RESOLUTION NO. 22149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ESTABLISHING A CODE OF ETHICS AND CONDUCT FOR ELECTED OFFICIALS AND MEMBERS OF APPOINTED BOARDS, COMMISSIONS AND COMMITTEES, AND REPEALING RESOLUTION NO. 22093.

WHEREAS, on November 2, 2004, Measure DD was approved by the voters of the City of Riverside, thereby adding Section 202 to the Riverside City Charter; and

WHEREAS, the City Council desires to further amend the Code of Ethics and Conduct.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside that the following shall be the Code of Ethics and Conduct for all elected officials and members of appointed boards, commissions, and committees for the City of Riverside.

I

PREAMBLE

The people of the City of Riverside, at an election held on November 2, 2004, approved an amendment to the City Charter of the City of Riverside which states: "The City of Riverside shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees which shall assure public confidence in the integrity of local government and its effective and fair operation." To assure public confidence in and ensure effective and fair operation of the local government of the City of Riverside the following Code of Ethics and Conduct is hereby adopted by the City of Riverside.

II

CODE PROVISIONS

A. Purpose

It is the intent of this code to achieve fair, ethical, and accountable local government for the City of Riverside. The people of Riverside expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America and the Charter, Municipal Code, and established policies of the City of Riverside affecting the operations of local government. In addition, public officials are

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expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as an elected or appointed official of the City of Riverside.

B. Scope

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc* committees. The provisions of this code shall also apply to all members of committees appointed by individual members of the City Council or by Department Heads.

Further, the provisions of this code shall apply to the Mayor and Members of the City Council at all times during their term of office as elected officials of the City of Riverside. However, the provisions of this code shall apply to the appointed officials only while they are acting in their official capacities and in the discharge of their duties.

C. Core Values

The people of the City of Riverside share a set of core values that constitute the guiding principles for the establishment of this code. These core values are expressed in the following aspirations:

(1) To create a government that is trusted by everyone.

(2) To make decisions that are unbiased, fair, and honest.

(3) To use public office for service to the public good and not for personal or private gain.

(4) To ensure that everyone is treated with respect and in a just and fair manner.

(5) To create a community that affirms the value of diversity.

(6) To ensure that all public decisions are well informed, independent, and in the best interests of the City of Riverside.

(7) To maintain a nonpartisan and civic minded local government.

(8) To ensure that all officials are adequately prepared for the duties of their office.

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(9) To ensure that members of appointed boards, commissions, and committees make a diligent effort to attend all regularly scheduled meetings of their board, commission, or committee.

Based upon these core values it is the City of Riverside's intent to establish through this Code of Ethics and Conduct reasonable expectations of behavior for elected and appointed public officials who will meet the aspirations of these core values.

D. Creating Trust of Local Government

The elected and appointed officials of the City of Riverside shall aspire to operate the City government and exercise their responsibilities in a manner which creates a trust in their decisions and the manner of delivery of programs through the local government. The officials shall aspire to create a transparent decision making process by providing easy access to all public information about actual or potential conflicts between their private interests and their public responsibilities. The officials shall aspire to make themselves available to the people of the city to hear and understand their concerns. They shall aspire to make every effort to ensure that they have accurate information to guide their decisions and to share all public information with the community to ensure the community's understanding of the basis of the officials' decisions.

E. Making Unbiased, Fair, and Honest Decisions

The elected and appointed officials of the City of Riverside shall aspire to ensure that their decisions are viewed as unbiased, fair, and honest. They shall strive to avoid participation in all decisions which create a real or perceived conflict of interest and to disclose any personal interest that would be perceived to be in conflict with the fair and impartial exercise of their responsibilities. They will not accept gifts or favors which might compromise the independence of their judgments or actions or give the appearance of being compromised.

F. Use of Office for Service to the Public Good and Not for Personal or Private Gain

The elected and appointed officials of the City of Riverside have a responsibility to use the benefits of public office exclusively for the public purpose for which it was created. They shall strive to avoid the use of their office for personal or private gain by accepting gifts or favors which might compromise the independence of their judgment or give the appearance of being

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compromised, using their official title for matters other than the official conduct of their office, and engaging in decisions which would affect the level of compensation they may receive for their service except as otherwise required by law. Acceptance of gifts shall otherwise be consistent with the requirements and limitations of state law.

