

BOARD OF ETHICS HEARING PANEL
THURSDAY, OCTOBER 6, 2022, 6 P.M.
PUBLIC COMMENTS IN PERSON/VIRTUAL MEETING
ART PICK COUNCIL CHAMBER
3900 MAIN STREET, RIVERSIDE

MINUTES

PRESENT: Chair Foley, Member Foreman, Member Huerta, Member De Herrera, and Member Demont, and Alternate Member Vega

ABSENT: None

STAFF PRESENT: Deputy City Clerk Christiana Kalawa, Assistant City Clerk Eva Arseo, and Deputy City Attorney Aaron Chandler

PARTIES PRESENT: Complainant Jenn Larratt-Smith and Councilmember Conder

Chair Foley called the meeting to order 6:01 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Rick Gardner spoke in support of Councilmember Conder. Mike McCarthy requested Councilmember

ETHICS COMPLAINT PRE-HEARING

Chair Foley opened the pre-hearing conference proceedings on the Code of Ethics and Conduct complaint filed by Jenn Larratt-Smith against Councilmember Conder alleging a violation of Riverside Municipal Code Section 2.78.060(M) *Violation of federal, State, or local law prohibited* in September 2021 and on November 9, 2021, February 24, 2022, May 18, 2022, August 18, 2022, and September 7, 2022.

Following discussion, it was moved by Member Foreman and seconded by Member Demont to find that (1) the complaint procedures were followed; (2) the complaint is against a public official subject to the Code; (3) the complaint alleges a violation of one or more prohibited conduct sections of the Code; and (4) the complaint does not restate allegations of violations that were the subject of a previous complaint. The motion carried Chair Foley, Member Foreman, Member De Herrera and Member Demont voting yes and Member Huerta voting no.

Chair Foley called on the parties to facilitate a settlement discussion and no settlement was reached.

Upon consideration of the evidence presented in the complaint, it was moved by Member Foreman and seconded by Member Huerta to deem the Riverside County 2010 General Plan as irrelevant and inadmissible. Motion carried with Chair Foley and Members Foreman, Huerta, and Member De Herrera voting aye and Member Demont abstaining.

Upon further consideration of the evidence presented in the complaint, it was moved by Member Foreman and seconded by Member De Herrera to deem the emails as irrelevant and inadmissible. Motion carried with Chair Foley and Members Foreman, Huerta, and Member De Herrera voting aye and Member Demont abstaining.

Following further discussion of the evidence presented in the complaint, it was moved by Chair Foley and seconded by Member Huerta to deem the Kansas Case law regarding Golden v. Overland Park as irrelevant and inadmissible. Motion carried with Chair Foley and Members Foreman, Huerta, and Member Demont voting aye and Member De Herrera abstaining.

Following further discussion of the evidence presented in the complaint, it was moved by Chair Foley and seconded by Member Huerta to deem the case law information of Best, Best and Krieger as irrelevant and inadmissible. Motion failed for lack of majority vote with Chair Foley voting yes, Member Foreman voting no, and Members Huerta, Demont and De Herrera abstaining.

Following review of the Code of Ethics and Conduct complaint filed by Jenn Larratt-Smith against Councilmember Conder alleging a violation of Riverside Municipal Code Section 2.78.060(M) *Violation of federal, State, or local law prohibited*, it was moved by Hearing Panel Member Foreman and seconded by Hearing Panel Member Demont to proceed with the complaint determining the complainant has shown that the evidence, if taken as true, more likely than not shows that there may be a potential violation of the prohibited conduct in regard to Riverside Municipal Code 2.78.060(M) *Violations of federal, State, or local law prohibited*. The motion failed for lack of majority vote with Members Demont and Foreman voting aye and Chair Foley and Members Huerta, and De Herrera voting no.

Chair Foley opened the proceeding for public comment. Seven people spoke on the matter.

Chair Foley instructed the City Clerk to prepare a Statement of Findings of the Hearing Panel stating there was no evidence presented in the record of any violation of Riverside Municipal Code Section 2.78.060 (M) *Violation of federal, State, or local law prohibited*. The complaint was dismissed.

The hearing panel adjourned at 7:03 p.m.

Respectfully submitted,



CHRISTIANA KALAWA
Deputy City Clerk