

Board of Ethics Ad Hoc Committee

September 20, 2021

**Proposed changes for Approval of Statement of Findings:**

**2.78.080 - Hearing procedures.**

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M. Upon the conclusion of evidence presented by the parties, the Chair shall facilitate verbal deliberations by the hearing panel.

N. All findings shall be **approved** by a majority vote of the hearing panel and recorded by the City Clerk. **The hearing panel may approve such findings at the conclusion of the hearing and direct the City Clerk to prepare the findings or designate members of the hearing panel to prepare the findings. If members of the hearing panel prepare the findings, the hearing panel must consider and approve such findings within 30 days after the hearing, at a subsequent meeting of the hearing panel.**

O. Within five City business days following the hearing **and the approval of the findings**, the City Clerk shall notify all parties in writing of the decision of the hearing panel and the appeal procedures.

**2.78.090 - Appeal procedures.**

A. A decision by the hearing panel finding a violation of the Prohibited Conduct section of this chapter shall be automatically appealed to the City Council. The City Clerk shall place the appeal on the agenda of a regular meeting of the City Council within 30 City business days of the **approval of the findings** hearing by the hearing panel and shall notify the parties in writing of the hearing date.

**Proposed changes for De Novo Hearing:**

**2.78.090 - Appeal procedures.**

E. The City Council shall review the record of the hearing to determine whether the hearing panel committed a clear error or an abuse of discretion based upon the record. If no such finding is made by a majority of the City Council, then the City Council shall adopt the decision of the hearing panel as the findings of the City Council on appeal. If there is a finding by the City Council of a clear error or an abuse of discretion by the hearing panel, then that finding shall be clearly stated and the matter shall be referred back to the Board of Ethics for a de novo (new) re-hearing of the matter in light of the findings on appeal. **The de novo re-hearing shall be conducted before a hearing panel convened in accord with Riverside Municipal Code section 2.80.040.B.3(a)-(j). The hearing shall be conducted in accord with the hearing procedures set forth in Riverside Municipal Code section 2.78.080.**