G. Treating Everyone with Respect and in a Just and Fair Manner

The elected and appointed officials of the City of Riverside have a responsibility to make extraordinary attempts to treat all people, including city staff, in a manner which would be considered just and fair. They shall strive to value and encourage input from members of the community and encourage open and free discussion of public issues. They shall strive to have all persons treated with respect as they come before the body on which they serve. They shall aspire to create an atmosphere of genuine interest in the point of view expressed by members of the community even if it differs from their own.

H. Creating a Community that Affirms the Value of Diversity

The elected and appointed officials of the City of Riverside shall aspire to recognize and affirm the value of all persons, families, and communities within the City of Riverside. They will encourage full participation of all persons and groups, be aware and observe important celebrations and events which reflect the values of our diverse population, and provide assistance for those who find it difficult to participate due to language barriers or disabilities.

I. Ensuring that all Public Decisions are Well Informed, Independent, and in the Best Interests of the City of Riverside

The elected and appointed officials of the City of Riverside will encourage and support research and information gathering from verifiable sources. They will seek to ensure that information provided by the City Government to the public is accurate and clear. They will ensure that all information utilized in the decision making process, except that which by law is confidential, will be shared with the public.

J. Maintaining a Nonpartisan and Civic Minded Local Government

The elected and appointed officials of the City of Riverside shall affirm the value of a nonpartisan council-manager form of government.

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K. Ensuring that All Officials are Prepared for the Exercise of their Duties

The elected and appointed officials shall commit to participation in all orientation and training sessions which are presented to ensure our full preparation for the exercise of their public duties.

L. Ensuring Impartiality When Acting in a Quasi-Judicial Capacity

Whenever the members of a board, commission or committee participate in a matter, the subject of which will be subsequently heard by the City Council, the members shall not contact the Mayor and/or any members of the City Council for the purpose of influencing the City Council's decision.

M. Impartiality/Undue Influence

Neither the Mayor nor any member of the City Council shall contact a board, commission or committee member at any time for the purpose of influencing that member with respect to the discharge of his/her official duties.

III

IMPLEMENTATION OF THE CODE

A. Implementation, Monitoring and Oversight

Monitoring and oversight are essential to ensure this Code of Ethics and Conduct is effectively implemented. The objectives of this implementation effort shall include:

All persons covered by this code must be aware of its provisions.

All persons covered by this code shall have resources available to clarify expectations in situations where they feel a potential area of noncompliance may exist.

All bodies covered by the code shall adopt rules of procedure which include the provisions of this code.

Annual review shall be conducted to ensure the code is being applied in a fair and effective manner.

Annual review shall be conducted by the City Council at a regular meeting.

To achieve these objectives the following mechanisms should be utilized.

1. All new members of the City Council, upon election or reelection, and members

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of boards, commissions, and committees appointed by the Mayor, City Council, Mayor and City Council, individual members of the City Council, or Department Head, upon appointment or reappointment, shall be given a copy of the code and required to affirm in writing they have received the code and understand its provisions. (See Attachment A).

2. All new members of the City Council and boards, commissions, and committees shall be provided a training session which shall clarify the provisions and application of the code. These sessions shall be coordinated by the City Manager, City Attorney and City Clerk through the Mayor's Office.

3. The City Attorney, or his or her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the code.

4. Complaints from members of the public regarding elected or appointed officials shall be submitted on the complaint form available from the City Clerk. Complaints concerning Section II, G, herein, shall be presented by the person who claims to be treated in a manner inconsistent with that Section. Complaints shall be filed with the City Clerk within 180 days of discovery of an alleged violation of the Code of Ethics and Conduct. "Discovery" is defined as when the complainant knew or reasonably should have known or discovered evidence of the alleged violation through the exercise of reasonable diligence.

Upon receipt of the complaint form, the City Clerk and City Attorney will review the submittal for completeness only. Any issue of timeliness will be resolved by the adjudicating body, and, if there is an appeal, by the City Council. Once the filing is deemed complete, the City Clerk will schedule the complaint concerning the elected official for a hearing before the adjudicating body as soon as practicable and notify both parties. For complaints against members of boards, commissions and committees, the City Clerk will forward the matter to the appropriate board, commission or committee chair for informal resolution if so requested by the complainant. If the matter is not resolved, or if the complainant did not request to seek an informal resolution, the City Clerk will schedule the complaint for a hearing before the adjudicating body as soon as practicable and notify both parties.

