City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** DECEMBER 9, 2025

FROM: GOVERNMENTAL PROCESSES COMMITTEE **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 any revisions for recommendation for City Council consideration.

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, with the exception of new sections to be added to RMC 2.78.050 and .060 to address digital communications;

3. Review and consider proposed revisions to the new sections to be added to RMC 2.78.050 and .060 to address digital communications and refer those sections back to the Board of Ethics and the Governmental Processes Committee for further review and consideration; and

4. Direct the City Attorney to draft an ordinance for introduction and adoption reflecting the revisions as outlined in Exhibit A, except as referenced herein.

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 Governmental Processes Committee (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 present 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 City Attorney to make any necessary changes to this chapter it deems appropriate.

BOARD/COMMISSION RECOMMENDATIONS:

On June 2, 2025, the Human Resources Board submitted three recommendations: (a) drafting a section for digital conduct; (b) clarifying explicit protection for whistleblowers; and (c) expanding the complaint eligibility to vendors/contractors and guests that directly interface with the public officials.

On June 25, 2025, the Community Police Review Commission recommended that the six months to a year timeline to file an ethics complaint be explored for appropriateness.

On July 10, 2025, the Budget Engagement Commission recommended providing guidance to City staff for filing complaints and creating whistleblower protocols.

The Airport Commission, Commission on Aging, Commission on Disabilities, Cultural Heritage Board, Human Relations Commission, Board of Library Trustees, Museum Board of Riverside, Park and Recreation Commission, Planning Commission, Board of Public Utilities, and Transportation Board submitted no recommendations for amendments for the BOE consideration.

On August 7, 2025, the BOE conducted its annual review of the Code of Ethics and considered those recommendations received from the boards and commissions noted above. The BOE recommended the GPC consider the following revisions to the COE:

1. Under “RMC 2.78.040.F, insert “including vendors and contractors” after work to read:
   F. Only those who live, work (including vendors and contractors), or attend school in Riverside may bring a complaint, unless the alleged violation took place outside of the

boundaries of the City of Riverside and the complaining party must have personally witnessed or observed the alleged violation.

2. Under "RMC 2.78.050 - Core Values", add "I" regarding digital communications to read:
   I. Digital communication must reflect the City's commitment to impartiality, fairness, and integrity. Online activity, messages or actions should not create, or appear to create, bias, partisanship, a conflict of interest, or predisposition on pending City matters.

3. Under "RMC 2.78.060 - Prohibited conduct", add "O" regarding digital misconduct prohibited to read:

   O. Digital misconduct prohibited. Those subject to this code are prohibited from engaging in digital misconduct. Online activity or messages that create, or appear to create, bias, partisanship, a conflict of interest, or predisposition on pending City matters are strictly prohibited. Any violation of prohibited conduct under this code shall encompass online activity while representing your appointed or elected position.

4. Under "RMC 2.78.070.A – Written complaint procedures", add language regarding "whistleblower" complaints to read:

   A. Only alleged violations of the prohibited conduct section of this chapter shall be grounds for a complaint against any public official pursuant to this chapter. Complainants are covered by whistleblower policies and the City will not retaliate nor tolerate retaliation against those who, in good faith, report suspected fraud, waste, or abuse, or participate in an investigation of a suspected violation.

5. Under "RMC section 2.78.070.5" and "RMC section 2.78.075.1.c", correct clerical error replacing "2.78.070(M)" with "2.78.060(M)" and remove "*including when the policy of the City of Riverside was established*" for alleged violations of Local Law Prohibited to read:

   …For alleged violations of RMC Section 2.78.060(M)**,** the complaining party must identify the specific section(s) of the Charter of the City of Riverside or the Riverside Municipal Code, or the policy of the City of Riverside~~, *including when the policy of the City of Riverside was established,*~~ that is alleged to have been violated…

6. Under RMC 2.78.070 Section E, revise the statute of limitations from 1 year to 2 years from the alleged violation date.

