



# BOARD OF ETHICS

City of Arts & Innovation

**TO: BOARD OF ETHICS MEMBERS**

**DATE: MAY 2, 2024**

**FROM: CITY ATTORNEY'S OFFICE**

**WARDS: ALL**

**SUBJECT: PROVIDING DUE PROCESS AND AVOIDING BIAS IN QUASI-JUDICIAL HEARINGS**

## **ISSUES:**

Receive and file a presentation by the City Attorney's Office on providing due process and avoiding bias in Quasi-Judicial Hearings.

## **RECOMMENDATIONS:**

That the Board of Ethics receive and file a presentation on providing due process and avoiding bias in Quasi-Judicial Hearings

## **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.

At the April 4, 2024, meeting of the Board, the Board requested that the City Attorney agendize this topic for discussion at their next meeting.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report.

Prepared by: Susan Wilson, Assistant City Attorney

Approved as to form: Phaedra A. Norton, City Attorney