



City of Arts & Innovation

Governmental Affairs Committee Memorandum

TO: GOVERNMENTAL AFFAIRS COMMITTEE DATE: JUNE 6, 2018
FROM: BOARD OF ETHICS WARDS: ALL
**SUBJECT: BOARD OF ETHICS RECOMMENDED REVISIONS TO RIVERSIDE MUNICIPAL
CODE CHAPTER 2.78**

ISSUE:

The Board of Ethics, at its May 3, 2018, regular meeting, unanimously recommended further changes to Riverside Municipal Code (RMC) Chapter 2.78 to further define the scope of examination of witnesses and the presentation of rebuttal evidence.

RECOMMENDATIONS:

That the Governmental Affairs Committee review, discuss, and recommend that the City Council:

1. Amend Riverside Municipal Code Chapter 2.78 to further define the scope of examination of witnesses and the presentation of rebuttal evidence; and
2. Introduce and adopt the attached ordinance.

LEGISLATIVE HISTORY/BACKGROUND:

On December 5, 2017, the City Council amended Chapter 2.78 upon the recommendation of the Governmental Affairs Committee and following the annual review of the Code of Ethics and Conduct by the Board of Ethics. At that meeting, several Councilmembers recommended that the Board of Ethics consider further revisions to the Code of Ethics and Conduct including a process to review complaints prior to a hearing on the merits. Additionally, several Councilmembers recommended that the Board address the manner and scope for the examination of witnesses and the presentation of rebuttal evidence.

At the January and February regular meetings of the Board of Ethics several options for a pre-hearing vetting process were discussed and considered. An *ad hoc* sub-committee was established to further explore options and bring back recommendations to the Board for consideration.

At the regular meeting of the City Council on April 24, 2018, the City Council adopted revisions to RMC Chapter 2.78 to provide for a pre-hearing conference.

At the regular meeting of the Board of Ethics on May 3, 2018, the Board reviewed, discussed, and unanimously recommends to the Governmental Affairs Committee to further amend RMC Chapter 2.78 to further define the examination of witnesses and the presentation of rebuttal evidence by the parties.

Section 2.78.080 is amended by adding a new paragraph J to read "Neither party shall be allowed to examine the other party as part of their presentation of evidence. However, a party may cross-examine the other party as to any matters directly testified to by that party during their presentation of evidence. Cross-examination is limited to only those matters testified to by the party or witness during their presentation of evidence."

Section 2.78.080 J is re-numbered to read "2.78.080 K."

Section 2.78.080 is amended by adding a new paragraph L to read "The parties may present rebuttal evidence. The complainant may present rebuttal evidence to the public official's evidence following the completion of the presentation of evidence by the public official. The public official may offer rebuttal evidence to the complainant's evidence during the public official's presentation of evidence. The public official may also present evidence to rebut the complainant's rebuttal evidence. Rebuttal evidence must be evidence directly or indirectly refuting the evidence introduced by the other party."

Section 2.78.080 L is renumbered to read "2.78.080 M."

Section 2.78.080 M is renumbered to read "2.78.080 N."

Section 2.78.080 N is renumbered to read "2.78.080 O."

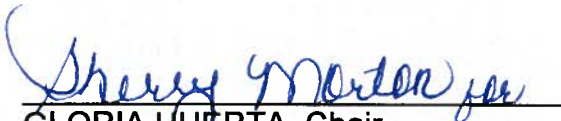
Section 2.78.080 O is renumbered to read "2.78.080 P."

Section 2.78.080 P is renumbered to read "2.78.080 Q."

FISCAL IMPACT:

None.

Submitted by:


GLORIA HUERTA, Chair
Board of Ethics

Approved as to form: Robert L. Hansen, Assistant City Attorney

Attachment: Proposed ordinance amending RMC 2.78