7. Under RMC 2.78.110, update "Inclusiveness, Community Engagement, and Governmental Processes Committee" to "Governmental Processes Committee" to reflect the name change that took place January 16, 2024.

GOVERNMENTAL PROCESSES COMMITTEE RECOMMENDATIONS:

On November 18, 2025, the Governmental Processes Committee, with Chair Falcone, Vice Chair Perry and Member Conder present, conducted the annual review of the Code of Ethics and Conduct and, unanimously, recommended to forward the Board of Ethics proposed revisions to the Code of Ethics and Conduct for City Council consideration as shown below:

1. Revise "RMC 2.78.040(F) to read as proposed:
   F. Only those who live, work (including vendors and contractors), or attend school in Riverside may bring a complaint, unless the alleged violation took place outside of the boundaries of the City of Riverside and the complaining party must have personally witnessed or observed the alleged violation.

2. Revise “RMC 2.78.050 - Core Values”, adding “I” regarding digital communications to read:

   I. Digital communication must reflect the City’s commitment to impartiality, fairness, and integrity. Online activity, messages or actions should not create, or appear to create, bias, partisanship, a conflict of interest, or predisposition on pending City matters.

3. Revise “RMC 2.78.060 - Prohibited conduct”, adding “O” regarding digital misconduct prohibited to read:

   O. Digital misconduct prohibited. Those subject to this code are prohibited from engaging in digital misconduct. Online activity or messages that create, or appear to create, bias, partisanship, a conflict of interest, or predisposition on pending City matters are strictly prohibited. Any violation of prohibited conduct under this code shall encompass online activity while representing your appointed or elected position.

4. Revise “RMC 2.78.070.A – Written complaint procedures”, add language regarding “whistleblower” complaints to read:

   A. Only alleged violations of the prohibited conduct section of this chapter shall be grounds for a complaint against any public official pursuant to this chapter. Complainants are covered by whistleblower policies and the City will not retaliate nor tolerate retaliation against those who, in good faith, report suspected fraud, waste, or abuse, or participate in an investigation of a suspected violation.

5. Revise “RMC section 2.78.070.5” and “RMC section 2.78.075.1.c”, to correct clerical error replacing “2.78.070(M)” with “2.78.060(M)” and remove “*including when the policy of the City of Riverside was established*” for alleged violations of Local Law Prohibited to read:

   …For alleged violations of RMC Section 2.78.060(M)**,** the complaining party must identify the specific section(s) of the Charter of the City of Riverside or the Riverside Municipal Code, or the policy of the City of Riverside~~, *including when the policy of the City of Riverside was established*,~~ that is alleged to have been violated…

6. GPC recommends no change to RMC 2.78.070 Section E regarding the statute of limitations.

The GPC requested the City Attorney’s Office to review the digital misconduct language. Additionally, the GPC recommended further revisions to pre-conference procedures regarding evidence amending RMC section 2.78.075(D)(5-7) to read as follows:

5. The complainant may verbally present to the Board of Ethics any and all evidence, both tangible and testimonial, that will be presented at the hearing to prove the allegations in the complaint. The public official will have the option or opportunity to present to the Board of Ethics any and all evidence, both tangible and testimonial, that will be presented at the hearing or address the evidence presented by the complainant, including whether the complainant has shown that the evidence~~, if taken as true~~**,** more likely than not shows that there may be a potential violation of the prohibited conduct ~~section of this chapter~~ alleged in the complaint. During the pre-conference, any member of the Board of Ethics may ask questions of the parties.

6. The Board of Ethics shall determine, by a majority vote, whether the complainant has shown that the evidence, more likely than not shows that there may be a potential violation of the prohibited conduct alleged in the complaint. All evidence submitted by the complainant and public official shall be taken in its totality with equal weight given to both parties.

