

Expediting Hearing Process

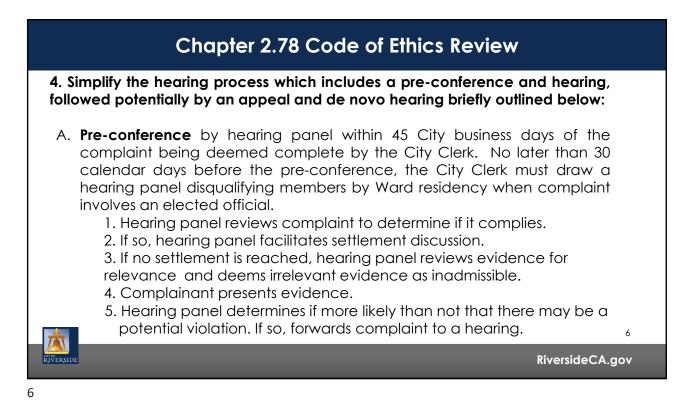
3. Setting of time limits and expediting the hearing proceedings.

<u>Suggested Changes to RMC</u>: RMC 2.78 and 2.80 were revised:

- All non-compliant complaints to be administratively rejected,
- To allow the public official to address the BOE during the pre-conference,
- To allow the pre-conference to be conducted by the BOE
- To limit appeals and to limit de novo hearings after an appeal to one.







B. Hearing within 45 City business days of the pre-conference 1. The hearing is not a formal judicial proceeding. Technical rules of evidence do not apply. 2. Complainant presents evidence and has the burden of proof. 3. Public official presents second. 4. Parties may present rebuttal evidence. 5. Hearing panel deliberates and makes findings. Within 20 City business days of the City Clerk deeming the complaint complete, the City Clerk shall set the matter for a pre-hearing conference before a hearing panel of 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-hearing conference. The pre-hearing conference date shall be within 45 City business days of the complaint being deemed complete.

Chapter 2.78 Code of Ethics Review

5. Appeals of the pre-conference decision should be allowed for instances of procedural errors, but not for substantive findings.

2.78.090 Pre-Conference procedures.

BA. A decision by the hearing panel of the Board of Ethics not finding a violation of the Prohibited Conduct section of this chapter may be appealed to the City Council by either party. A decision of the Board of Ethics at a pre-hearing may only be appealed if the appeal is based upon a clear error of law. The appeal shall be taken by filing a written notice of appeal with the City Clerk within ten City business days following the date of the hearing by the hearing paneldecision. The notice of appeal shall be in writing on a form provided by the City Clerk. The appealing party must specify on the appeal form the clear error of law or abuse of discretion that was committed by the hearing panel. The City Clerk shall place the appeal on the agenda for a regular meeting of the City Council within 30 City business days of the filing of the notice of appeal. The City Clerk shall notify the parties in writing of the hearing date.

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