

**BOARD OF ETHICS
THURSDAY, MARCH 1, 2018, 5 P.M.
ART PICK COUNCIL CHAMBER**

MINUTES

PRESENT: Chair House and Members Ford, Nelson, Stahovich, Huerta, Wright
(arrived at 5:02 p.m.), Foley, and Macias

ABSENT: Members Tucker

STAFF PRESENT: Colleen Nicol, Robert Hansen, and Brandon Mercer

Chair House convened the Board of Ethics at 5 p.m.

ORAL COMMUNICATION FROM THE AUDIENCE

There was no one present wishing to address the Board of Ethics.

MINUTES

Following discussion, it was moved by Member Stahovich and seconded by Member Nelson to approve the minutes of the meeting of February 1, 2018. Motion carried with six ayes, Member Huerta abstaining, and Member Wright absent.

Member Wright arrived at this time.

EXCUSED ABSENCE

Following discussion, it was moved by Member Stahovich and seconded by Member Nelson to excuse the absence of Member Huerta from the February 1, 2018, meeting due to illness. Motion carried with seven ayes and Member Huerta abstaining.

ELECTION OF CHAIR AND VICE-CHAIR

Following discussion, Chair House nominated Gloria Huerta for Chair, seconded by Member Macias. There were no further nominations. The Board unanimously elected Gloria Huerta as Chair.

Chair Huerta assumed the Chair and presided.

Following discussion, Member Foley nominated Keith Nelson for Vice-Chair, seconded by Member Stahovich. There were no further nominations. The Board unanimously elected Keith Nelson as Vice-Chair.

REPORT TO CITY COUNCIL ON MARCH 27, 2018

Member House announced the invitation for the Board of Ethics to present a report to the City Council on March 27, 2018, on Board activities and how the City Council can be of assistance. The Board requested Chair Huerta to include the proposed complaint process revisions and other amendments to the Code of Ethics recently adopted by the

City Council. All Board of Ethics members are encouraged to attend. No formal action was required or taken.

CODE OF ETHICS AND CONDUCT HEARING PROCESS AMENDMENTS

Following discussion, it was moved by Member House and seconded by Member Stahovich to approve the hearing process flow chart template as presented by the Ad Hoc Committee. Motion carried unanimously.

The Board reviewed the draft ordinance prepared by Assistant City Attorney Hansen implementing the hearing process amendments.

Following discussion, it was moved by Member Nelson and seconded by Member House to recommend that the City Council approve the changes as presented to RMC Section 2.78.070 G. Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Stahovich to recommend that the City Council approve the changes as presented to RMC Section 2.78.080 B. Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Stahovich to recommend that the City Council approve the changes as presented to RMC Section 2.78.080 C. Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member House to recommend that the City Council approve the deletions of existing RMC Section 2.78.080 E and F as presented. Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member House to recommend that the City Council approve the proposed new RMC Section 2.78.080 E through G including (1) new paragraph E.5. to read, "The complainant shall verbally present to the hearing panel any and all evidence, both tangible and testimonial, that will be presented at the hearing to prove the allegations in the complaint."; and (2) new paragraph E.7. to read, "If it is determined by the hearing panel that it is more likely than not that a potential violation of the Prohibited Conduct section of this chapter has occurred, then the City Clerk shall set a hearing date on the complaint within twenty (20) City business days of the pre-hearing conference. The hearing date shall be within forty-five (45) City business days following the pre-hearing conference." Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Stahovich to recommend that the City Council approve the proposed new RMC Section 2.78.080 F as presented. Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member House to recommend that the City Council approve the proposed new RMC Section

2.78.080 G, deletion of H., and subsequent relettering as presented. Motion carried unanimously.

PRE-HEARING RULES AMENDMENTS

Following discussion, it was moved by Member House and seconded by Member Stahovich to adopt the new Section 7 title of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Stahovich to adopt Paragraph 7.A. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Stahovich to adopt Paragraph 7.B. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member House to adopt Paragraph 7.C. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Ford to adopt Paragraph 7.D. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Nelson and seconded by Member Stahovich to adopt Paragraph 7.E. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Macias and seconded by Member Ford to adopt Paragraph 7.F. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Nelson and seconded by Member House to adopt Paragraph 7.G. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Stahovich to adopt Paragraph 7.H. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Macias and seconded by Member Nelson to adopt Paragraph 7.I. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Nelson and seconded by Member Stahovich to adopt Paragraph 7.J. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Stahovich to adopt Paragraph 7.K. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Nelson and seconded by Member Macias to adopt Paragraph 7.L. of the Hearing Rules and Procedures as presented and amending (1) the second sentence to read, "This presentation is for the complainant to show that it is more likely than not that a complaint has merit and that a formal hearing is necessary.", and (2) the fourth sentence to read, "In addition, the complainant shall explain to the Hearing Panel how the tangible evidence tends to show that it is more likely than not that there is a violation of the Prohibited Conduct section of the Code of Ethics.". Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member House to adopt Paragraph 7.M. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Macias and seconded by Member Stahovich to adopt Paragraph 7.N. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Macias to adopt Paragraph 7.O. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member House to adopt Paragraph 7.P. of the Hearing Rules and Procedures as amended and presented. Motion carried with seven ayes and Chair Huerta voting no.

Following discussion, it was moved by Member Macias and seconded by Member Stahovich to adopt Paragraph 7.Q. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Stahovich to delete former paragraph 7.A. of the Hearing Rules and Procedures. Motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Macias to adopt the renumbering beginning with Paragraph 8 through the remainder of the document and Paragraph 8.A. of the Hearing Rules and Procedures as amended and presented. Motion carried unanimously.

The changes to the Hearing Rules and Procedures will become effective upon City Council approval of the Riverside Municipal Code Chapters 2.78 amendments, as recommended.

CODE OF ETHICS AND CONDUCT – BOARD OF ETHICS – ITEMS FOR FUTURE BOARD OF ETHICS MEETINGS

The following matters were requested for discussion at a future meeting (1) the complainant's ability to question the public official (April meeting); (2) training for hearing chairs (April meeting); and (3) publication of the revised procedures subsequent to City Council action on the Board's recommendations.

The Board of Ethics adjourned at 6:04 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk