



*City of Arts & Innovation*

# Board of Ethics Memorandum

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**TO: BOARD OF ETHICS HEARING PANEL**                      **DATE: SEPTEMBER 23, 2021**

**FROM: CITY ATTORNEY'S OFFICE**                      **WARDS: ALL**

**SUBJECT: PRE-HEARING ON THE ETHICS COMPLAINT FILED BY CITY COUNCIL  
REGARDING CITY COUNCILMEMBER CHUCK CONDER – CONTINUED  
FROM SEPTEMBER 2, 2021**

## **ISSUES:**

Conduct a pre-hearing on the Ethics Complaint filed by City Council regarding City Councilmember Chuck Conder.

## **RECOMMENDATIONS:**

Perform the pre-hearing as required by Riverside Municipal Code Section 2.78.080 on the Ethics Complaint filed by City Council regarding City Councilmember Chuck Conder.

## **BACKGROUND**

The unapproved minutes from the September 2, 2021 meeting provide the following:

“Chair Graham opened the pre-hearing proceedings on the Code of Ethics and Conduct complaint filed by the City Council against Councilmember Conder alleging violations of Riverside Municipal Code (1) Section 2.78.060(B) Use or divulgence of confidential or privileged information prohibited and (2) Section 2.78.060(M) Violations of federal, State, or local law prohibited, specifically a Brown Act violation.

Following discussion, it was moved by Member Huerta and seconded by Member Newman to continue the pre-hearing proceedings on the Code of Ethics and Conduct complaint filed by the City Council against Councilmember Conder alleging violations of Riverside Municipal Code (1) Section 2.78.060(B) Use or divulgence of confidential or privileged information prohibited and (2) Section 2.78.060(M) Violations of federal, State, or local law prohibited, specifically a Brown Act violation, to a future date pending appointment of outside legal counsel. The motion carried unanimously.”

## **DISCUSSION:**

Riverside Municipal Code Section 2.78.080 requires the Hearing Panel to review the complaint and supporting evidence offered by the complainant to determine whether there may be a potential violation of the Ethics Code and Conduct that should be heard at a future hearing.

More specifically, the Hearing Panel should do the following at the pre-hearing:

- Determine if the complaint complies with all of the following:
  - The complaint procedures have been followed;
  - The complaint is against a public official subject to the Code;
  - The complaint alleges a violation of one or more prohibited conduct sections of the Code;
  - The complaint does not restate allegations of violations that were the subject of a previous complaint;
- If the Hearing Panel determines that the complaint complies with the mandates outlined above, then the Hearing Panel shall facilitate settlement discussions between the parties;
- If settlement is not reached between the parties, then the Hearing Panel shall review the tangible evidence and determine if any evidence is irrelevant and should be deemed inadmissible;
- Following up to a ten-minute verbal presentation by the complainant, the Hearing Panel shall determine if the complainant has shown that the evidence, if taken as true, more likely than not shows that there may be a potential violation of the prohibited conduct of the Code;
- Act upon any necessary subpoenas
- May set time limits for parties to present evidence at the hearing
- Rule on any procedural matters raised by the complainant or public official

The City Attorney is in the process of retaining outside counsel to advise the Hearing Panel at the September 23, 2021 hearing, and expects that that outside counsel will be present at the September 23, 2021 hearing to so advise the Hearing Panel.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report.

Prepared by: Susan Wilson, Assistant City Attorney

Approved as to form: Phaedra A. Norton, City Attorney

Attachment: Complaint by City Council, Board of Ethics Hearing Rules and Procedures