

BOARD OF ETHICS HEARING PANEL
FRIDAY, JULY 20, 2017, 9 A.M.
ART PICK COUNCIL CHAMBER

MINUTES

PRESENT: Chair Macias, Members Tucker, House, Nelson, and Stahovich, and Alternate Huerta

ABSENT: None

STAFF PRESENT: Colleen Nicol, Dana Roa, and Robert Hansen

Chair Macias convened the meeting at 9 a.m. to hear the complaint of Jason Hunter against Mayor William Rusty Bailey alleging a violation of the Code of Ethics and Conduct occurring on or about December 6, 2016. The complaint alleges conduct in violation of Riverside Municipal Code Section 2.78.060 M. by Mayor Bailey for violating certain sections of City Council Resolution No. 23035 during the City Council meeting on that date. Specifically, the complaint alleges the following violations of City Council Resolution 23035: (a) Section X, subsection C, is alleged to have been violated when Mayor Bailey allowed a speaker to speak past three minutes without a majority vote of the City Council for Item 7 on the City Council Agenda; (b) Section V (D, 4) is alleged to have been violated when Mayor Bailey did not treat members of the public equally at that same meeting; (c) Sections IV (A) and XVI (B) are alleged to have been violated when Mayor Bailey, as the presiding officer at that meeting, failed to enforce the meeting rules and failed to publically admonish the City Manager for repeatedly interrupting a speaker, contrary to Section VI (D); and (d) Section X (F) is alleged to have been violated when Mayor Bailey allowed the applicant to speak for 10 minutes on Item 7 without a majority vote of the City Council. It is alleged by Mr. Hunter that Item 7 on the City Council Agenda was not a quasi-judicial public hearing.

PUBLIC COMMENT

Jason Hunter noted witness Karen Wright's inability to be present; announced new ethics violations filed against Hearing Panel Chairs Stahovich, Tucker, and House; and spoke regarding Ethics Code violations.

OATH

City Clerk Nicol administered the oath to Complainant Jason Hunter and Mayor Rusty Bailey.

PRELIMINARY REVIEW OF COMPLAINT

Following discussion, it was moved by Member Stahovich and seconded by Member Nelson determining that the complaint complies with all of the requirements of Riverside Municipal Code Section 2.78.080 G. and that a hearing on the merits of the complaint shall proceed. The motion carried unanimously.

TECHNICAL/PROCEDURAL ISSUES

Mr. Hunter requested (1) recusal of Panel Members House, Tucker, and Stahovich as he filed ethics complaints today against the three members; (2) acceptance of a written statement from witness Karen Wright as she is unable to appear today; and (3) ability to introduce rebuttal evidence.

Mayor Bailey had no technical issues for consideration.

Following discussion, it was moved by Member House and seconded by Member Stahovich to accept the written statement of complainant's witness Karen Wright in lieu of her appearance. Motion carried unanimously.

No further action was taken on technical issues.

HEARING

Mr. Hunter presented an opening statement. Mayor Bailey presented an opening statement. Mr. Hunter presented the evidence in support of the complaint and called Mayor Bailey as a witness. Mayor Bailey was excused as a witness and Mr. Hunter concluded presentation of evidence.

Mayor Bailey presented evidence in his defense of the complaint filed by Mr. Hunter. Mr. Hunter, then Mayor Bailey provided rebuttal remarks and closing statements.

DELIBERATIONS

Following deliberation, it was moved by Member Stahovich and seconded by Member Tucker that after careful consideration of testimony and evidence presented and deliberation, the Ethics Panel finds no violation of RMC Section 2.78.060 M. by Mayor Bailey pursuant to the complaint brought by Jason Hunter. Motion carried unanimously.

Following discussion, the City Clerk was requested to include on the next Board of Ethics agenda discussion of City Council protocol during public comments to make it clear to the public that written comments will be accepted and considered beyond the three minutes for oral communications. Also at the next meeting as part of the annual review of the Code of Ethics and Conduct the Board of Ethics will discuss if time extensions for the complainant and public official are granted by a vote of the hearing panel or at the discretion of the Chair.

The Hearing Panel adjourned at 11:34 a.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk