

BOARD OF ETHICS
THURSDAY, DECEMBER 1, 2022, 5 P.M.
VIRTUAL AND IN-PERSON MEETING
ART PICK COUNCIL CHAMBER

MINUTES

PRESENT: Chair Stahovich, Members De Herrera, DeMont, Foley, Foreman, Huerta, and Newman

ABSENT: Members Vega

STAFF PRESENT: Donesia Gause and Susan Wilson

Chair Stahovich convened the meeting at 5:11 p.m.

Member Newman led the Pledge of Allegiance.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There was no one wishing to address the Board.

ELECTION OF OFFICER

Following discussion, it was moved by Chair Stahovich and seconded by Member Huerta to nominate Member Newman as Vice Chair. The motion carried with Chair Stahovich, Members De Herrera, DeMont, Foley, Foreman, and Huerta voting aye, Member Newman abstaining and Member Vega absent.

CONSENT CALENDAR

It was moved by Chair Stahovich and seconded by Member Huerta to approve the Consent Calendar as presented below affirming the actions appropriate to each item. The motion carried unanimously.

MINUTES

The minutes of the meeting of November 3, 2022, were approved as presented.

The Board of Ethics excused the absences of Chair Stahovich, Members DeMont and Newman from the November 3, 2022, meeting.

DISCUSSION CALENDAR

PROPOSED RECOMMENDATIONS BY INCLUSIVENESS, COMMUNITY ENGAGEMENT, AND GOVERNMENTAL PROCESSES COMMITTEE AND BOARD OF ETHICS AD HOC COMMITTEE FOR ANNUAL REVIEW OF EFFECTIVENESS OF CODE OF ETHICS

Following discussion, it was moved by Member Huerta and seconded by Member Foreman to accept the Inclusiveness, Community Engagement and Governmental Processes Committee and Board of Ethics Ad Hoc Committee

proposed amendments to the Riverside Municipal Code – Code of Ethics and Conduct (COE) as outlined in the staff report with additional revisions to the COE read into the record as follows in bold:

- (1) Proposed Section 2.78.040(F) to read “Only residents or business owners of 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) Strike proposed Section 2.78.040(G);
- (3) Section 2.78.070(D)(5) to read “The specific provision of the Prohibited Conduct section of this chapter alleged to be violated. For alleged violations of 2.78.070(M), complaining party must identify the specific section(s) of the Charter of the City of Riverside, the Riverside Municipal Code, or the policy of the City of Riverside, including when that policy was established, that is alleged to have been violated;
- (4) Section 2.78.075(B) to read “Only one continuance of the pre-conference shall be granted by either the City Clerk or the hearing panel to each party. If a continuance is granted, the City Clerk shall give written notice to all parties of the next available pre-conference date, time, and location. **The hearing panel may grant a continuance on their own motion.**
- (5) Proposed new Section 2.78.075(D)(1)(c) to read “The complaint alleges a violation of one or more of the provisions of the prohibited conduct section of this chapter. For alleged violations of 2.78.070(M), complaining party must identify the specific section(s) of the Charter of the City of Riverside, the Riverside Municipal Code, or the policy of the City of Riverside, including when that policy was established, that is alleged to have been violated, and the hearing panel must determine that this requirement has been met by the complainant”;
- (6) Proposed new Section 2.78.075(D)(3) to add “**If settlement is reached, the settlement shall be reported to the hearing panel**”;
- (7) Proposed Section 2.78.075(D)(8) to change “findings” to “**statement of findings**”;
- (8) Section 2.78.080 new subsection ‘H’ to add “**The hearing panel may grant a continuance on their own motion;**
- (9) Section 2.78.080 new subsection ‘P’ to change “findings” to “**statement of findings**”;
- (10) Section 2.78.090(A) to be eliminated
- (11) Section 2.78.090(B) to change first sentence to read “A decision by the hearing panel of the Board of **Ethics not finding a violation of the Prohibited Conduct section of this chapter** may be appealed to the City Council by either party.”;
- (12) Section 2.78.090(C) to read “If there is no appeal of the decision by the hearing panel, then the decision of the hearing panel shall become

final and there shall be no further right to appeal. The City Council will then determine if sanctions should be imposed, if applicable.”;

- (13) Section 2.78.090(E) to replace term “correct” to “consider” to read “The City Council shall review the record of the hearing to determine whether the hearing panel committed a clear error or an abuse of discretion based upon the record. The City Council may also question the complaining party, the public official or the chair or designee of the hearing panel. If no such finding is made by a majority of the City Council, then the City Council shall adopt the decision of the hearing panel as the findings of the City Council on appeal. If there is a finding by the City Council of a clear error or an abuse of discretion by the hearing panel, then that finding shall be clearly stated and the matter shall be referred back to the Board of Ethics for a de novo (new) re-hearing of the matter in light of the findings on appeal. The de novo hearing shall be conducted before the same hearing panel, but no pre-conference shall be held, and shall ~~correct~~ consider the clear error of law or abuse of discretion identified by the City Council when issuing its findings.”;
- (14) Delete proposed changes to Sections 2.80.040 (B)(3)(a) and 2.80.040 (B)(3)(d); and
- (15) Section 2.80.040 (B)(3)(h) to read “. If a complaint ~~concerns~~ is against a City Councilmember, any member of the Board residing in that Councilmember's Ward shall be disqualified from participating on the hearing panel **unless participation is required for a quorum; then members are chosen randomly.**”

Motion carried unanimously.

RIVERSIDE MUNICIPAL CODE CHAPTER 2.78 CODE OF ETHICS AND CONDUCT AND CHAPTER 2.80 BOARD OF ETHICS REVIEW AND RECOMMENDATIONS

Following discussion and without formal motion, the Board referred consideration of an expediated hearing process when requested by a complainant to ad hoc committee.

AD HOC COMMITTEE REVIEW AND PROGRESS REGARDING STANDING RULES

There was no update on this item.

AUTHORITY AND CONDITIONS FOR USE OF OUTSIDE LEGAL COUNSEL IN LIEU OF THE CITY ATTORNEY TO ADVISE THE BOARD OF ETHICS

There was no update on this item.

COMMUNICATIONS

BRIEF REPORTS ON MEETINGS ATTENDED BY BOARD MEMBER

There were no reports given at this time.

ITEMS FOR FUTURE BOARD CONSIDERATION AS REQUESTED BY BOARD OF ETHICS
MEMBERS

There were no future items requested at this time.

The meeting adjourned at 7:18 p.m.

Respectfully submitted,

DONESIA GAUSE
City Clerk