

BOARD OF ETHICS
THURSDAY, NOVEMBER 2, 2023, 5 P.M.
ART PICK COUNCIL CHAMBER
3900 MAIN STREET, RIVERSIDE

MINUTES

PRESENT IN PERSON: Chair Newman, Vice Chair Vega, and Members DeMont, DeHerrera, Foley, Foreman, and Dr. Benson

ABSENT: Member Garcia

STAFF PRESENT: Donesia Gause and Brandon Mercer

The meeting convened at 5:01 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Jasmine spoke regarding the complaint against Councilmember Cervantes.

CONSENT CALENDAR

It was moved by Member DeMont 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, Members DeHerrera, DeMont, Foreman, and Dr. Benson voting aye, Member Foley abstaining, and Members Garcia and Hill-Skinner absent.

MINUTES

The minutes of the meeting of October 5, 2023, were approved as presented.

DISCUSSION CALENDAR

ABSENCES

Following discussion, it was moved by Vice Chair Vega and seconded by Member Foreman to excuse the absence of Member Foley from the October 5, 2023, meeting. The motion carried with Chair Newman, Vice Chair Vega, Members DeHerrera, DeMont, Foley, Foreman, and Dr. Benson voting aye, and Members Garcia and Hill-Skinner absent.

Following discussion, it was moved by Member Foreman and seconded by Member DeMont to record the absence of Member Garcia from the October 5, 2023, meeting as unexcused. The motion carried with Chair Newman, Vice Chair Vega, Members DeHerrera, DeMont, Foley, Foreman, and Dr. Benson voting aye, and Members Garcia and Hill-Skinner absent.

BOARD OF ETHICS REVISED WORK PLAN

Following discussion and without formal motion, the Board received and ordered filed the revised annual Work Plan.

FORMATION OF AD HOC COMMITTEES

Following discussion, it was moved by Chair Newman and seconded by Member Foreman to appoint (1) Dr. Benson and Vice Chair Vega to the ad hoc committee to establish a legal panel for complaints; (2) Members Foreman and Foley to the ad hoc committee to create a template for Statements of Findings and Decision of pre-conferences and hearings; and (3) Member DeMont and Chair Newman to ad hoc committee for creating a method for public education. The motion carried with Chair Newman, Vice Chair Vega, Members DeHerrera, DeMont, Foley, Foreman, and Dr. Benson voting aye, and Members Garcia and Hill-Skiner absent.

The Board recessed at 5:38 p.m. and reconvened at 5:47 p.m. with Chair Newman presiding and all members present except Member Garcia.

Member Hill-Skiner entered the meeting during recess.

PRE-CONFERENCE

CODE OF ETHICS AND CONDUCT 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 (F) Violation of Government Code §87100 et seq., prohibited.

Following discussion, it was moved by Chair Newman and seconded by Vice Chair Vega to defer action on the alleged violation of Prohibited Conduct of Riverside Municipal Code Section 2.78.060 F - *Violation of Government Code §87100 et seq., prohibited* pending the completion of the Fair Political Practices Commission (FPPC) action. The motion carried with Chair Newman, Vice Chair Vega, Members DeHerrera, DeMont, Foley, Foreman, Hill-Skiner, and Dr. Benson voting aye, and Member Garcia absent.

The Board recessed at 6:17 p.m. and reconvened at 6:30 p.m. with Chair Newman presiding and all members present except Members DeMont and Garcia.

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*.

Following further discussion, it was moved by Chair Newman 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, Members DeHerrera, Foley, Foreman, Hill-Skinner, and Dr. Benson voting aye, and Members DeMont and Garcia absent.

Subsequently, the pre-conference proceeded and following further discussion, it was moved by Member Foley and seconded by Member Foreman 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, Members DeHerrera, Foley, Foreman, Hill-Skinner, and Dr. Benson voting aye, and Members DeMont and Garcia 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

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

Chair Newman requested ad hoc committee reports in December. Member DeHerrera requested to add an item in the January meeting to establish ad hoc committees.

The meeting was adjourned at 7:03 p.m.

Respectfully submitted,



DONESIA GAUSE
City Clerk