



*City of Arts & Innovation*

# City Council Memorandum

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**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: JUNE 22, 2021**

**FROM: CITY ATTORNEY'S OFFICE      WARDS: ALL**

**SUBJECT: DETERMINE SANCTIONS, IF ANY, SHOULD BE IMPOSED FOR THE FINDING OF PROHIBITED CONDUCT OF THE CODE OF ETHICS AND CONDUCT BY THE BOARD OF ETHICS HEARING PANEL AND ADOPTED BY THE CITY COUNCIL ON DECEMBER 1, 2020, REGARDING ALLOTTA COMPLAINT AGAINST COUNCILWOMAN PLASCENCIA**

## **ISSUES:**

To determine sanctions, if any, in accordance with the enforcement and sanctions section of Riverside Municipal Code Chapter 2.78 regarding the adopted findings and decision of the Board of Ethics hearing panel regarding the Code of Ethics and Conduct complaint filed by Roberta Allotta against Councilwoman Plascencia with respect to violations of Riverside Municipal Code (RMC) Section 2.78.060(A) Use of official title or position for personal gain prohibited regarding the request for a favor to have Sean Mill removed from the Arlington Business Partnership and RMC Section 2.78.060(M) regarding discrimination.

## **RECOMMENDATION:**

That the City Council determine sanctions, if any, in accordance with the enforcement and sanctions section of Riverside Municipal Code Chapter 2.78.100(A) should be imposed against Councilwoman Plascencia.

## **HEARING PANEL DECISION:**

On October 15, 2020, the Hearing Panel met to hear evidence related to an Ethics complaint filed by Roberta Allotta against Councilwoman Plascencia whereby Ms. Allotta alleged multiple violations of the City's Code of Ethics and Conduct. Based upon all the evidence and after due consideration, the Hearing Panel found that Councilwoman Plascencia violated one count of Riverside Municipal Code 2.78.060(A) Use of official title or position for personal gain and two counts of Riverside Municipal Code 2.78.060(M) Violations of federal, State, or local law prohibited. The Hearing Panel determined that Councilwoman Plascencia violated all the violations listed out in Ms. Allotta's complaint.

## **DISCUSSION:**

On July 15, 2020, Roberta Allotta filed a Code of Ethics and Conduct Complaint with the City Clerk's Office. The complaint alleged that on January 21, 2020, Councilwoman Plascencia violated subsection (A) and (M) of RMC 2.78.060 Prohibited Conduct. The basis of the complaint arises out of the City Council's consideration and discussion of removing Sean Mill from the Planning Commission. On September 3, 2020, the Hearing Panel conducted a pre-hearing and determined that the evidence was sufficient to move forward and conduct a full hearing on the complaint. Councilwoman Plascencia did not file a timely response to the complaint.

On October 15, 2020, the Hearing Panel conducted a hearing on Ms. Allotta's complaint against Councilwoman Plascencia. After the presentation of evidence and deliberation of the panel, the Hearing Panel found that there were facts to sustain violations of RMC 2.78.060(A) Use of official title or position for personal gain and RMC 2.78.060(M) Violations of federal, State, or local law prohibited. Pursuant to RMC 2.78.100, the decision of the Hearing Panel finding violations of RMC 2.78.060 are automatically appealed to the City Council.

On December 1, 2020, the City Council adopted findings and decision of the Board of Ethics hearing panel regarding the Code of Ethics and Conduct complaint filed by Roberta Allotta against Councilwoman Plascencia with respect to violations of Riverside Municipal Code (RMC) Section 2.78.060(A) Use of official title or position for personal gain prohibited regarding the request for a favor to have Sean Mill removed from the Arlington Business Partnership and RMC Section 2.78.060(M) regarding discrimination. The City Council determined that the Board of Ethics Hearing Panel made a clear error in the findings and decision of violation of RMC Section 2.78.060(M) regarding violation of the Sunshine Ordinance in that the City Council regulations only require a second signature to add an item to the agenda on an emergency matter. The City Council deferred consideration of sanctions until the findings and decision of violation of RMC Section 2.78.060(M) regarding violation of the Sunshine Ordinance returned to the City Council for consideration.

On April 5, 2021, Ms. Roberta Allotta sent an email to the City Clerk's Office expressing her willingness to drop the violation of RMC Section 2.78.060(M) regarding violation of the Sunshine Ordinance in order to proceed with the sanction phase of the complaint against Councilwoman Plascencia.

On June 3, 2021, the Board of Ethics authorized Vice Chair Stahovich and Member Newman to represent the Board of Ethics at the City Council meeting on June 22, 2021, regarding the sanctions.

Pursuant to RMC 2.78.100(A), upon the finding by a majority of the City Council that any public official violated any provision of the Prohibited Conduct section of the Code of Ethics and conduct, then the City Council may impose sanctions if it so desires. The City Council has the following options if it wishes to impose sanctions:

- 1.Public apology by the official to the complainant;
- 2.Recommendation for training;
- 3.Removal from regional committees;
- 4.Removal from Mayor Pro Tem rotation;
- 5.Public censure; or
- 6.Restrict from traveling to attend meetings or conferences outside the City limits.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report.

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

Approved as to form:         Kristi J. Smith, Interim City Attorney

**Attachments:**

1. Statement of Finding and Decision of the Board of Ethics
2. December 1, 2020, Minutes of City Council Meeting
3. Allotta Letter of Dismissal
4. RMC Chapter 2.78