



City of Arts & Innovation

CODE OF ETHICS AND CONDUCT

RMC Chapters 2.78 and 2.80

COMPLAINT PROCESS

Filing of Complaint

Step 1 - Complainant obtains a complaint form available:

- On-line at www.riversideca.gov/city_clerk/
- By calling the City Clerk's Office at 951-826-5557
- At the City Clerk's Office, 3900 Main Street, 7th Floor, Riverside, CA, 92522

Step 2 - Complainant completes the form in its entirety. Failure to complete all sections of the form may result in the filing being deemed incomplete. Incomplete filings will not be processed. All supporting documents must be attached.

Step 3 - Within 180 calendar days of discovery of the alleged violation, but in no event later than three (3) years from the date of the alleged violation, complainant files the completed form and attachments, if any, in the City Clerk's Office, 3900 Main Street, Riverside, CA 92522.

Step 4 - Upon filing, the City Clerk reviews the submittal for completeness only. If deemed incomplete, the City Clerks notifies the complainant in writing within ten (10) business days as to the deficiencies. A complaint shall not be deemed filed until the City Clerk accepts the complaint as complete.

Hearing Scheduled

Step 5 - Within ten (10) business days of the complete filing, the City Clerk sets the matter for hearing before a hearing panel of the Board of Ethics and notifies the complainant and public official against whom the complaint is filed of the date, time, and location of the hearing. The hearing date shall be within forty-five (45) calendar days of the complaint being deemed complete.

Public Official's Reply to Complaint

Step 6 - The City Clerk provides a copy of the complaint to the public official against whom the complaint is made within ten (10) business days after complaint is deemed complete.

Step 7 - No later than twenty (20) calendar days prior to the hearing, the public official files (a) written reply; (b) copies of documents, photographs, recordings or other tangible materials; and (c) names, addresses, telephone numbers, and email addresses of witnesses to be called at the hearing.

Step 8 - City Clerk provides copies of reply and tangible evidence to the complainant within ten (10) business days of receipt.

Pre-Hearing Procedures

Step 9 - No later than thirty (30) calendar days prior to hearing, City Clerk conducts a random drawing of Board of Ethics members to serve as five-member hearing panel, plus one alternate. The person whose name is first drawn serves as Chair of the hearing panel.

Step 10 - Either party may request a continuance due to (a) unavailability due to illness or other reason acceptable to the City Clerk; or (b) unavailability of witness identified in complaint or reply. Only one continuance shall be granted to each party. The City Clerk shall notify parties of new hearing date, time, and location within ten (10) business days of granting the continuance.

Hearing Procedures

Step 11 – Neither complainant nor the public official against whom the complaint is filed, shall be represented at the hearing by an attorney. Preliminary review and hearing are not formal judicial proceedings. The technical rules of evidence do not apply. No witnesses, documents, photographs, recordings, or other tangible materials other than those submitted with complaint or reply shall be introduced at the hearing or considered by the hearing panel. Witnesses, documents, photograph, recordings or other tangible materials may be subpoenaed by and considered by the hearing panel.

Step 12 - Hearing panel conducts preliminary review to determine compliance with Code.

Step 13 - If hearing panel determines complaint does not comply with Code, Chair calls a vote to dismiss complaint without a hearing. If determined compliant with Code, the hearing proceeds.

Step 14 - Complainant proceeds first with, if desired, opening and closing statement, examination and cross-examination of witnesses, reference evidence submitted with complaint or reply, and introduction of rebuttal evidence. Opening and closing statements shall not exceed fifteen (15) minutes combined.

Step 15 - Public official proceeds second with, if desired, opening and closing statement, examination and cross-examination of witnesses, reference evidence submitted with complaint or reply, and introduction of rebuttal evidence. Opening and closing statements shall not exceed fifteen (15) minutes combined.

Step 16 - During the hearing, hearing panel members may ask questions of the parties or witnesses.

Step 17 - Hearing panel deliberates. Findings are made by majority vote of hearing panel. The complainant shall have the burden of proof by a preponderance of the evidence to establish a violation of the Prohibited Conduct section of the Code.

Post-Hearing Procedures

Step 18 – Within five (5) business days, the City Clerk notifies parties in writing of the hearing panel's decision and appeal process.

Appeal Procedures

Step 19 - A decision of the hearing panel finding a violation of the Prohibited Conduct section of the Code shall be automatically appealed to the City Council to be heard within thirty (30) calendar days.

Step 20 - A decision of the hearing panel finding no violation may be appealed by either party filed in writing within ten (10) business days on a form provided by the City Clerk. The appeal shall be heard by the City Council within thirty (30) days and the City Clerk shall notify both parties of the hearing date. If no appeal is filed within ten (10) business days, the decision of the hearing panel is final and there shall be no further right to appeal.

Step 21 - City Council reviews a transcript of the hearing before the hearing panel and all evidence and testimony considered at the hearing. No new evidence will be received or considered. City Council conducts the appeal hearing and makes their findings and determination.

Step 22 - The City Council reviews the record of the hearing to determine whether the hearing panel committed a clear error or an abuse of discretion.

- If a majority of the City Council makes such a finding, the matter is referred back to the Board of Ethics for a re-hearing.
- If no such finding is made by a majority of the City Council, the City Council adopts the decision of the hearing panel.
- If the City Council finds there is a violation of the Prohibited Conduct of the Code, sanctions may be imposed as outlined in RMC Section 2.78.100.

Step 23 - City Clerk notifies both parties in writing of the City Council's findings and determination. The findings and determinations of the City Council are final. There is no further right to appeal and the matter is concluded.