
Proposed Revisions

Board of Ethics Ad Hoc Committee

Task Force One September 2, 2021

2.78.070 Complaint procedures.

- A. Only alleged violations of the Prohibited Conduct section of this chapter shall be grounds for a complaint against any public official pursuant to this chapter.
- B. Complaints shall be submitted on forms available from the City Clerk.
- C. Complaints and all required information and tangible evidence shall be filed with the City Clerk.
- D. Complaints shall include, but not be limited to, all of the following:
 - 1. Name, address, telephone number and email address, if available, of the complainant;
 - 2. Name and position of the public official against whom the complaint is made;
 - 3. Date of the alleged violation;
 - 4. The date the complainant became aware of the alleged violation;
 - 5. The specific provision of the Prohibited Conduct section of this chapter alleged to be violated;
 - 6. Description of the specific facts of the alleged violation;
 - 7. The names, addresses, telephone numbers and email addresses, if known, of each person the complainant intends to call as a witness at the hearing;
 - 8. Copies of any and all documents, photographs, recordings or other tangible materials to be introduced and considered at the hearing; and
 - 9. Signed under penalty of perjury of the laws of the State of California.
- E. Complaints shall be filed with the City Clerk within 180 calendar days of discovery of an alleged violation of this chapter, but in no event shall the complaint be filed later than three years from the date of the alleged violation. Discovery is defined as when the complainant knew or reasonably should have known of the alleged violation through the exercise of reasonable diligence.
- F. The complainant may be permitted to submit one (1) revised complaint to only add additional allegations of prohibited conduct. This updated complaint must be submitted to the City Clerk following the established policies and procedures within thirty (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 prohibited conduct.

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- ~~F~~G. Upon filing of the complaint the City Clerk shall review the complaint for completeness only. If the complaint is deemed incomplete the City Clerk shall notify the complainant in writing within ten City business days as to the deficiencies. A complaint shall not be deemed filed until the City Clerk accepts it as complete.
- H. If an amended complaint is submitted to the City Clerk within the 30-day time frame, the City Clerk reviews the amended complaint for completeness only. The time frames established in the RMC for actions by the City Clerk, Hearing Panel and Ethics Board will be reset using the date that the amended complaint has been accepted and determined to be complete.
- I. The acceptance of the amended complaint is not deemed to be a continuance.
- ~~J~~G. 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.
- ~~H~~K. 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.
- ~~L~~L. The public official against whom the complaint is made shall file the following with the City Clerk no later than 20 calendar days prior to the date set for the hearing:
1. A written reply to the complaint;
 2. Copies of any and all documents, photographs, recordings or other tangible materials to be introduced and considered at the hearing; and
 3. The names, addresses, telephone numbers and email addresses, if known, of any person the public official intends to call as a witness at the hearing.
- ~~J~~M. The City Clerk shall provide a copy of the written reply and all required information and tangible evidence, without charge, to the complainant no later than ten City business days after receipt of the foregoing from the public official against whom the complaint is made.
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