

Exhibit A - Proposed Revision

2.78.075 Pre-conference procedures.

- A. The complainant may be permitted to submit one revised complaint to only add additional allegations of the prohibited conduct section of this chapter. This updated complaint must be submitted to the City Clerk following the established policies and procedures within 30 days of the original complaint being filed with the Clerk ~~and within the 180 calendar days of discovery of an alleged violation of this chapter~~. The only amendment may be the addition of additional allegations of violations of the prohibited conduct section of this chapter. If an amended complaint is submitted to the City Clerk within the 30-day time frame, the City Clerk reviews the amended complaint in accordance with RMC Section 2.78.070. The time frames established in the RMC for actions by the City Clerk, hearing panel and Board of Ethics will be reset using the date that the amended complaint has been accepted and determined to be complete. The acceptance of the amended complaint is not deemed to be a continuance.
- B. Within 20 City business days of the City Clerk deeming the complaint complete, the City Clerk shall set the matter for a pre-conference before the Board of Ethics and notify in writing the complainant and the public official against whom the complaint is filed of the date, time, and location of the pre-conference. The pre-conference date shall be within 45 City business days of the complaint being deemed complete.
- Prior to the commencement of the pre-conference, either party may ask the City Clerk or the Board of Ethics for a continuance of the pre-conference on either of the following grounds: the unavailability of the party at the pre-conference due to illness or other reason acceptable to the City Clerk or the Board of Ethics.
- Only one continuance of the pre-conference shall be granted by either the City Clerk or the Board of Ethics at the request of each party. If a continuance is granted, the City Clerk shall give written notice to all parties of the next available pre-conference date, time, and location.
- C. The City Clerk shall provide a copy of the complaint and all required information and tangible evidence, without charge, to the public official against whom the complaint is made within ten City business days after the complaint is deemed complete.
- D. The Board of Ethics shall conduct a pre-conference prior to a hearing date being set by the City Clerk. All parties are to attend the pre-conference; however, the absence of any party at the pre-conference shall not be grounds for a continuance and the pre-conference shall proceed as if the absent party were present. The pre-conference shall be conducted as follows:
1. The Board of Ethics shall review the complaint to determine if it complies with all of the following to establish jurisdiction of the Board of Ethics:
 - a. The complaint procedures section of this chapter have been followed;
 - b. The complaint is against a public official set forth in the scope section of this chapter;
 - c. The complaint alleges a violation of one or more of the provisions of the prohibited conduct section of this chapter. For alleged violations of 2.78.070(M), the complaining party must identify the specific section(s) of the Charter of the City of Riverside, the Riverside Municipal Code, or the policy of the City of Riverside, including when the policy of the City of Riverside was established, that is alleged to have been violated, and the Board of Ethics must determine that this requirement has been met by the complainant; and
 - d. The complaint does not restate allegations of violations that were the subject of a previous complaint.
 2. If a majority of the Board of Ethics determines that the complaint does not comply with all of the provisions of RMC Section 2.78.070(D), the Chair shall state the findings of deficiency on the record and shall call for a vote of the Board of Ethics to dismiss the complaint without a hearing. A roll call vote of

the Board of Ethics shall be taken by the City Clerk who will record the vote of each member of the Board of Ethics. The Chair of the Board of Ethics shall instruct the City Clerk to prepare a statement of findings for the Board of Ethics to adopt at the next regular meeting of the Board of Ethics. This statement of findings shall be considered the final decision of the Board of Ethics. If a majority of the Board of Ethics determines that the complaint complies with all of the provisions of Section 2.78.070(D), then the pre-conference shall proceed.

3. The Board of Ethics shall facilitate settlement discussions between the parties. The settlement process can include, but is not limited to, the Board of Ethics taking a break during the pre-conference and allowing the complainant and the public official to confer privately to determine if a resolution can be reached. If the parties are unable to resolve their dispute, the pre-conference will then continue. Any proposed resolutions or offers of settlement that were not accepted will not be introduced as evidence nor considered as part of the complaint. If the parties reach a settlement, the parties shall report to the Board of Ethics that the complaint has been settled and that no hearing is necessary.
4. The Board of Ethics shall review the submitted tangible evidence to determine if it is relevant to the issues raised in the complaint. If it is determined, by a majority vote, that any such evidence is irrelevant to the issues raised in the complaint, then such evidence will be deemed inadmissible at the hearing and shall be excluded.
5. The complainant may verbally present to the Board of Ethics any and all evidence, both tangible and testimonial, that will be presented at the hearing to prove the allegations in the complaint. The public official will have the option or opportunity to present to the Board of Ethics any and all evidence, both tangible and testimonial, that will be presented at the hearing or address the evidence presented by the complainant, including whether 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 section of this chapter. During the pre-conference, any member of the Board of Ethics may ask questions of the parties.
6. The Board of Ethics shall determine, by a majority vote, whether 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 section of this chapter.
7. If it is determined by the Board of Ethics that it is more likely than not that there may be a potential violation of the prohibited conduct section of this chapter has occurred, then a hearing panel shall be selected in accordance with RMC Section 2.80.040(B). The City Clerk shall set a hearing date on the complaint within 20 City business days of the pre-conference. The hearing date shall be within 45 City business days following the pre-conference.
8. If it is determined by the Board of Ethics that the complainant has failed to show that it is more likely than not that there may be a potential violation of the prohibited conduct section of this chapter, the Chair of the Board of Ethics shall instruct the City Clerk to prepare a statement of findings for the hearing panel to adopt at the next regular meeting of the Board of Ethics. Alternatively, the Board of Ethics may designate members of the Board of Ethics to prepare the findings. If members of the Board of Ethics prepare the findings, such findings shall be adopted at the next regular meeting of the Board of Ethics. This statement of findings shall be considered the final decision of the Board of Ethics.

~~109.~~ The Board of Ethics may set time limits for the parties to present their evidence at the hearing on the complaint.

~~1110.~~ Appeals shall be only allowed in accordance with RMC Section 2.78.090(A).

(Ord. 7632 § 1(Exh. A), 2023)