



City of Arts & Innovation

Board of Ethics

TO: , BOARD OF ETHICS

DATE: DECEMBER 1, 2022

FROM: CITY CLERK'S OFFICE

WARDS: ALL

ISSUE:

Review the Code of Ethics and Conduct, Riverside Municipal Code Chapter 2.78.

RECOMMENDATIONS:

That the Board of Ethics:

1. Review the Code of Ethics and Conduct
2. Consider recommendations to revise the Code of Ethics and Conduct
3. Direct Staff to return to the Board of Ethics with draft ordinance amending the Riverside Municipal Code Chapter 2.78 for Committee or City Council consideration.

BACKGROUND:

On September 27 and November 3, 2022, the Inclusiveness, Community Engagement, and Governmental Processes Committee and Board of Ethics Ad Hoc Committee (Committee) held joint meetings to review the Code in its entirety for its effectiveness. The Committee forwarded recommendations to amend the Code to clarify and delineate the complaint hearing process.

The Committee agreed the Code requires some simplifying for the public to understand better and follow a speedy procedural process. During the Committee meeting, staff proposed that the Board of Ethics (BOE) oversee the pre-hearing conference once the City Clerk has deemed a complaint complete.

BOE Member Huerta requested that staff recommendations be included on the board's next meeting agenda along with the review of the following code sections:

1. 2.78.060(m) – Prohibited Conduct
2. 2.78.070(e) – Complaint Procedures to discuss the statute of limitations
3. 2.78.080(g) – Procedure for a Continuance
4. 2.80.040(b) – Composition of Hearing Panel members
5. An expedited Hearing process at the request of the complainant

DISCUSSION:

Staff recommendations:

Upon the City Clerk deeming a Complaint complete, the complaint is added to the next regular BOE meeting agenda for consideration in accordance with the Sunshine Ordinance (Title 4).

Without the recusal of any members, the BOE will conduct the pre-hearing conference following all procedures outlined in Code section 2.78.080 Hearing Procedures.

Should the BOE determine whether it is more likely than not that a violation of prohibited conduct occurred, the BOE can decide whether it wishes to exercise its discretion for the use of outside counsel at that time. The City Clerk would then conduct a drawing of the Board of Ethics members to establish a Hearing Panel during the same regular meeting.

Staff believes this recommendation will simplify and condense the complaint process by:

1. Reducing staff involvement in the hearing panel process and not requiring staff to broadcast separate "pre-hearing conference" meetings, thus saving time and City resources.
2. Avoid any potential confusion in the process because the Chair of the pre-hearing conference will remain the same (Chair of BOE), which creates continuity and familiarity with the procedures.
3. It will eliminate delays in the Hearing process because all decisions needed by the BOE or Hearing Panel are made simultaneously.

Staff also recommends reconsidering whether it is necessary to disqualify any member due to bias according to Ward's seat appointment when the public official subject to the complaint is a council member or appointed by the mayor. Disqualifying member(s) of the same Ward when the subject of the complaint is a council member(s) reduces the number of members that can potentially serve on a hearing panel and increases the risk of not being able to establish a quorum for a hearing.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Donesia Gause, City Clerk

Approved as to form: Phaedra A. Norton, City Attorney