes to the hearing process, be brought back to the ICGC during its Code of Ethics Review cycle.

DISCUSSION:

On August 5, 2021, the Board of Ethics created an Ad Hoc Committee, working with the City Clerk and City Attorney to develop recommended language revising the Code of Ethics and Conduct set forth by the Board of Ethics.

The Ad Hoc Committee, City Clerk, and City Attorney scheduled their first meeting on August 23, 2021. It is anticipated that the Ad Hoc committee will meet several times, providing updated annotations to both the Board of Ethics and ICGC with the following timeline:

Ad Hoc Meeting Dates	Board of Ethics Meeting Dates	ICGC Meeting Dates
August 23 – Review of initial annotations.	September 2 – Ad Hoc report on initial annotations.	September 1 – Initial report and approval of timeline.
TBD	October 7 – Final review of Ad Hoc recommendations.	October 6 – Review and provide additional recommendations.
TBD		November 3 – Review and adopt final report.

The final report, once adopted by ICGC, will be referred to the City Council for consideration. Staff anticipates the final report will be presented to the City Council on December 14, 2021. Staff will present this timeline to the Ad Hoc Committee at their August 23, 2021, meeting.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Donesia Gause, City Clerk

Approved as to form: Phaedra Norton, City Attorney