
From: Luis Hernandez

Report of the Board of Ethics Ad Hoc Committee

City of Riverside

Proposed Charter Amendment Concepts for Board Discussion

I. Introduction

The Board of Ethics Ad Hoc Committee presents this report for consideration and open discussion by the Board of Ethics. The content reflects research, review of practices in other municipalities, and conversations with ethics board representatives and staff.

The purpose of this report is to outline potential concepts that could strengthen the independence, credibility, and overall effectiveness of Riverside's ethics framework, while maintaining fairness, due process, and public trust.

These concepts are not being presented as formal recommendations or proposed actions at this time. Instead, they are offered to facilitate dialogue and gather feedback from the Board.

This report does not address or propose changes to the existing complaint process, hearing procedures, or appeals process. The focus is limited to governance structure, independence, and operational considerations.

Additionally, if the Office of the Inspector General is vacant at any time, the Deputy or Interim Inspector General would carry out any applicable duties referenced in these concepts to ensure continuity.

II. Topics for Discussion

1. Placement of the Board of Ethics in the City Charter

Concept for Discussion:

Whether the Board of Ethics should be formally established in the City Charter, rather than existing solely in the Municipal Code.

Points for Consideration:

Charter placement could provide greater institutional stability and continuity.

Inclusion in the Charter may enhance public trust and signal a long-term commitment to ethical governance.

Many municipalities include ethics bodies in their charters as a best practice.

Charter status may offer additional insulation from short-term political considerations.

A Charter-based framework could improve clarity and consistency over time.

2. Appointment of Board Members

Concept for Discussion:

Whether the Inspector General should have a role in appointing Board of Ethics members, in place of or alongside current appointment methods.

Points for Consideration:

- Independent appointment may reduce perceptions of bias or influence.
- Could improve impartiality when matters involve elected officials.
- May reduce the need for recusals and improve efficiency.
- Could enhance public confidence in Board decisions.
- May support a more standardized selection process.

3. Authority for Inspector General to Investigate Evidence

Concept for Discussion:

Whether the Inspector General should be authorized to investigate evidence presented to the Board, subject to approval by a majority vote of the Board.

Points for Consideration:

- Could support more complete and reliable fact-finding.
- May improve the quality of prehearing decisions.
- Aligns with the investigative function typically associated with oversight roles.
- Majority approval would provide a safeguard against unilateral action.
- Could reduce the risk of decisions based on incomplete information.

4. Use of Inspector General Subpoena Powers

Concept for Discussion:

Whether the Inspector General should be able to exercise subpoena authority, with approval from a majority of the Board.

Points for Consideration:

- May be necessary to obtain documents or testimony not voluntarily provided.
- Could promote accountability and equitable access to relevant information.
- Supports fairness by ensuring all parties are subject to similar evidentiary expectations.
- Majority vote requirement would provide a check on use of this authority.
- Common feature in some municipal ethics systems.

5. Private Prehearings

Concept for Discussion:

Whether prehearing proceedings should be conducted in private.

Points for Consideration:

- Could help prevent misuse of unverified complaints.
- May better protect due process at early stages.
- Might encourage individuals to file good-faith complaints.
- Could reduce reputational harm prior to factual findings.
- Allows the Board to deliberate preliminary matters without external pressure.
- Transparency would remain at the formal hearing stage.

6. Extension of Prehearing Period

Concept for Discussion:

Whether the prehearing period should be extendable when the Board authorizes investigation or evidence-gathering.

Points for Consideration:

- Allows sufficient time for thorough investigation.
- May improve the quality of decisions before proceeding to hearing.
- Could prevent dismissals based on incomplete information.
- Extensions could be limited to specific, Board-approved circumstances.
- Supports a more flexible and balanced process.

III. Closing

This report is intended to support thoughtful discussion among Board members regarding potential approaches to strengthening the City's ethics framework.

The Ad Hoc Committee offers these concepts for review and welcomes feedback, questions, and additional perspectives from the Board. Further direction from the Board will help determine whether any of these items should be refined, modified, or considered for future action.