

BOARD OF ETHICS HEARING PANEL
THURSDAY, AUGUST 3, 2017, 1 P.M.
ART PICK COUNCIL CHAMBER

MINUTES

PRESENT: Chair Ford and Panel Members Foley, House, Macias, Tucker, and Alternate Huerta

ABSENT: None

STAFF PRESENT: Colleen Nicol, Dana Roa, Robert Hansen, and Girish Balachandran

ALSO PRESENT: Board of Public Utilities Chair David Austin, Jason Hunter, Raychele Sterling, and others

Chair Ford convened the meeting at 1 p.m. to hear the complaint of Jason Hunter against Board of Public Utilities Chair David Austin alleging a violation of the Code of Ethics and Conduct occurring on May 22, 2017. The complaint alleges conduct in violation of Riverside Municipal Code Section 2.78.060 M by Chair Austin for violating certain sections of the Standing Rules of the Board of Public Utilities of the City of Riverside during the Board of Public Utilities meeting on that date. Specifically, the complaint alleges the following violations of the Standing Rules of the Board of Public Utilities of the City of Riverside: (a) Section 7B by allowing a speaker on Item 19 on the agenda for that meeting to speak past three minutes without calling for a vote of the RPU Board; and (b) Section 5B by not enforcing Section 7B of the Standing Rules of the Board of Public Utilities of the City of Riverside.

DISCLOSURE

Alternate Huerta advised of her nineteen years employment in County government and contact with the Riverside Fire Department in that role. She has no immediate recollection but may have responded on fire calls, trained, or been trained by Mr. Austin.

PUBLIC COMMENT

Jason Hunter spoke regarding his ethics complaint against Board of Public Utilities Chair Austin and the role of the hearing panel.

OATH

City Clerk Nicol administered the oath to Complainant Jason Hunter and Board of Public Utilities Chair David Austin.

PRELIMINARY REVIEW OF COMPLAINT

Following discussion, it was moved by Member House and seconded by Member Tucker stipulating receipt and acceptance as fact the Board of Public Utilities Standing Rules, the Board of Public Utilities agenda and minutes of Monday, May 22, 2017, all other

documents presented in the agenda packet for today's meeting, and acknowledgement that Chair Austin was present at the meeting and presided. Motion carried unanimously.

Following discussion, it was moved by Member House and seconded by Member Foley (1) determining that the complaint complies with all of the requirements of Riverside Municipal Code (RMC) Section 2.78.080 G. including (a) the complaint procedures section of RMC Section 2.78.070 have been followed; (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; and (2) that a hearing on the merits of the complaint shall proceed. The motion carried unanimously.

TECHNICAL/PROCEDURAL ISSUES

Mr. Hunter noted there is no standard or procedure for recusal of panel members. Mr. Hunter was permitted to ask questions of Ms. Huerta regarding her contact with Mr. Austin and expressed satisfaction with the answers provided. Mr. Hunter noted that if the Ethics Code is amended in the future to allow dismissal of complaints without hearing that the complainant should be offered an opportunity to address the body prior to a decision to dismiss.

Mr. Austin had no technical or procedural issues for consideration.

No formal action was required or taken on technical issues.

HEARING

Mr. Hunter presented an opening statement. Mr. Austin presented an opening statement.

Mr. Hunter presented the evidence in support of the complaint. Mr. Austin declined the opportunity to present evidence.

CLOSING STATEMENTS

Mr. Hunter and Mr. Austin presented closing statements.

DELIBERATIONS

Chair Ford noted there were no requests for subpoenas and opened the floor for deliberation. Following deliberation, it was moved by Member House and seconded by Member Tucker finding that there was no violation of RMC Section 2.78.060 M by Riverside Public Utilities Chair Austin pursuant to the complaint brought by Jason Hunter in that the actions of Chair Austin were reasonable and within the discretion of a board chair by allowing the speaker to "wrap up" his comments even though it exceeded the three minute time limit set forth in the Standing Rules of the Board of Public Utilities of the City of Riverside at the Board of Public Utilities meeting on May 22, 2017, based upon the evidence presented, duly considered, and discussed by the Hearing Panel. Motion carried unanimously.

Chair Ford instructed 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 to be voted on by the members of the Hearing Panel only.

The Hearing Panel adjourned at 2:18 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk