



City of Arts & Innovation

CODE OF ETHICS AND CONDUCT COMPLAINT APPEAL OF HEARING PANEL DETERMINATION

Riverside Municipal Code Chapter 2.18

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1. Person filing appeal:

Name JASON HUNTER Email jehunter51@msn.com
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Phone (202) 321-2630

2. Hearing Panel Determination BeingAppealed:

Complainant JASON HUNTER
Officer Against Whom Complaint Was Filed MAJOR RUSTY BAILEY

3. Date of Hearing: 7/20/17

4. Explain the clear error or abuse of discretion by the hearing panel:

SEE ATTACHED (2 PAGES)

5. Signed under penalty of perjury of the laws of the State of California:



Signature

8/2/17

Date

BE ADVISED: A decision of the hearing panel finding a violation of the Prohibited Conduct section of the Code of Ethics and Conduct shall be automatically appealed to the City Council to be heard within thirty (30) calendar days. No new evidence or witnesses may be submitted or considered by the City Council on appeal.

File completed form:

Office of the City Clerk
City of Riverside
3900 Main Street
Riverside, CA 92522
951-826-5557
city_clerk@riversideca.gov

CODE OF ETHICS AND CONDUCT

RMC (Riverside Municipal Code) Section 2.78.020 establishes the purpose of the Code of Ethics and Conduct. It states, "the people of the City of Riverside expect their public officials to comply with both the letter and the spirit of the laws...and established policies of the City of Riverside". Further, it states, "Prohibited Conduct are actions that public officials shall not engage in".

RMC Section 2.78.060 sets out what, "prohibited conduct," consists of (in this complaint). "It shall be deemed unethical for any public official to engage in one or more of the following prohibited actions: M) No public official of the City of Riverside shall violate...any established policies of the City of Riverside".

Violate a city policy, and one has violated the Code of Ethics and Conduct – very simple. There are no exceptions. The ad hoc Ethics Committee spent a year rewriting the code and one of the largest deliberate changes was to eliminate the need for complaints to prove the intent of the official. The Council adopted the updated code in April of 2016 by ordinance, which means it's a local law.

RULES OF PROCEDURE AND ORDER OF BUSINESS FOR THE CITY COUNCIL

Resolution No. 23035 of the city of Riverside establishes the Rules of Procedure and Order of Business for the City Council. It is an established policy. In its preamble it states these rules, "shall govern all proceedings of the City Council therein described, subject to the exceptions and deviations provided for in such rules."

As per Section XVI(b) of this policy, Mayor William "Rusty" Bailey, "has been designated with the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council's norms and procedures." He is the presiding officer (per Section IV(a)), who runs Council meetings according to the Rules of Procedure and Order of Business.

FIRST VIOLATION – ALLOWING A SPEAKER TO EXCEED THREE MINUTES DURING PUBLIC COMMENT WITHOUT A VOTE OF THE FULL COUNCIL

Mayor Bailey violated two provisions of this policy on December 6, 2016. He allowed Mr. Ralph Ahn to speak more than 3 minutes on the topic of declaring the Pachappa Camp as a city point of cultural interest. The Rules of Procedure clearly state in Section X(c)(5), "Each person speaking shall limit his/her remarks to three (3) minutes. The City Council retains the right, by majority vote, to alter the time allotted for public remarks."

The ethics panel saw video of speaker after speaker from the same day, who tried to go past 3 minutes during their comments. All were cut off abruptly by Mayor Bailey, while the timer bell sounded continuously in the background. Not so Mr. Ahn, whom Mayor Bailey deemed, "important." Even after Councilman Davis attempted to seemingly call for a vote of the full Council, the Mayor decided he would unilaterally allow Mr. Ahn to continue to speak without interruption. *Mayor Bailey even confessed to the ethics panel that he technically violated the Rules of Procedure and in doing so, violated the Ethics Code.*

The panel knew Karen Wright was arrested only a few years ago for speaking a mere 15 seconds past 3 minutes. The Council is fully aware, as am I, that NO ONE is allowed to speak past 3 minutes during public comment without being admonished by the presiding officer and the timer bell sounding

continuously. It is well known to the Mayor that speakers who wish to provide more information than can be conveyed in 3 minutes have the option of submitting written comments as well

SECOND VIOLATION – ALLOWING THE CITY MANAGER TO INTERRUPT A SPEAKER TWICE WITHOUT ADMONISHMENT

The panel saw video of City Manager Russo twice bellow into his microphone to interrupt Karen Wright while she was in the middle of her 3-minutes of speaking. The Rules of Procedure state in Section VI(D), “Staff will not argue with the public or the City Council.” Neither time did Mayor Bailey stop the meeting to publicly admonish Mr. Russo for violating the Rules of Procedure. Karen Wright provided written testimony that Mr. Russo’s interruptions broke her chain of thought and embarrassed her.

The panel knew Letitia Pepper was arrested at the direction of Mayor Bailey only a few years ago for allegedly interrupting a Council meeting. The Council is fully aware, as am I, that NO ONE is allowed to interrupt any speakers in that fashion without being admonished publicly by the presiding officer. . Mr. Russo knows full well that a mere nod to Mr. Bailey and he could've gotten a chance to address Ms. Wright's comments AFTER she had finished speaking.

THE COUNCIL MUST OVERTURN THE DECISION OF THE ETHICS PANEL AND FIND THAT MAYOR BAILEY VIOLATED THE CODE OF ETHICS AND CONDUCT

Mr. Ahn received disparate treatment because he was deemed, “important,” and carried a message the Mayor concurred with. Ms. Wright was allowed to be interrupt multiple times by our City Manager because she was deemed, “unimportant,” and carried a message the Mayor did not agree with.

Section II(C) of the Rules of Procedure sets out as one of its three goals: the, “City Council will assure fair and equal treatment of all persons [...] coming before the City Council”. Section 2.78.050(C) of the Riverside Municipal Code (Ethic Code), states that public officials shall, “strive to ensure that everyone is treated with respect and in a just and fair manner.”

OVERTURNING THE DECISIONS OF THE ETHICS PANEL DUE TO CLEAR ABUSE OF DISCRETION IN THIS CASE SHOWS THE COUNCIL BELIEVES IN THESE ASPIRATIONAL GOALS. MORE IMPORTANTLY, DUE TO THE OVERWHELMING EVIDENCE AGAINST MAYOR BAILEY, OVERTURNING THE DECISION OF THE ETHICS PANEL DEMONSTRATES TO YOUR CONSTITUENTS THAT YOU BELIEVE IN THE RULE OF LAW, AS VIOLATIONS OF POLICY ARE VIOLATIONS OF THE ETHICS CODE UNDER OUR MUNICIPAL CODE PER SE – NO EXCEPTIONS.

Section 202 of City Charter, adopted by a public vote in 2004 states, “The City of Riverside shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation.” A vote to uphold the decision of the ethics panel is a vote for anarchy and lawlessness, and demonstrates this process to be a sham designed to provide the illusion of legitimacy while offering none.

-Jason Hunter, 8/3/17 

Morton, Sherry

From: J Hunter <jehunter51@msn.com>
Sent: Thursday, August 03, 2017 12:11 PM
To: Morton, Sherry
Cc: Morton, Sherry
Subject: [External] Code of Ethics - 080317 Bailey appeal
Attachments: Bailey Appeal 080217.pdf

Colleen,

I'd also like to have access at the Council meeting to the same video of 12/6/16 the ethics panel saw with the same timestamps. I plan on showing the Council timestamps #3, 4, and 7 in particular.

Thanks,
Jason