Chapter 2.80

BOARD OF ETHICS

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Section 2.80.010 Creation of Board of Ethics.

Pursuant to Article 11, sections 5(a) and 7 of the California Constitution and Sections 200, 202, 800, 801,802, 804, and 805 of The Charter of the City of Riverside, there is hereby established by the City Council of the City of Riverside a Board of Ethics. (Ord. 7329 § 3, 2016)

Section 2.80.020 Purpose.

It is the purpose of the Board of Ethics to advise and make recommendations to the City Council of the City of Riverside on all matters pertaining to the adoption, revision, administration, and enforcement of the Code of Ethics and Conduct for the City of Riverside as set forth in Chapter 2.78 of the Riverside Municipal Code (RMC), and to conduct hearings upon complaints. (Ord. 7329 § 3, 2016)

Section 2.80.030 Membership and Term of Service.

A. The Board of Ethics shall consist of nine members to be appointed in accordance with Section 802 of the Charter of the City of Riverside by the Mayor and City Council.

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. (Ord. 7329 § 3, 2016)

Section 2.80.040 Duties and Powers.

A. The duties of the Board of Ethics shall include the following:

1. 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;
2. Receive and review complaints of violations of RMC Chapter 2.78;
3. 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 this chapter;
4. Conduct hearings on complaints of violations of RMC Chapter 2.78 in accordance with the procedures set forth therein;
5. 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;
6. Issue a decision with findings to the City Council for all complaints determined by the hearing panel of the Board to be a violation of RMC Chapter 2.78;

7. 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.

B. In order to carry out its duties, the Board of Ethics is authorized to:

1. Hold public meetings, review, discuss, and make recommendations to the City Council regarding the overall effectiveness of RMC Chapter 2.78, including any recommended amendments thereto or the adoption of or changes to policies implementing RMC Chapter 2.78;
2. Receive from the City Clerk and review all complaints of violations of RMC Chapter 2.78, including all submitted evidence;
3. Convene a hearing panel of the Board of Ethics to conduct hearings on complaints of violations of RMC Chapter 2.78 as follows:
   a. A hearing panel shall be comprised of no fewer than five (5) members of the Board and one alternate;
   b. 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;
   c. 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;
   d. 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;
   e. 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;
   f. 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;
   g. 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;
   h. 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;
   i. If a complaint concerns a member of the Board, that member shall be disqualified from participating on the hearing panel; and
   j. The first name drawn by the City Clerk shall serve as chairperson of the hearing panel to preside at the hearing.

4. Conduct hearings, swear witnesses, receive and consider evidence, ask questions, and otherwise hold hearings in accordance with the provisions of RMC Chapter 2.78;
5. Issue subpoenas compelling the attendance of witnesses or the production of books, papers or documents on any complaint before the Board 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;
6. Render decisions with findings following a hearing on a complaint for violation of RMC Chapter 2.78, along with recommendations for sanctions, if any, to be sent to the City Council for final action;
7. Adopt rules of procedure for the conduct of the business of the Board, and for the administration of hearings on complaints, so long as those rules of procedure do not 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.
8. Determine occurrences when outside legal counsel shall be used to advise the Board of Ethics or a hearing panel in lieu of the City Attorney. If outside legal counsel is so desired, the City Attorney shall contract with the appropriate party(ies). (Ord. 7329 § 3, 2016)

Section 2.80.050 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective. (Ord. 7329 § 3, 2016)