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The adjudicating body shall consist of five members and one alternate chosen from the chairpersons of the City's boards and commissions selected by lot by the City Clerk. No chairperson shall serve who is from the same ward as the elected official to which the complaint concerns. The City Clerk will notify both parties of the hearing date, place and time at least fourteen (14) days in advance of the hearing. The adjudicating body shall hear all timely filed complaints and attempt to resolve each complaint on its merits.

Following the hearing, the City Clerk will notify both parties, in writing, of the adjudicating body's decision and the appeal process. The decision of the adjudicating body may be appealed by either party by submitting such appeal in writing to the City Clerk within seven (7) days of the adjudicating body's decision. If no appeal is received within seven (7) days, the matter is concluded. If appealed within seven (7) days, the City Clerk will schedule the appeal before the City Council and notify both parties at least fourteen (14) days in advance of the hearing. The City Clerk will notify both parties in writing of the City Council's findings and determination. The determination of the City Council is final and there is no further right to appeal. The hearing and appeal process shall be concluded if at all possible, within ninety (90) days of the complaint being determined to be complete. Complaints and any supporting documentation shall be retained for a period of at least two (2) years.

5. The chair of each body covered by this code is responsible to intervene and provide appropriate guidance to members and, if need be, communicate concerns to the City Council.

6. In September of each year, the Mayor, the City Manager, the City Attorney and the chairs of all Boards and Commissions shall meet with the Governmental Affairs Committee of the City Council to assess the effectiveness of this code and its application. They shall present a report to the City Council which may include recommendations for the inclusion of new values or procedures. Prior to the annual Governmental Affairs Committee meeting, every Board and Commission is encouraged to agendize and discuss the Code and submit any recommendations for the Committee's consideration.

7. In September of each year, 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

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independent evaluation of the effectiveness of the Code of Ethics and Conduct.

B. Enforcement and Sanctions

It is the intention that this code be self enforcing. However, it is recognized that there may be instances where even after receiving guidance and counsel, a person may continue to violate the Code's provisions. In those cases sanctions would apply and would occur in a public meeting.

(1) Mayor - City Council

The sanctions that would apply by action of the City Council would be:

(a) Public censure of a member.

The ultimate sanction of removal from office would lie in the hands of the electorate.

(2) Boards and Commissions

(a) Public censure by the Board or Commission.

(b) Public censure by the Mayor and City Council.

(c) Removal from office by the Mayor and City Council.

Ultimately, the responsibility for the enforcement of this Code of Ethics and Conduct lies with the Mayor and City Council as they represent the will of the people of the City of Riverside.

BE IT FURTHER RESOLVED that Resolution No. 22093 is hereby repealed.

ADOPTED by the City Council this 4th day of January, 2011.

CHRISTOPHER H. MAC ARTHUR
Mayor Pro Tem of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

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I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the 4th day of January, 2011, by the following vote, to wit:

Ayes: Councilmembers Gardner, Melendrez, Bailey, Davis, Mac Arthur, and Hart

Noes: Councilmember Adams

Absent: None

Disqualified: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 6th day of January, 2011.

COLLEEN J. NICOL
City Clerk of the City of Riverside

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ATTACHMENT A

City of Riverside
Code of Ethics and Conduct
Officials' Certification

As a newly elected, appointed, or reappointed official of the City of Riverside, California, I herein certify that I have received a copy of the Code of Ethics and Conduct of the City of Riverside, have been offered training and assistance in understanding this Code, and am aware of the provisions of the Code and its application to my responsibilities. Consistent with the Code, I pledge the following in the conduct of my duties.

As an elected/appointed official, I will aspire:

1. To create a government that is trusted by everyone.
2. To make decisions that are unbiased, fair, and honest.
3. To use my public office for service to the public good and not for personal or private gain.
4. To ensure that I treat everyone with respect and in a just and fair manner.
5. To create a community that affirms the value of diversity.
6. To ensure that all public decisions I make are well informed, independent, and in the best interests of the City of Riverside.
7. To maintain a nonpartisan and civic minded local government.
8. To be adequately prepared for the duties of my office.
9. To make a diligent effort to attend all regularly scheduled meetings of the board, commission, or committee.

Signed this _____ day of _____, _____.

_____
Name

_____
Signature

_____
Office