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**BOARD OF ETHICS  
CODE OF ETHICS AND CONDUCT  
PRE-CONFERENCE TRAINING**

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**Office of the City Attorney  
May 4, 2023**

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## **BEST PRACTICES FOR PRE-CONFERENCES**

1. Follow the Municipal Code
2. Keep in mind that the Pre-Conference is only supposed to eliminate complaints that don't meet the code requirements
3. Don't skip any steps
  - Refer to the notes staff has prepared and check all of the boxes



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## INTRODUCTIONS

1. Chair of the Board of Ethics shall preside over the pre-conference
2. Chair will call the meeting to order
3. Call for Public Comment on the published agenda
4. After public comment, announce the Pre-Conference as stated on the published agenda.
5. Ask complainant and the public official to identify themselves



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## FIRST MATTER TO DECIDE – PROCESS FOLLOWED?

- (yes or no): \_\_\_ complaint procedures which are set forth in RMC section 2.78.070, “Written Complaint procedures” of this chapter have been followed.
- (yes or no): \_\_\_ The complaint is against a public official subject to the Code.
- (yes or no): \_\_\_ The complaint alleges a violation of one or more prohibited conduct sections of the Code
- (yes or no): \_\_\_ The complaint does not restate allegations of violations that were the subject of a previous complaint

**If all YES, continue with Pre-Conference**

**If a NO, complaint must be dismissed**



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## SECOND MATTER TO DECIDE – SETTLEMENT?

RMC 2.78.080.D.3 provides:

The settlement process can include, but is not limited to, the Board of Ethics taking a break during the pre-conference and allowing the complainant and the public official to confer privately to determine if a resolution can be reached. If the parties are unable to resolve their dispute, the pre-conference will then continue. Any proposed resolutions or offers of settlement that were not accepted will not be introduced as evidence nor considered as part of the complaint. If the parties reach a settlement, the parties shall report to the Board of Ethics that the complaint has been settled and that no hearing is necessary.



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## THIRD MATTER TO DECIDE – IRRELEVANT EVIDENCE?

RMC 2.78.080.D.4 requires Board of Ethics to review the submitted evidence and determine if any evidence is irrelevant and should be deemed inadmissible.

Steps:

1. Read the evidence
2. Consider whether the evidence is relevant to the alleged violation
3. If irrelevant, make a motion to exclude the evidence



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## FOURTH MATTER TO DECIDE – IS THERE ENOUGH EVIDENCE?

RMC 2.78.075.D.5 requires Board to listen to the parties and determine whether there is enough evidence if taken as true to show that more likely than not a potential violation of the Code of Ethics

1. Chair reads the hearing rules to the parties
2. Call up Complainant to present their case and let Board ask questions
3. Call up public official to present their case and let Board ask questions



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## FOURTH MATTER TO DECIDE – IS THERE ENOUGH EVIDENCE?

4. Call for Public Comment
5. Discuss the following: “whether 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 section of the Code of Ethics.”
6. Make a motion that either the complainant has or has not carried their burden of proof



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## FINAL STPS FOR PRE-CONFERENCE

1. If complainant has not show enough facts, make sure to direct staff or the Board to prepare Statement of Findings
2. If complainant has shown enough facts, consider whether to set time limits presentation of evidence at hearing.
3. Hearing Panel will be selected
4. Adjourn the meeting



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## Questions



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