

Pre-Hearing Conference

1. Amend RMC Section 2.78.080 B to replace “preliminary review” with “pre-hearing conference.”
2. Amend RMC Section 2.78.080 G to replace preliminary review process with a pre-hearing process recommended by the Board.
3. Pre-hearing conference:
 - a. The hearing panel of the Board of Ethics shall conduct a pre-hearing conference at a noticed meeting of the hearing panel to occur immediately following the adjournment of the regular meeting of the Board of Ethics at 5:00 p.m. on the first Thursday of the month.
 - b. The attendance of the complainant and respondent are required.
 - c. The hearing panel will nevertheless conduct the pre-hearing conference despite the absence of any party.
 - d. At the pre-hearing conference the hearing panel shall determine if the complaint complies with all of the following to establish jurisdiction:
 1. The Complaint Procedures section of Chapter 2.78 have been followed;
 2. The complaint is against a public official set forth in the Scope section of Chapter 2.78;
 3. The complaint alleges a violation of one or more of the provisions of the Prohibited Conduct section of Chapter 2.78; and the complaint does not restate allegations of violations of violations that were the subject of a previous complaint.
 - e. The parties will be given the opportunity to try and resolve informally the issues raised in the complaint. If the parties can come to an informal resolution of the issues raised in the complaint, then the complainant will dismiss the complaint without the need for a formal hearing. If the parties cannot come to a resolution of the issues raised in the complaint, then the pre-hearing conference will continue and a formal hearing date will be set.
 - f. The hearing panel will review the submitted tangible evidence to determine whether it has any probative value to the issues raised in the complaint. If the hearing panel determines by a majority vote that certain tangible evidence has no probative value to the issues raised in the complaint, then such evidence shall be excluded from being introduced or referred to at the hearing on the complaint.
 - g. The complainant will be given ten (10) minutes to verbally explain to the panel what evidence, both tangible and witness testimony, tends to prove the allegations raised in the complaint.
 - h. At the conclusion of the complainant’s proffer of evidence, the hearing panel will determine by a majority vote whether the evidence proffered by the complainant supports the allegations alleged in the complaint and should go forward to a full hearing on the merits.
 - i. If the hearing panel determines that the proffered evidence is insufficient to support the allegations in the complaint, then the hearing panel will issue a statement of findings supporting its conclusion. This decision of the hearing panel may be appealed to the City Council pursuant to the Appeal Procedures Section of chapter 2.78.
 - j. If the hearing panel determines that the proffered evidence is sufficient to support the allegations in the complaint, then the pre-hearing conference will continue.
 - k. The hearing panel will discuss whether or not any subpoenas issued by the hearing panel are necessary for a meaningful hearing or decision pursuant to RMC Chapter 2.80.

- l. The hearing panel shall discuss and set time limits for each party to adhere to at the hearing on the merits.
 - m. The City Clerk will be directed to set the matter for a hearing before the hearing panel pursuant to the time periods set forth in RMC Chapter 2.78.
- 4. Amend RMC Chapter 2.78 G to read that the City Clerk will set the matter for a pre-hearing conference. Amend this section further to provide that within forty-five (45) calendar days after the pre-hearing conference, the City Clerk will set the matter for a hearing.
- 5. Other than as noted above, decisions made by the hearing panel at the pre-hearing conference are not appealable until the conclusion of the hearing on the merits.