



City of Arts & Innovation

Board of Ethics Memorandum

TO: BOARD OF ETHICS HEARING PANEL **DATE: Sept. 3, 2020**
FROM: CITY ATTORNEY'S OFFICE **WARDS: ALL**
SUBJECT: PRE-HEARING ON THE ETHICS COMPLAINT FILED BY ROBERTA ALLOTTA
REGARDING CITY COUNCILMEMBER GABRIELA PLASCENCIA

ISSUES:

Conduct a pre-hearing on the Ethics Complaint filed by Roberta Allotta regarding City Councilmember Gabriela Plascencia.

RECOMMENDATIONS:

Perform the pre-hearing as required by Riverside Municipal Code Section 2.78.080 on the Ethics Complaint filed by Roberta Allotta regarding City Councilmember Gabriela Plascencia.

DISCUSSION:

Riverside Municipal Code Section 2.78.080 requires the Hearing Panel to review the complaint and supporting evidence offered by the complainant to determine whether there may be a potential violation of the Ethics Code and Conduct that should be heard at a future hearing.

More specifically, the Hearing Panel should do the following at the pre-hearing:

- Determine if the complaint complies with all of the following:
 - The complaint procedures have been followed;
 - The complaint is against a public official subject to the Code;
 - The complaint alleges a violation of one or more prohibited conduct sections of the Code;
 - The complaint does not restate allegations of violations that were the subject of a previous complaint;
- If the Hearing Panel determines that the complaint complies with the mandates outlined above, then the Hearing Panel shall facilitate settlement discussions between the parties;
- If settlement is not reached between the parties, then the Hearing Panel shall review the tangible evidence and determine if any evidence is irrelevant and should be deemed inadmissible;
- Following up to a ten-minute verbal presentation by the complainant, the Hearing Panel shall determine if the complainant has shown that the evidence, if taken as true, more likely than not shows that there may be a potential violation of the prohibited conduct of the Code;
- Act upon any necessary subpoenas

- May set time limits for parties to present evidence at the hearing
- Rule on any procedural matters raised by the complainant or public official

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Brandon S. Mercer, Sr. Deputy City Attorney

Approved as to form: Gary G. Geuss, City Attorney

Attachment: Complaint by Roberta Allotta,
 Runoff Forum video clip
 CC Meeting 1-21-20 video
 Code of Ethics and Conduct
 Board of Ethics Hearing Rules and Procedures