

BOARD OF ETHICS
THURSDAY, FEBRUARY 1, 2024, 5 P.M.
ART PICK COUNCIL CHAMBER
3900 MAIN STREET, RIVERSIDE

MINUTES

PRESENT IN PERSON: Chair Newman, Vice Chair Vega, and Members DeHerrera, Foley, Foreman, and Dr. Benson

ABSENT: Member Hill-Skinner

STAFF PRESENT: Eva Arseo and Brandon Mercer

The meeting convened at 5:05 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There was no one wishing to address the Board at this time.

CONSENT CALENDAR

It was moved by Dr. Benson and seconded by Member Foreman to approve the Consent Calendar as presented below affirming the actions appropriate to each item. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman, and Dr. Benson voting aye, Member Foley abstaining, and Member Hill-Skinner absent.

MINUTES

The minutes of the meeting of January 4, 2024, were approved as presented.

DISCUSSION CALENDAR

ABSENCES

Following discussion, it was moved by Member Foreman and seconded by Member DeHerrera to excuse the absence of Member Foley from the January 4, 2024, meeting. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman, and Dr. Benson voting aye, Member Foley abstaining, and Member Hill-Skinner absent.

STATEMENT OF FINDINGS AND DECISION REGARDING CODE OF ETHICS AND CONDUCT AMENDED COMPLAINT BY BEN CLYMER, JR., AGAINST COUNCILMEMBER CERVANTES - JANUARY 4, 2024

Following discussion, it was moved by Chair Newman and seconded by Member Foreman to adopt the Statement of Findings and Decision for the amended Ben Clymer, Jr., and Councilmember Cervantes amended complaint. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foreman,

and Dr. Benson voting aye, and Member Foley abstaining, and Member Hill-Skinner absent.

AD HOC COMMITTEE PROPOSED TEMPLATES OF STATEMENTS OF FINDINGS AND DECISION FOR PRE-CONFERENCES AND HEARINGS OF CODE OF ETHICS AND CONDUCT COMPLAINTS

Following discussion, the Board it was moved by Chair Newman and seconded by Member Foley to accept the Statements of Findings and Decision for pre-conferences and hearings of Code of Ethics and Conduct complaints proposed templates presented by the ad hoc committee. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foley, Foreman, and Dr. Benson voting aye, and Member Hill-Skinner absent.

AUTHORITY AND CONDITIONS FOR USE OF OUTSIDE LEGAL COUNSEL IN LIEU OF THE CITY ATTORNEY TO ADVISE THE BOARD OF ETHICS

There was no update on this item.

PRE-CONFERENCE

PRE-CONFERENCE - CODE OF ETHICS AND CONDUCT COMPLAINT FILED BY DUFFY ATKINSON AGAINST BOARD OF PUBLIC UTILITIES MEMBER DAVID CROHN

Chair Newman opened the pre-conference for the Code of Ethics and Conduct complaint filed by Duffy Atkinson against Board of Public Utilities Member David Crohn for alleged violation of Prohibited Conduct of Riverside Municipal Code (RMC) Section 2.78.060 (A) *Use of official title or position for personal gain prohibited.*

Following discussion, it was moved by Member Foreman and seconded by Dr. Benson that the complaint complies with all of the provisions outlined in RMC Section 2.78.075 (D)(1) - Pre-conference procedures. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foley, Foreman, and Dr. Benson voting aye, and Member Hill-Skinner absent.

The Board opened discussion to facilitate a settlement agreement between the parties pursuant to RMC Section 2.78.075 (D)(3). The complainant declined to have a settlement discussion.

Following discussion, it was moved by Member Foley and seconded by Member Foreman to add as evidence to the record the letter dated December 28, 2023, to the California Public Utilities Commission written and presented by the respondent, David Crohn. The motion carried with Chair Newman, Vice Chair Vega, and Members DeHerrera, Foley, Foreman, and Dr. Benson voting aye, and Member Hill-Skinner absent.

The pre-conference proceeded and following further discussion, it was moved by Chair Newman and seconded by Vice Chair Vega to determine that the

evidence provided by the complainant failed to show that it is more likely than not that there may be a potential violation of the Prohibited Conduct of Riverside Municipal Code Section 2.78.060 (A) *Use of official title or position for personal gain prohibited*. The motion carried with Chair Newman, Vice Chair Vega, and Members Foley and Foreman voting aye, Members DeHerrera and Dr. Benson voting no, and Member Hill-Skinner absent.

The Board of Ethics directed the City Clerk to prepare the Statement of Findings for adoption at the next regular meeting of the Board of Ethics.

COMMUNICATIONS

BRIEF REPORTS ON MEETINGS ATTENDED BY BOARD MEMBER

There were no reports given at this time.

ITEMS FOR FUTURE BOARD CONSIDERATION AS REQUESTED BY BOARD OF ETHICS MEMBERS

Member Foley requested discussion to include opportunity for recusal on hearings and addressing the absence of complainants for pre-hearings. Members Foreman and Foley requested discussion by the ad hoc committee to clarify language to Riverside Municipal Code Section 2.78.060 (M) *Violations of federal, state, or local law prohibited*.

Member Foley announced that it was a pleasure to serve on the Board of Ethics and Chair Newman thanked her for her service on the Board.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,



EVA ARSEO
Assistant City Clerk