

STANDING RULES OF THE BOARD OF ETHICS OF THE CITY OF RIVERSIDE

Pursuant to Section 804 of the Charter of the City of Riverside (Charter), the Board of Ethics hereby adopts its standing rules, copies of which shall be kept on file in the Office of the City Clerk, where they shall be made available for public inspection and posted on the City's website.

1. **POWERS, DUTIES AND FUNCTIONS (Riverside Municipal Code (RMC), Chapter 2.80)**

There shall be a Board of Ethics which shall have the power and duty to:

- A. Annually review, hold public meetings, and make recommendations to the City Council regarding the overall effectiveness of RMC Chapter 2.78, including any adopted or proposed city policies, in accordance with the procedures established therein;
- B. Receive and review complaints of violations of RMC Chapter 2.78;
- C. Convene a hearing panel of the Board of Ethics to conduct hearings on complaints of violations of RMC Chapter 2.78 pursuant to the provisions of RMC Chapter 2.80 as follows:
 - 1. A hearing panel shall be comprised of no fewer than five (5) members of the Board and one alternate;
 - 2. A hearing panel, once established, shall be the sole hearing body to conduct hearings and render decisions with findings on the complaint for which the panel was convened;
 - 3. No later than thirty (30) calendar days prior to the date set for the hearing, a hearing panel shall be selected by the City Clerk by randomly drawing names of Board members until all names have been drawn. The first five (5) names drawn shall constitute the hearing panel, with the sixth name drawn as an alternate;
 - 4. The alternate shall be present at the hearing, but will not participate unless and until any member of the hearing panel is unable to continue as a member of the hearing panel. At that point the alternate shall become a member of the hearing panel;
 - 5. Any Board member who is selected as a member of a hearing panel or alternate shall notify the City Clerk not less than fifteen (15) calendar days before the hearing that he or she is unable to participate on the hearing panel or as an alternate and the reasons why;

6. If any member of the hearing panel or the alternate so notifies the City Clerk, the alternate shall then become a member of the hearing panel and the seventh name of a Board member previously drawn shall then become an alternate. This process shall be followed until a five (5) member hearing panel and alternate is established;
 7. If, after the commencement of a hearing, the hearing panel does not have at least five (5) members, the chairperson shall adjourn the hearing to a date certain. If the hearing can be reconvened with the same members of the hearing panel, then the hearing shall proceed from the point at which the hearing was adjourned. If the hearing cannot continue with all of the same members of the hearing panel as constituted at adjournment, then the hearing shall begin anew;
 8. If a complaint concerns a City Councilmember, any member of the Board residing in that Councilmember's Ward shall be disqualified from participating on the hearing panel;
 9. If a complaint concerns a member of the Board, that member shall be disqualified from participating on the hearing panel; and
 10. The first name drawn by the City Clerk shall serve as chairperson of the hearing panel to preside at the hearing;
- D. Conduct hearings, swear witnesses, receive and consider evidence, ask questions, and otherwise hold hearings on complaints of violations of RMC Chapter 2.78 in accordance with the procedures set forth therein;
 - E. Issue subpoenas compelling the attendance of witnesses or the production of books, papers or documents on any complaint before the Board of Ethics where a super majority (four affirmative votes) of the hearing panel determines it necessary for a meaningful hearing or decision on complaints of violations of RMC Chapter 2.78;
 - F. Issue a decision with findings, including recommendations for sanctions, if any, to the City Council for all complaints determined by the hearing panel of the Board to be a violation of RMC Chapter 2.78;
 - G. Establish meeting rules and procedures and hearing rules and procedures not in conflict with the Charter of the City of Riverside, Riverside Municipal Code, adopted rules and procedures of the City Council, or any local, state or federal law; and
 - H. Determine when outside legal counsel shall be used to advise the Board of Ethics or a hearing panel in the place of the City Attorney.

