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City of Riverside
City Clerk's Office

Code of Ethics and Conduct Complaint of Jason Hunter

Response of Councilmember Mike Gardner

Mr. Hunter alleges that the City Council, and I, Councilmember Mike Gardner specifically, violated the Brown Act by discussing, in closed session, complaints filed against Councilmember Soubirous by city employees. Mr. Hunter further alleges that the decision to have an independent investigation of the complaints against Councilmember Soubirous and a subsequent hearing before the council violated the Code of Ethics and Conduct in effect at the time.

Mr. Hunter's allegations are incorrect. First, the complaints were filed with the Human Resources Department as violations of the Labor Code, and were not made as allegations of a violation of the Code of Ethics and Conduct. Labor code violations are a matter of law and can quickly become the subject of litigation, making them proper matters for discussion by the council in closed session as potential litigation.

Second, since the complaints were not filed under the Code of Ethics and Conduct that procedure was never called into play, and therefore could not have been violated. Had the complaints been filed under the Code of Ethics and Conduct the entire course of the proceeding would have been different.

In the circumstances, and given how the complaints were filed, the council acted appropriately and entirely within the law and its own procedural rules. There was no violation of the Brown Act and the Code of Ethics and Conduct was never brought into play.

I do not have any evidence to introduce and I do not intend to call any witnesses.

Mike Gardner



Councilmember, Ward 1

January 19, 2017