



*City of Arts & Innovation*

# BOARD OF ETHICS

**TO: BOARD OF ETHICS MEMBERS**

**DATE: November 4, 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**

## **ISSUES:**

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, the authority to do so and the conditions in which to hire outside counsel for future Board meetings.

## **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.

At their September 2, 2021 meeting, the Board adopted a formal motion to use outside counsel

to advise the Board of Ethics and its hearing for the Councilmember Conder complaint. The Board subsequently adopted a formal motion to request that an item be placed on the discussion agenda regarding authority and conditions in which to hire outside counsel for future Board meetings.

### **STRATEGIC PLAN ALIGNMENT:**

The use of outside counsel to advise the Board of Ethics and its hearing panels on specific matters supports the priorities of the City of Riverside's Envision Riverside 2025 Strategic Plan, by contributing to Strategic Priority No. 5 High Performing Government by supporting the following goal:

**Goal 5.3**– Enhance communication and collaboration with community members to improve transparency, build public trust, and encourage shared decision-making.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The City of Riverside is transparent and makes decisions based on sound policy, inclusive community engagement, involvement of Boards and Commissions, and timely and reliable information. The use of outside counsel to advise the Board of Ethics and its hearing panels on specific matters promotes these purposes by ensuring that the Board of Ethics is properly advised of the requirements of the Riverside Municipal Code and state law.
2. **Equity** – The use of outside counsel to advise the Board of Ethics and its hearing panels on specific matters ensures that the Board of Ethics is properly advised of the requirements of the Riverside Municipal Code and state law so that every member of the community has equal access to share in the benefits of community progress.
3. **Fiscal Responsibility** – The use of outside counsel to advise the Board of Ethics and its hearing panels on specific matters ensures that the Board of Ethics is properly advised of the requirements of the Riverside Municipal Code and state law so the public is informed about how the City of Riverside is a prudent steward of public funds and ensures responsible management of the City of Riverside's financial resources while providing quality public services to all.
4. **Innovation** – The use of outside counsel to advise the Board of Ethics and its hearing panels on specific matters ensures that the Board of Ethics is properly advised of the requirements of the Riverside Municipal Code and state law so that the public is informed that the City of Riverside is inventive and timely in meeting the community's changing needs and prepares for the future through collaborative partnerships and adaptive processes.
5. **Sustainability & Resiliency** – The use of outside counsel to advise the Board of Ethics and its hearing panels on specific matters ensures that the Board of Ethics is properly advised of the requirements of the Riverside Municipal Code and state law so that the public is informed that the City of Riverside is committed to meeting the needs of the present without compromising the needs of the future and ensuring the City of Riverside's capacity to persevere, adapt and grow during good and difficult times alike.

**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.

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