

BOARD OF ETHICS  
THURSDAY, JANUARY 4, 2024, 5 P.M.  
ART PICK COUNCIL CHAMBER  
3900 MAIN STREET, RIVERSIDE

MINUTES

PRESENT IN PERSON: Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman, Hill-Skinner, and Dr. Benson

ABSENT: Member Foley

STAFF PRESENT: Donesia Gause and Brandon Mercer

The meeting convened at 5:04 p.m.

Vice Chair Vega led the pledge of allegiance.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Jasmine spoke regarding the complaint against Councilmember Cervantes.

CONSENT CALENDAR

It was moved by Member Foreman and seconded by Dr. Benson to approve the Consent Calendar as presented below affirming the actions appropriate to each item. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman, Hill-Skinner, and Dr. Benson voting aye, and Member Foley absent.

MINUTES

The minutes of the meetings of November 2 and December 7, 2023, were approved as presented.

DISCUSSION CALENDAR

ABSENCES

Following discussion, it was moved by Member Foreman and seconded by Member Hill-Skinner to excuse the absence of Chair Newman from the December 7, 2023, meeting. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman, Hill-Skinner, and Dr. Benson voting aye, and Member Foley absent.

Following discussion, it was moved by Chair Newman and seconded by Member Foreman to excuse the absence of Vice Chair Vega from the December 7, 2023, meeting. The motion carried with Chair Newman, Vice Chair Vega, and Members

DeHerrera, Foreman, Hill-Skinner, and Dr. Benson voting aye, and Member Foley absent.

Following discussion, it was moved by Member Foreman and seconded by Dr. Benson to excuse the absence of Member Hill-Skinner from the December 7, 2023, meeting. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman, Hill-Skinner and Dr. Benson voting aye, and Member Foley absent.

Following discussion, it was moved by Dr. Benson and seconded by Chair Newman to excuse the absence of Member DeHerrera from the December 7, 2023, meeting. The motion carried with Chair Newman, Vice Chair Vega, and Members Foreman, Hill-Skinner and Dr. Benson voting aye, and Member DeHerrera abstaining, and Member Foley absent.

#### APPOINT MEMBER TO AD HOC COMMITTEE FOR CREATING METHOD FOR PUBLIC EDUCATION

Following discussion, it was moved by Chair Newman and seconded by Member Foreman to appoint Member Hill-Skinner to the ad hoc committee for creating a method for public education. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman, Hill-Skinner and Dr. Benson voting aye, and Member Foley absent.

#### PRE-CONFERENCE

#### CODE OF ETHICS AND CONDUCT AMENDED COMPLAINT FILED BY BEN CLYMER, JR. AGAINST COUNCILMEMBER CERVANTES

Chair Newman opened the pre-conference for the Code of Ethics and Conduct complaint filed by Ben Clymer, Jr. against Councilmember Cervantes for alleged violation of Prohibited Conduct of Riverside Municipal Code Section 2.78.060 (M) Violations of federal, state, or local law prohibited citing an unconstitutional violation of the 1st Amendment by censoring social media platforms.

Following discussion, it was moved by Dr. Benson and seconded by Member Foreman that the complaint complies with all of the provisions outlined in Riverside Municipal Code Section 2.78.075 (D)(1) - Pre-conference procedures. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman, Hill-Skinner, and Dr. Benson voting aye, and Member Foley absent.

The Board continued discussion on the alleged Violation of Prohibited Conduct of Riverside Municipal Code Section 2.78.060 (M) *Violations of federal, state, or local law prohibited*.

No settlement discussion took place because the complainant was not present.

Subsequently, the pre-conference proceeded and following further discussion, it was moved by Member Foreman and seconded by Member Hill-Skinner to determine that the evidence provided by the complainant failed to show that it is more likely than not that there may be a potential violation of the Prohibited Conduct of Riverside Municipal Code Section 2.78.060 (M) Violations of federal, state or local law prohibited. The motion carried with Chair Newman, Vice Chair Vega, and Members, Foreman, and Hill-Skinner voting aye, Dr. Benson voting no, Member DeHerrera abstaining, and Member Foley absent.

The Board of Ethics directed the City Clerk to prepare the Statement of Findings for adoption at the next regular meeting of the Board of Ethics.

#### 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

##### AD HOC COMMITTEE UPDATES

Member Foreman reported on the ad hoc committee's proposed templates for statements of findings for hearings and will bring back to the Board for review.

##### 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 was adjourned at 6:27p.m.

Respectfully submitted,

DONESIA GAUSE  
City Clerk