2. MEMBERS (RMC Sections 2.10.010 and 2.80.030)
 - A. The Board of Ethics shall consist of nine members to be appointed in accordance with Section 802 of the Charter.
 - B. Members may be removed from the Board by five (5) affirmative votes of the Mayor and City Council for incompetence, malfeasance, misfeasance, nonfeasance or neglect of duties.
 - C. Each member must be a qualified elector of the City at the time of appointment and throughout their term of service on the Board.
 - D. Members who fail to maintain qualified elector status must resign from the Board or be removed in accordance with Section 802 of the Charter.
 - E. The Board of Ethics shall have at least one member from each Council ward (Charter Section 802)
3. TERM OF OFFICE (Charter Section 802)
 - A. The term of office shall be four (4) years. No member shall serve more than two (2) consecutive full terms. Service of less than one year of an unexpired term shall not be counted as service of one term per City Council Policy.
 - B. In the event that a successor has not been appointed when the term of office of an incumbent member expires, the incumbent member may continue to serve until a successor is appointed. (Charter Section 802)
 - C. Members shall be subject to removal by the Mayor and City Council by a motion adopted by five (5) affirmative votes with the Mayor entitled to vote. (Charter Section 802)
 - D. Members shall be subject to the Code of Ethics and Conduct adopted by the City Council and all applicable local, state and federal laws.
 - E. Any member may resign from the Board of Ethics by submitting their written resignation to the Mayor and City Council, as well as to the Board of Ethics Chair.
4. COMPENSATION; VACANCIES (Charter Sections 803 and 805)
 - A. Members shall serve without compensation for their service on the Board of Ethics but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council. (Charter Section 805)

- B. Any vacancies, from whatever cause arising, shall be filled by the Mayor and City Council with the Mayor entitled to vote on any such appointment. Upon vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a position of the Board of Ethics has remained vacant for sixty (60) days, the Mayor shall appoint a person to fill the vacancy in accordance with Charter Section 803.

5. OFFICERS (Charter Section 804)

- A. The Board of Ethics shall have at least two (2) officers, Chair and Vice-Chair, and such other officers it deems necessary.
- B. The Chair shall preside over all meetings of the Board of Ethics, except for meetings of duly constituted hearing panels pursuant to RMC Section 2.80.040, and shall have the same rights as other members of the Board, including the right to make or second a motion. The Chair shall have the right to vote on all matters. The Chair shall: sign all documents on behalf of the Board of Ethics after such documents have been approved by a majority vote of the Board, except findings and recommendations of a hearing panel shall be signed by the chair of the hearing panel upon a majority vote of the hearing panel approving such findings and recommendations; appoint the membership of each committee and the committee chair, except for duly constituted hearing panels which shall be appointed pursuant to RMC Section 2.80.040; enforce these standing rules; serve on, or appoint another Board member to serve on any *ad hoc* committees as requested by the City Council; represent the Board on an issue before the City Council; and shall perform such other duties and delegated responsibilities as may be imposed upon the Chair by the City Council.
- C. In the absence of the Chair, the Vice-Chair shall assume all the duties and powers of the Chair. In the absence of the Chair, all actions taken by the Vice-Chair shall have the same force and effect as if taken by the Chair.
- D. The election of officers shall be conducted annually at the first meeting in March. (Charter Section 804)
- E. Election of officers shall be conducted in the following manner:
 - 1. The outgoing Chair shall call for nominations. Any member may make a nomination for officers, and such nomination does not need to be seconded by another member.
 - 2. Nominations will be closed only by motion of a member, and seconded by another member.
 - 3. The Chair shall be selected by a majority vote of those present.