7. If it is determined by the Board of Ethics that the evidence shows it is more likely than not that there may be a potential violation of the prohibited conduct ~~section of this chapter~~ alleged in the complaint has occurred, then a hearing panel shall be selected in accordance with RMC Section 2.80.040(B). The City Clerk shall set a hearing date on the complaint within 20 City business days of the pre-conference. The hearing date shall be within 45 City business days following the pre-conference.

DISCUSSION

In addition to the recommendations above, the GPC requested the City Attorney's Office to review the language regarding digital misconduct for First Amendment issues. After reviewing the proposed language, the City Attorney's Office has raised concern that the proposed language may trigger First Amendment challenges, may be duplicative of other sections of the Code of Ethics and could be too broad:

Specifically:

(1) "Conflicts of Interest": Section 2.78.060.F - Prohibited conduct, "*Violation of Government Code §§ 87100 et seq., prohibited*" addresses conflicts of interests and provides that the Board of Ethics should either defer action if a complaint is already pending before the Fair Political Practices Commission ("FPPC") or file their own complaint with the FPPC. This reference should be deleted from the digital misconduct section, to avoid duplication of another section.

(2) "Pending City matters" could cause confusion and should be clarified to only apply to those matters that are within the subject matter jurisdiction of public official.

(3) "Bias" in a quasi-judicial proceeding is covered by the Section 2.78.060.N - Prohibited conduct, "*Convictions of federal or state law affecting their office prohibited.*" This likely would be deemed to be a deprecation of a complaining party's due process rights. This reference should be modified to exclude "quasi-judicial proceedings" to avoid duplication of another section.

Based on this review, the City Attorney's Office has recommended the following changes, and recommends that this section be referred back to the Board of Ethics and the Governmental Processes Committee for discussion and consensus before being recommended to the City Council as an addition to the Code of Ethics.

Original Language:

Revise "RMC 2.78.050 - Core Values", adding "I" regarding digital communications to read:

II. Digital communication must reflect the City's commitment to impartiality, fairness, and integrity. Online activity, messages or actions should not create, or appear to create, bias, partisanship, a conflict of interest, or predisposition on pending City matters.

Revise "RMC 2.78.060 - Prohibited conduct", adding "O" regarding digital misconduct prohibited to read:

O. Digital misconduct prohibited. Those subject to this code are prohibited from engaging in digital misconduct. Online activity or messages that create, or appear to create, bias, partisanship, a conflict of interest, or predisposition on pending City matters are strictly prohibited. Any violation of prohibited conduct under this code shall encompass online activity while representing your appointed or elected position.

Proposed Language:

Revise "RMC 2.78.050 - Core Values", adding "I" regarding digital communications with the bold underlined text recommended by GPC to read:

I. Digital communication must reflect the City's commitment to impartiality, fairness, and integrity. Online activity, messages or actions should not create, or appear to create, bias, partisanship, ~~a conflict of interest~~, or predisposition on ~~pending~~ City matters **that fall within the subject matter jurisdiction of the public office and are not quasi-judicial proceedings**.

Revise "RMC 2.78.060 - Prohibited conduct", adding "O" regarding digital misconduct prohibited with the bold underlined text recommended by GPC to read:

O. Digital misconduct prohibited. Those subject to this code are prohibited from engaging in digital misconduct, **while acting in an official capacity**. Online activity or messages that create, or appear to create, bias, partisanship, ~~a conflict of interest~~, or predisposition on ~~pending~~ City matters **that fall within the subject matter jurisdiction of the public office and are not quasi-judicial proceedings** are strictly prohibited. Any violation of prohibited conduct under this code shall ~~encompass~~ **be limited to** online activity while representing ~~you're the~~ **public official's** appointed or elected position **using official City accounts**.

FISCAL IMPACT:

There is no fiscal impact associated with the annual review.

Prepared by:

Philip Falcone

PHILIP FALCONE, Chair
Governmental Processes Committee

Attachment:

1. Exhibit A – RMC 2.78 - Code of Ethics and Conduct Redlined Proposed Revisions