

**Board of Ethics
Hearing Panel Chair
Meeting Procedures**

1. Call meeting of Hearing Panel of the Board of Ethics to order.
2. Announce: "This meeting is to hear the complaint of _____ against _____ alleging a violation of the Code of Ethics and Conduct occurring on or about _____. Specifically, the complaint alleges conduct in violation of _____."
3. Public comments limited to items on the agenda.
4. Is the complainant present? Will you and your witnesses please stand. Is the public official present? Will you and your witnesses please stand. The City Clerk will now administer the oath.
5. The Hearing Panel shall conduct a preliminary review of the complaint to determine if it complies with all of the requirements of Riverside Municipal Code (RMC) 2.78.080 G:
 - a. The Complaint Procedures of Riverside Municipal Code (RMC) Section 2.78.070;
 - b. The Complaint is alleged against a public official as described in RMC Section 2.78.030;
 - c. The Complaint alleges a violation of one or more of the provisions of RMC Section 2.78.060; and
 - d. The Complaint does not restate allegations or violations that were the subject of a previous complaint.
6. If a majority of the Hearing Panel determines that the complaint does not meet all of the requirements of RMC Section 2.78.080 G, the Chair shall state the findings of deficiency on the record and shall call for a vote of the Hearing Panel to dismiss the complaint without a hearing. A roll call vote of the Hearing Panel shall be taken by the City Clerk who will record the vote of each member present.
7. If a majority of the Hearing Panel determines that the complaint complies with all of the provisions of RMC Section 2.78.080 G, then a hearing on the merits of the complaint shall proceed.
8. The complainant shall now have five minutes to address the Hearing Panel concerning any technical or procedural issues of concern. (If the complainant makes a request for the Hearing Panel to issue subpoenas or ask the City Council to waive any privileges, the Hearing Panel shall defer any action on such requests until the time of deliberations.) The Public Official shall now have five minutes to address the Hearing Panel concerning any technical or procedural issues of concern. (If the public official makes a request for the Hearing Panel to issue subpoenas or ask the City Council to waive any privileges, the Hearing Panel shall defer any action on such requests until the time of deliberations.) All

other technical or procedural issues shall be resolved by the Chair, whose decision shall be final.

9. The complainant may make their opening statement. The complainant shall have a total of fifteen minutes to make both their opening and closing statement and is responsible for keeping track of their own time and apportioning it appropriately.
10. Following the complainant's opening statement, the public official may make an opening statement, or defer making an opening statement until after the completion of the complainant's presentation of evidence. The public official shall have a total of fifteen minutes to make both their opening and closing statement and is responsible for keeping track of their own time and apportioning it appropriately.
11. The complainant shall present their evidence. Only evidence that was exchanged prior to the hearing date shall be allowed.
12. The public official may then either make their opening statement, or proceed directly to presenting their evidence. Only evidence that was exchanged prior to the hearing date shall be allowed.
13. The complainant may present rebuttal evidence. Rebuttal evidence is evidence, whether or not included in the pre-hearing exchange of evidence, which directly rebuts evidence offered in behalf of the respondent. Rebuttal evidence does not include evidence that does not directly rebut evidence offered by the respondent and that could have been introduced during the complainant's presentation of evidence.
14. The respondent may present rebuttal evidence. Rebuttal evidence is evidence, whether or not included in the pre-hearing exchange of evidence, which directly rebuts any evidence offered in behalf of the complainant during rebuttal. Rebuttal evidence does not include evidence that does not directly rebut evidence offered by the complainant in rebuttal and that could have been introduced during the respondent's presentation of evidence.
15. The complainant may make their closing statement from the balance of time not used in making their opening statement.
16. The public official may make their closing statement from the balance of time not used in making their opening statement.
17. Upon the conclusion of closing statements, the Chair shall facilitate deliberations. It is at this point that the Hearing Panel shall discuss any requests by the parties for the issuance of subpoenas or waiver of privileges. If, by 4/5 vote, the Hearing Panel is in favor of requesting the City Council to issue subpoenas or waive privileges, the City clerk shall agendize the request for a City Council meeting that meets all state and local noticing requirements. The Chair shall then continue the hearing to a date to be determined by the City Clerk, who shall re-notice the meeting for some future date in compliance with all state and local noticing requirements. The meeting will then be adjourned.

18. If the Hearing Panel does not by 4/5 vote request the City Council to issue subpoenas or waive privileges, the hearing Panel shall then conduct their deliberations on the merits of the complaint based upon the evidence presented at the hearing.
19. If, however, the meeting is continued or re-noticed, then at the next meeting the only new evidence that will be received or considered is the evidence that results from the issuance of subpoenas or the waiver of privileges.
20. Upon the conclusion of the presentation of all evidence and the resolution of any requests made to the City Council, if any, the Hearing Panel shall deliberate the evidence and reach a conclusion.
21. By motion, the Hearing Panel shall state its finding and conclusions by majority vote.
22. After reaching a final decision, the Chair shall instruct the City Clerk to prepare a written statement of findings and decision based upon the majority vote of the Hearing Panel and place it on the next agenda for the Board of Ethics at least fourteen days following the final decision of be voted on by the members of the Hearing Panel only.
23. The Chair shall then adjourn the meeting.