4. In the event of a tie, the two members that received the most votes shall have a run-off election, conducted in the same manner.
 5. In the event of a second tie vote, the officer shall be selected by a coin toss by the outgoing Chair.
- F. In the event of the occurrence of the vacancy of the office of Chair, the Vice-Chair shall assume the office of Chair for the remainder of the unexpired term. In the event the Vice-Chair declines to serve the remainder of the unexpired term, a new election for Chair shall be held for the office of Chair for the remainder of the unexpired term. In the event of the vacancy of the office of Vice-Chair, a new election shall be held for the office of Vice-Chair for the remainder of the unexpired term.
- G. If the Chair and Vice-Chair are both absent at the same meeting, the first item of business shall be the election of a Chair *Pro Tem* to perform the duties of the Chair for that meeting.
6. MEETINGS (Charter Section 804 and RMC 2.80.040)
- A. Regular meetings of the Board of Ethics shall be held on the first Thursday of every month at 5:00 p.m., at City Hall, Art Pick Council Chamber, unless otherwise agreed upon in advance by the Board and properly noticed by the City Clerk.
- B. A special meeting may be called by the Chair or any five (5) members of the Board. Hearings on complaints filed pursuant to RMC Chapter 2.78 shall be conducted at a special meeting at a time and location determined by the City Clerk without being called by the Chair or Board. The notice and agenda for any special meeting will be distributed in accordance with the Brown Act, Section 54950 *et seq.* of the California Government Code and RMC Title 4.
- C. All meetings of the Board of Ethics and its standing committees, including hearing panels, shall be open to the public. Notice shall be given to the public prior to convening such meetings of the Board of Ethics in accordance with the Brown Act.
- D. A majority of all members of the Board of Ethics shall constitute a quorum for the transaction of any business, except three (3) members of a duly constituted hearing panel shall constitute a quorum to convene any special meeting to conduct a hearing on a complaint pursuant to RMC Chapter 2.78. A motion shall carry upon the affirmative vote of the majority of the members present at the meeting, except as otherwise provided for in RMC Section 2.80.040.

- E. A Board meeting may be cancelled, continued or adjourned by the Chair of the Board, or Chair of a hearing panel of the Board, or by the City Clerk due to a lack of a quorum or a lack of sufficient agenda items.
- F. The City Council has designated the City Clerk, or their designee, to act as the secretary to the Board of Ethics for the recording of minutes and for any other duties delegated by the Board of Ethics. The minutes shall be kept in the Office of the City Clerk at City Hall and shall be made available for public inspection.
- G. The Board of Ethics may promulgate such rules, regulations, policies and procedures for its conduct, as it deems necessary.
- H. All adopted rules, regulations, policies and procedures shall be promptly filed with the City Clerk, and shall bear the signature of the Chair and the date they were adopted.
- I. The Board of Ethics may create standing and/or ad hoc committees for the purposes related to the delegation of power given to the Board as embodied in Riverside Municipal Code Chapters 2.78 and 2.80. For the purpose of these rules, "ad hoc committee" shall be defined as a temporary advisory committee composed of less than a quorum of the Board that serves a limited or single purpose, that is not perpetual, and that will be dissolved once the specified task or purpose is completed. Ad hoc committees shall not be subject to the Brown Act notice and public hearing requirements.

7. CONDUCT OF MEETINGS

A. Order of Discussion

The order of discussion after introduction of an item by the Presiding Officer will generally be as follows:

- 1. Regular and Special Meetings except Hearings on Complaints:
 - a. Staff presentation, information and reports
 - b. Public comments
 - c. Board members questions, discussion, motion and action
- 2. Special Meetings Hearings on Complaints:
 - a. Hearings shall be conducted pursuant to the provisions in RMC Section 2.78.080

B. Public Comments

1. Public comments are limited to three (3) minutes. Public comments will be received by the Board prior to taking action on items on the agenda. Public comments will be limited to the item on the agenda being discussed.
2. In addition, agendas for regular meetings will also provide for public comments on any item not on the agenda, but within the subject matter jurisdiction of the Board of Ethics. All such public comments are limited to three (3) minutes.

8. COMMITTEES

- A. The Board of Ethics may establish standing committees, which shall consist of an appointed Chair and at least two (2), but not more than three (3) other Board members. All standing committees of the Board of Ethics will comply with the Brown Act and RMC Title 4.
- B. The Board may also appoint *ad hoc* or temporary committees, which shall consist of an appointed Chair and at least two (2), but not more than three (3) other board members. *Ad hoc* committees serve a limited single purpose, are not perpetual, and are dissolved once their specific task is completed.

9. REPORT TO THE CITY

The Board of Ethics shall present an annual report of its activities for the past year to the Mayor and City Council, including any recommendations concerning the Code of Ethics and Conduct.

10. AMENDMENT OF STANDING RULES

The standing rules may be amended at any regular meeting of the Board of Ethics by majority vote of the members present, Provided that notice of such amendment was provided in accordance with the Brown Act and RMC Title 4.

Respectfully submitted,

/s/ Gloria Huerta
Chair
Board of Ethics

April 4, 2019
Date of Adoption