

BOARD OF ETHICS
THURSDAY, AUGUST 3, 2017, 5 P.M.
ART PICK COUNCIL CHAMBER

MINUTES

PRESENT: Chair House and Members Foley, Ford, Macias, Tucker, Huerta, and Wright

ABSENT: Members Nelson and Stahovich

Chair House called the Board of Ethics meeting to order at 5 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There were no comments from the audience.

MINUTES

Following discussion, it was moved by Member Huerta and seconded by Member Macias to approve the minutes of the meeting of July 6, 2017, as presented. Motion carried with all ayes and Member Tucker abstaining.

EXCUSAL OF ABSENCES

Following discussion, it was moved by Member Huerta and seconded by Member Macias to excuse the absence of Wendel Tucker from the July 6, 2017, meeting and David Stahovich and Keith Nelson from the meeting of August 3, 2017. Motion carried unanimously with Member Tucker abstaining.

ANNUAL REVIEW OF CODE OF ETHICS AND CONDUCT

City Clerk Nicol presented a report outlining the requirements for annual review of the Code of Ethics and Conduct. The Board of Ethics discussed a vetting process in advance of convening a hearing panel including a subjective analysis, use of an outside contractor to review complaints in advance of convening a hearing, amendment of RMC Section 2.78.060 M., purpose of the Code as a tool rather than a weapon, and use of subpoena powers.

Following discussion, it was moved by Member Huerta and seconded by Member Tucker recommending that the City Council delete Section 2.78.060 M. of the Code of Ethics. Subsequently, the motion and second were withdrawn.

The Board of Ethics continued discussion including violations of policy, exclusion of violations of federal and state law, complaints for convictions of federal or state law, and referrals to the District Attorney.

Following discussion, it was moved by Member Tucker and seconded by Member Huerta recommending that the City Council amend RMC Section 2.78.060 M to read, "Violations of Federal, State, or Local Law Prohibited". No public official of the City of Riverside shall

intentionally or repeatedly violate the Charter of the City of Riverside, the Riverside Municipal Code, and any established policies of the City of Riverside affecting the operations of local government, or be convicted of violation of any state or federal law pertaining to the office which they hold.” Motion carried unanimously.

The Board of Ethics continued discussion including posting of a bond for costs if filings by a single person exceed three unfounded complaints in twelve months, determination if a complaint is “hearable”, additional specificity to determine if complaints warrant a full hearing, use of outside legal counsel to vet complaints, distinction of procedural violations from ethics violations, cost for use of outside resources to review complaints, a permanent non-voting chair presiding over five-member hearing panels, inadvertent procedural errors, training on the role of hearing panel chairs, cross examinations, hearing time limits, comments from boards and commissions, and possible delay of recommendations to the Governmental Affairs Committee and City Council to allow additional comments from boards and commissions.

Member Huerta volunteered to attend board and commission meetings to explain the role of the Board of Ethics and its procedures.

No further action was taken.

HEARING PROCESS TEMPLATE

Chair House presented the subcommittee report on the hearing process template flow chart which includes a prehearing conference and hearing time frames. Implementation of the flow chart would require Code of Ethics Ordinance amendments. Further discussion included a narrative behind the flow chart, addition of cross examination, use of subpoena powers, process timelines, and inclusion of technical issues on the complaint form.

Following discussion and without formal motion, the matter was referred back to the subcommittee to incorporate comments of the Board of Ethics.

CODE OF ETHICS REVIEW

Following discussion and without formal motion, the Board of Ethics directed the City Attorney to recommend to the Governmental Affairs Committee and City Council amendments to the process timelines, as needed.

CITY COUNCIL MEETING PROTOCOL FOR PUBLIC COMMENT – CONTINUED

Following discussion of disclosure to the public at City Council meetings that comments exceeding the three-minute time limit may be submitted in writing for inclusion in the public record, it was moved by Member Wright and seconded by Member Macias to continue the matter to the September 7, 2017, meeting to allow Member Nelson who requested this item to be present for the discussion. Motion carried unanimously.

ITEMS FOR FUTURE BOARD CONSIDERATION AS REQUESTED BY BOARD OF ETHICS MEMBERS

Member Huerta announced she will not be present at the September 7, 2017, meeting due to vacation plans.

Chair House adjourned the meeting at 6:54 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Colleen J. Nicol", written in black ink.

COLLEEN J. NICOL
City Clerk