



City of Arts & Innovation

BOARD OF ETHICS

TO: BOARD OF ETHICS MEMBERS DATE: APRIL 4, 2024
FROM: CITY CLERK'S OFFICE WARDS: ALL
SUBJECT: RECUSAL OF MEMBERS FOR PRE-CONFERENCES AND HEARINGS FOR
CODE OF ETHICS AND CONDUCT COMPLAINTS

ISSUE:

Discuss when members should recuse themselves from pre-conferences and hearings for Code of Ethic and Conduct complaints.

RECOMMENDATION:

That the Board of Ethics discuss reasons for a need for recusal by Board of Ethics members from pre-conferences and hearings for Code of Ethic and Conduct complaints.

DISCUSSION:

Riverside Municipal Code (RMC) Chapter 2.78.075 (A) - Pre-conference Procedures - provides that the *Board of Ethics* shall conduct a pre-conference (at a regular meeting) prior to a hearing date being set by the City Clerk. Chapters 2.78 or 2.80 of RMC does not provide guidance on recusals in the pre-conference phase of a complaint.

RMC Chapter 2.78.080(Q) – Hearing Procedures - provides that no member of the Board of Ethics who is either the complainant, or the subject of a complaint filed shall sit as a member of the hearing panel considering such complaint and must recuse himself or herself as a member of that panel.

RMC Chapter 2.80.040 (B.3.c) states that immediately after a pre-conference is conducted by the Board, if necessary, a hearing panel shall be selected by the City Clerk by randomly drawing names of the Board members until all names have been drawn with the first names constituting the hearing panel and the sixth name drawn as an alternate. Further, RMC Chapter 2.80.040 (B.3.h) – Duties and Powers - provides that if a complaint is against a member of the Board of Ethics, that member shall be disqualified from participating on the hearing panel.

On February 7, 2024, former Member Foley requested a discussion on the subject of recusal of members from pre-conferences and hearings.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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