



*City of Arts & Innovation*

# Inclusiveness, Community Engagement, and Governmental Processes Memorandum

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**TO: INCLUSIVENESS, COMMUNITY  
ENGAGEMENT, AND GOVERNMENTAL  
PROCESSES COMMITTEE**

**DATE: SEPTEMBER 6, 2023**

**WARDS: ALL**

**FROM: CITY CLERK  
CITY ATTORNEY**

**SUBJECT: CODE OF ETHICS 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.

**RECOMMENDATION:**

That the Inclusiveness, Community Engagement, and Governmental Processes Committee perform the annual review of the Code of Ethics and Conduct for its effectiveness, consider any recommendations for revisions from the other City boards and commissions, and submit its recommendations to the City Council as required by Section 2.78.110 of the Riverside Municipal Code.

**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.

In 2014, the City Council appointed an ad hoc citizen committee to review the Code of Ethics and make recommendations. Subsequently, Chapters 2.78 and 2.80 were added 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 effectiveness of 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 Inclusiveness, Community Engagement, and Governmental Processes Committee (ICGC).
- Subsequently, in September, the ICGC 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 ICGC will present a report to the City Council, which shall include the recommendations from the Boards and Commissions and ICGC. 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.

On September 27, November 3, 2022, and February 1, 2023, the Board of Ethics Ad Hoc Committee and Inclusiveness, Community Engagement, and Governmental Processes Committee held special meetings to conduct an extensive review of the Code of Ethics and Conduct (COE) resulting in significant revisions to simplify the hearing proceedings and condense the timing of the complaint hearing process including removing automatic disqualification based on the residency of members on a hearing panel, conducting pre-conference proceedings by the entire Board of Ethics at a regular meeting, establishing a hearing panel by a random drawing by the City Clerk at the pre-conference if the Board of Ethics determines it is more likely than not that a violation of prohibited conduct occurred, and allowing the City Clerk with concurrence of the Board of Ethics Chair to reject, administratively, complaints that are not completed correctly. Additionally, the COE was revised, allowing appeals of the pre-conference for instances of procedural errors only and providing for only one *de novo* hearing, with the City Council having the discretion to either adopt the decision of the *de novo* hearing panel or issue their own decision, which shall be final and no longer subject to a *de novo* hearing.

On March 28, 2023, the City Council received the recommendations of the Board of Ethics Ad Hoc Committee and Inclusiveness, Community Engagement, and Governmental Processes Committee of the 2022 annual review of the Code of Ethics and Conduct and introduced an ordinance with the proposed revisions outlined in the report. The revised Code of Ethics and Conduct was adopted by Ordinance No. 7632 on April 11, 2023, effective May 11, 2023.

## **DISCUSSION:**

As of August 2023, the Airport Commission, Commission on Aging, Board of Library Trustees, Board of Public Utilities, Budget Engagement Commission, Cultural Heritage Board, Community Police Review Commission, Human Relations Commission, Human Resources Board, Park and

Recreation Commission, Planning Commission, Commission of the Deaf, Commission on Disabilities, Museum of Riverside Board, and Transportation Board have formally reviewed the Code of Ethics and Conduct and submitted no recommendations for amendments to the Board of Ethics for their consideration.

On August 3, 2023, the Board of Ethics conducted the annual review of the Code and determined no amendments were necessary.

Moreover, City Clerk reviewed the Code of Ethics and Conduct and recommends the proposed revisions to RMC Section 2.78.075, as outlined in Exhibit A, including Section 2.78.075(A) regarding the timing of filing amended complaints and a correction to the sequential numbering of Section 2.78.075(D), to correct inconsistencies and aid in effectively implementing the COE while processing complaints.

Staff informed the Board of Ethics Chair of the correction, and a memorandum was emailed to all Board members noting the same prior to the publication of this report. .

### **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 Board of Ethics and the ICGC reviewing and bringing forth recommendations for revisions to the Code of Ethics and Conduct 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 the annual review.

Prepared by: Donesia Gause, City Clerk  
Approved as to form: Phaedra Norton, City Attorney

Attachment:

Exhibit A - Code of Ethics and Conduct Redlined Proposed Revisions