RESOLUTION NO. 21560

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. 21247.

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, Charter Section 202 requires the adoption of a Code of Ethics and Conduct for elected officials and members of appointed boards and commissions within six months of the effective date of the Charter; and

WHEREAS, adoption of a Code of Ethics and Conduct on or before July 12, 2005, would comply with these provisions; and

WHEREAS, on February 15, 2005, the City Council approved the formation of an eleven member committee to meet, develop and present a Code of Ethics and Conduct for City Council consideration; and

WHEREAS, on June 7, 2005, upon completion of its work, the Code and Ethics and Conduct Committee submitted its draft of the Code of Ethics and Conduct to the City Council for consideration and approval; and

WHEREAS, on July 12, 2005, the City Council adopted Resolution No. 20986 in compliance with Charter Section 202; and

WHEREAS, on August 22, 2006, the City Council adopted amendments to the Code of Ethics through Resolution No. 21247; and

WHEREAS, on July 23, 2007, the Governmental Affairs Committee met for the purpose of assessing the effectiveness and application of the Code of Ethics and Conduct and made recommendations to the City Council; and

WHEREAS, on December 11, 2007, the City Council conducted its annual review and evaluation of the effectiveness of the Code of Ethics and Conduct and desires to further amend the Code of Ethics and Conduct.

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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 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

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by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc* committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to officials and members 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. We express these core values in the following aspirations. As citizens of the City of Riverside we aspire:

(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.

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

As elected and appointed officials of the City of Riverside we desire to operate our government and exercise our responsibilities in a manner which creates a trust in the decisions that we make and the manner of delivery of programs through the local government. We desire to create a transparent decision making process by providing easy access to all public information about actual or potential conflicts between our private interests and our public responsibilities. We commit to making ourselves available to the people of the city to hear and understand their concerns. We commit to making every effort to ensure that we have accurate

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information to guide our decisions and to share all public information with the community to ensure their understanding of the basis of our decisions.

E. Making Unbiased, Fair, and Honest Decisions

As elected and appointed officials of the City of Riverside we seek to ensure our decisions are viewed as unbiased, fair, and honest. We affirm our desire to avoid participation in all decisions which create a real or perceived conflict of interest. We commit to disclose any personal interest that would be perceived to be in conflict with the fair and impartial exercise of our responsibilities. We will not accept gifts or favors which might compromise the independence of our 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

As elected and appointed officials of the City of Riverside we recognize our responsibility to use the benefits of our public office exclusively for the public purpose for which it was created. We affirm our desire to avoid the use of our office for personal or private gain by accepting gifts or favors which might compromise the independence of our judgment or give the appearance of being compromised, using our official title for matters other than the official conduct of our office, and engaging in decisions which would affect the level of compensation we may receive for our service. 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

As elected and appointed officials of the City of Riverside we understand our responsibility to make extraordinary attempts to treat all people, including city staff, in a manner which we would consider just and fair. We value and encourage input from members of the community and encourage open and free discussion of public issues. We affirm our desire to have all persons treated with respect as they come before the body on which we serve. We affirm our commitment to create an atmosphere of genuine interest in their point of view even if it differs from our own.

H. Creating a Community that Affirms the Value of Diversity

As elected and appointed officials of the City of Riverside we recognize and affirm the

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value of all persons, families, and communities within the City of Riverside. We 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

As elected and appointed officials of the City of Riverside we encourage and support research and information gathering from verifiable sources. We will seek to ensure that information provided by the City Government to the public is accurate and clear. We 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

As elected and appointed officials of the City of Riverside we affirm the value of our nonpartisan council-manager form of government.

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

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

Complaints from members of the public must be evaluated when they perceive this code has been violated.

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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 of boards, commissions, and committees appointed by the City Council, 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 their 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 members of boards, commissions or committees shall be made in writing and first presented to the Chairperson of the respective board, commission or committee for review and resolution through the City Clerk. If not resolved, the complaint will be forwarded to the Mayor's Nominating and Screening Committee. Complaints regarding elected officials shall be made in writing and presented to the Chairperson of the Mayor's Nominating and Screening Committee through the City Clerk. The complaint shall be forwarded to the Mayor's Nominating and Screening Committee for review and resolution. If the complaint concerns a member of that Committee, the City Council shall appoint another councilmember to review that complaint only. If the complaint concerns the Mayor, the Mayor shall recuse himself/herself from review of that complaint. Complaints concerning Section II, F herein, shall be made in writing and presented by the person who claims

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to have been treated in a manner inconsistent with that Section. Complaints shall be presented within thirty (30) days of the date of the alleged act or omission which forms the basis for the complaint. Complaints shall be retained for at least two 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. Annually 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.

7. Annually the City Council, at a regularly scheduled meeting, shall review the report and make an 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.

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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. 21247 is hereby repealed.

ADOPTED by the City Council and signed by the Mayor this 11th day of December, 2007.

Ronald Loveridge
Mayor of the City of Riverside

ATTEST:

Colleen Nicol
City Clerk of the City of Riverside

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 11th day of December, 2007, by the following vote, to wit:

Ayes: Councilmembers Gardner, Melendrez, Bailey, Schiavone, Mac Arthur, Hart, and Adams

Noes: None

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 17th day of December, 2007.

Colleen 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 or appointed 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 offices 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.

Signed this _____ day of _____, _____

_____

Name:

_____

Office