



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: DECEMBER 3, 2024
FROM: CITY CLERK'S OFFICE WARDS: ALL
SUBJECT: CODE OF ETHICS AND CONDUCT ANNUAL REVIEW

ISSUE:

Perform the annual review of the Code of Ethics and Conduct for its effectiveness and consider revisions recommended by the Governmental Processes Committee (GPC).

RECOMMENDATIONS:

That the City Council:

1. Perform the annual review of the Code of Ethics and Conduct for its effectiveness;
2. Approve the Governmental Processes Committee recommended revisions to the Code of Ethics and Conduct; and
3. Direct the City Attorney to draft an ordinance for introduction and adoption reflecting the revisions as outlined in Exhibit A.

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 a Resolution of the City Council on July 1, 2005, was amended several times.

On April 5, 2016, Ordinance No. 7328 was adopted adding Chapters 2.78 and 2.80 to the Riverside Municipal Code, adopting a revised Code of Ethics and Conduct, and establishing the Board of Ethics (BOE).

RMC Section 2.78.110 provides for annual monitoring and oversight in the following cadence:

- Before the end of July of each year, all boards and commissions shall review and discuss the Code of Ethics and Conduct and submit recommendations, if any, to the BOE for their consideration.
- Then before the end of August, the BOE shall review and discuss the effectiveness of the Code of Ethics and Conduct and the recommendations of the other boards and commissions, then submit their recommendations to the GPC.

- Subsequently, in September, the GPC will review and discuss the effectiveness of this Code of Ethics and Conduct, in addition to the recommendations from the Boards and Commissions, then instruct the City Manager to prepare a report to the City Council for their consideration.
- Then lastly, prior to the end of each year, the Chair of the GPC will present a report to the City Council, which shall include the recommendations from the Boards and Commissions and GPC. At which time, the City Council conducts a public hearing to review the report and make an independent evaluation of the effectiveness of this chapter. After their discussion, City Council may direct the Attorney to make any necessary changes to this chapter it deems appropriate.

BOARDS/COMMISSIONS RECOMMENDATIONS:

In 2024, the Human Resources Board, Transportation Board, Board of Library Trustees, Airport Commission, Commission on Aging, Planning Commission, Museum of Riverside Board, Community Police Review Commission, Human Relations Commission, Budget Engagement Commission, and Cultural Heritage Board formally reviewed the Code of Ethics and Conduct and submitted no recommendations for amendments to the BOE for their consideration.

However, the Board of Public Utilities recommended that the Board of Ethics consider the following amendments to the Code of Ethics and Conduct: (1) Change the statute of limitations under RMC Section 2.78.070(E) regarding the filing of complaints from one year from the date of the alleged violation to three years from the date of the alleged violation; (2) Restore subpoena power to the Board of Ethics; and (3) Complainants should have the right to appeal a decision of the Board of Ethics at a pre-conference when a complaint is dismissed even if there was no procedural error.

On August 1, 2024, the BOE conducted its annual review of the Code of Ethics and Conduct and forwarded the following proposed revisions to the GPC for consideration:

1. Under Prohibited Conduct, revise **RMC 2.78.060.M** to separate violations pertaining to “Local Law” from “Federal and State laws” and add **RMC 2.78.060.N** for violations of Federal and state laws:
 - 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.~~*
 - N. **Convictions of Federal or State law affecting their office Prohibited.** *No public official of the City of Riverside shall be convicted of a violation of any state or federal law that affects the performance of their duties in the office that they hold.*
2. Under RMC 2.78.070.E, revise the statute of limitations to 3 years from the alleged violation date.
3. Under RMC 2.78.080.O, add to the end of the second sentence, "*...prepare a statement of findings to include a recommendation for sanctions.*"

4. Revise RMC 2.780.90.A to allow appeals of “a decision of a pre-conference” when dismissed:
 - A. A decision **of a pre-conference or** by the hearing panel of the Board of Ethics may be appealed to the City Council by either party. ~~A decision of the Board of Ethics at a pre-conference may only be appealed if the appeal is based upon a clear procedural error.~~ The appeal shall be taken by filing a written notice of appeal with the City Clerk within ten City business days following the date of the decision. The notice of appeal shall be in writing on a form provided by the City Clerk. The appealing party must specify on the appeal form the clear procedural error or abuse of discretion that was committed by the hearing panel. The City Clerk shall place the appeal on the agenda for a regular meeting of the City Council within 30 City business days of the filing of the notice of appeal. The City Clerk shall notify the parties in writing of the hearing date.

