



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JULY 24, 2018
FROM: BOARD OF ETHICS WARDS: ALL
SUBJECT: BOARD OF ETHICS RECOMMENDED REVISIONS TO RIVERSIDE MUNICIPAL CODE CHAPTER 2.78

ISSUE:

Amend 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 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 recommended 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."

On June 6, 2018, the Governmental Affairs Committee reviewed and considered the changes proposed by the Board of Ethics and unanimously recommended (Councilmember Gardner absent) these changes to the City Council.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of the proposed ordinance.

Prepared by: Robert L. Hansen, Assistant City Attorney
Approved as to form: Gary G. Geuss, City Attorney

Attachments: Proposed ordinance amending RMC 2.78

Concurs with:



ANDY MELENDREZ, Chair
Governmental Affairs Committee