

COMPLAINT PROCESS	
CURRENT RESOLUTION	PROPOSED ORDINANCES
Filing of Complaint	
Complaint filed within 180 days of discovery of alleged violation	Complaint filed within 180 calendar days of discovery of alleged violation, in no event later than 3 years from date of alleged violation
File complaint on form provided by the City Clerk	File complaint on form provided by City Clerk, including all tangible evidence, including a list of witnesses
City Clerk and City Attorney review complaint form for completeness only	City Clerk reviews complaint form for completeness only
Hearing not scheduled until complaint form deemed complete	If complaint form deemed incomplete, City Clerk notifies complainant within 10 business days as to deficiencies
Complaints filed for alleged violation of core values	Complaints filed for alleged violation of prohibited conduct only
Board/Commission Complaint	
If complaint against board/commission member, City Clerk forward to Chair for informal resolution, if requested by complainant; if not resolved or if informal resolution not requested, hearing is scheduled	All complaints are heard before a hearing panel.
Selection of Hearing Body	
City Clerk conducts random name draw from board/commission Chairs to comprise 5 member and one alternate adjudicating body	At least 30 days prior to hearing date, City Clerk randomly draws all 9 Board of Ethics members' names; first 5 drawn comprise hearing panel; 6th drawn serves as alternate
No Chair shall serve who is from the same Ward as the elected official to which the complaint concerns.	If a complaint concerns a Councilmember, any member of the Board residing in that Councilmember's Ward shall be disqualified from participating on the hearing panel.
City Clerk sets hearing date as soon as practicable	Within 10 business days of completed filing, City Clerk sets hearing to be held within 45 calendar days of completed filing
Informally, the City Clerk calls upon Chairs in order drawn for availability until 5 are confirmed.	Hearing panel members advise City Clerk of any calendar conflict at least 15 days prior to hearing. Alternate(s) called to serve, if needed.
Notification of Parties	
City Clerk notifies both parties at least 14 days in advance of hearing	City Clerk notifies both parties of hearing and forwards complaint, information, and evidence to the public official within 10 days of complaint being deemed complete

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	20 calendar days before hearing, official against whom complaint is filed provides to City Clerk (a) written reply; (b) copies of documents and tangible evidence to be considered at hearing; and (c) names and contact info of witnesses
	Within 10 days of receipt, City Clerk provides copies of above to complainant.
Hearing Procedures	
Hearing protocol drafted by City Attorney and concurred to by Chair	Board of Ethics may adopt hearing procedures
All complaints received full hearing	Hearing panel conducts preliminary review to determine (a) dismissal due to deficiencies; or (b) conduct hearing
New evidence accepted during hearing	No new evidence may be considered at hearing unless hearing panel makes findings
Parties not prohibited from representation by legal counsel	Legal counsel may be present, but not participate in hearing
Technical rules of evidence not honored	Technical rules of evidence do not apply
No subpoena powers	Hearing panel may subpoena evidence which may be considered at hearing
Each party given 15 minutes for a presentation (per CA protocol)	15 minutes total for opening and closing statements
Adjudicating body retains discretion to continue hearing	Prior to commencement of hearing, either party may request continuance for certain conditions. City Clerk may grant one continuance to each party.
Complainant has burden of proof (per protocol)	Complainant has burden of proof by preponderance of evidence.
Findings made by majority vote	Findings made by majority vote
Notification of Decision - Appeals	
City Clerk notifies both parties of the adjudicating body decision and appeal process	Within 5 business days, City Clerk notifies parties in writing of hearing panel decision and appeal process
	Hearing panel decision finding violation shall be automatically appealed to City Council; findings of no violation may be appealed by either party to City Council
Appeal may be filed by either party within 7 days of the decision	Appeal must be filed within 10 business days on form provided by the City Clerk

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Appeal Hearing	
City Clerk schedules appeal before City Council and notifies both parties at least 14 days in advance of the hearing	City Clerk notifies both parties of appeal hearing date to be held within 30 days of filing of appeal
Transcript and all documentary evidence from prior hearing provided; no new evidence considered	Transcript and all documentary evidence from prior hearing provided; no new evidence considered
	No elected official who is complainant or subject of complaint may participate in appeal hearing
City Council disturbs adjudicating body decision only if clear error or abuse of discretion	City Council determines if clear error or abuse of discretion based on record
	If error or abuse of discretion found, matter referred back to Board of Ethics for de novo re-hearing
City Clerk notifies both parties of City Council's determination	City Clerk notifies both parties of City Council's determination
Hearing and appeal shall be concluded, if possible, within ninety days of complaint determined to be complete	
Records	
Complaints and supporting documentation are public records and retained for 2 years	Complaints and supporting documentation are public records and retained for 2 years