[Currently, decisions of the Board of Ethics at a pre-conference may only be appealed if the appeal is based upon a clear procedural error.]
 - B. Under RMC 2.78.090.B, remove “if applicable” and add "City Council will determine the level of sanctions that should be imposed."
 - C. Request City Council give authority to the Board of Ethics to compel the appearance of a City representative in response to a filed complaint.

COMMITTEE RECOMMENDATIONS:

On September 4, 2024, the Governmental Processes Committee, with Vice Chair Perry and Member Conder present, conducted the annual review of the Code of Ethics and Conduct and, unanimously, recommended to forward the following Board of Ethics proposed revisions to the Code of Ethics and Conduct for City Council consideration as shown below:

1. Revise Riverside Municipal Code (RMC) Section 2.78.060.M regarding Violations of federal, state, or local law prohibited to read as proposed:

M. Violations of 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.
2. Add “Riverside Municipal Code (RMC) Section 2.78.060.N as proposed with the insertion of the bold underlined text recommended by the GPC:

*N. Convictions of Federal or State Laws affecting their office prohibited. No public official of the City of Riverside shall be convicted, **or enter a plea of no contest**, of a violation of any state or federal law that affects the performance of their duties in the office that they hold.*
3. Under RMC 2.78.080.O, add "to include a recommendation for sanctions" to the end of the second sentence to read:

O. All findings shall be approved by a majority vote of the hearing panel and recorded by the City Clerk. The hearing panel may approve such findings at the conclusion of the

hearing and direct the City Clerk to prepare the statement of findings or designate members of the hearing panel to prepare the statement of findings to include a recommendation for sanctions.

The GPC recommended to make no changes to: RMC section 2.78.070.E regarding the statute of limitations; RMC section 2.78.090.A regarding appeals of pre-conference decisions; and RMC section 2.78.090.B regarding sanctions by the City Council.

Furthermore, the request by the Board of Ethics for authority to compel the appearance of a City representative in response to a filed complaint was referred back to the Board of Ethics for further discussion.

DISCUSSION:

At this public hearing, the City Council will review the recommendations and make an independent evaluation of the effectiveness of the Code of Ethics and Conduct. After their discussion, the City Council may direct the City Attorney to make any necessary changes to the Code of Ethics and Conduct as it deems appropriate.

Additionally, on December 12, 2023, the City Council approved minor revisions to RMC Section 2.78.075, which will to be incorporated into the Code as outlined in Exhibit A. The modifications include Section 2.78.075(A), which pertains to the timing of filing amended complaints, and a correction to the sequential numbering of Section 2.78.075(D). These changes are intended to address inconsistencies and facilitate the effective implementation of the COE during the complaint proceedings.

STRATEGIC PLAN ALIGNMENT:

The annual review of the effectiveness of the Code of Ethics and Conduct contributes to the following City Council's Envision 2025 Strategic Plan Priorities and Goals:

Community Well-Being – Ensuring safe and inclusive neighborhoods where everyone can thrive with the following:

Goal 2.4 Support programs and innovations that enhance community safety, encourage neighborhood engagement, and build public trust: and,

High Performing Government – Providing world class public service that is efficient, accessible, and responsible to all, with the following goal:

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

The review of the Code of Ethics and Conduct for its effectiveness aligns with the Envision 2025 Cross-Cutting Threads as follows:

1. **Community Trust** – Riverside's annual review of the Code of Ethics and Conduct is transparent, the involvement of the City Boards and Commissions and public input creates sound policy, and inclusive community engagement builds community trust.

2. **Equity** – Outreach efforts were taken to encourage community input which consisted of website displays and community group flyers and posters throughout the City advising the public members how to provide recommendations for consideration allowing for a fair and unbiased revision process.
3. **Fiscal Responsibility** – Riverside is a prudent steward of public funds and ensures responsible management of the City’s financial resources while providing quality public services to all. The City Clerk’s Office annual budget includes funding to support the annual code review and outreach efforts.
4. **Innovation** –. Riverside’s annual review of the Code of Ethics and Conduct through collaborative partnerships. Adaptive processes bring new perspectives and ideas, helping to meet the Board of Ethics ever-changing needs for implementing the Code of Ethics and Conduct.
5. **Sustainability & Resiliency** – Riverside is committed to meeting the present needs without compromising the needs of the future and ensuring the City’s capacity to persevere, adapt and grow during fluctuating times alike. It is essential to review the Code of Ethics and Conduct annually to maintain sustainable and resilient processes and monitor promoting innovation for a more sustainable future.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Donesia Gause, City Clerk
Approved as to form: Jack Liu, Interim City Attorney

Concurs with:



PHILIP FALCONE, Chair
Governmental Processes Committee

Attachment:

Exhibit A - Code of Ethics and Conduct Redlined Proposed Revisions