

BOARD OF ETHICS
THURSDAY, NOVEMBER 5, 2020, 5 P.M.
VIRTUAL MEETING

MINUTES

PRESENT: Chair Nelson, Vice Chair Stahovich, Members Foley, Ford, Graham, Huerta, Keen, and Newman

ABSENT: Member Vega

STAFF PRESENT: Eva Arseo and Brandon Mercer

Chair Nelson convened the Board of Ethics meeting at 5:07 p.m.

The Pledge of Allegiance was given to the Flag.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There was no one wishing to speak.

MINUTES

Following discussion, it was moved by Member Stahovich and seconded by Member Huerta to approve the minutes of October 1, 2020, as presented. The motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Keen to approve the minutes of October 14, 2020, as presented. The motion carried unanimously.

EXCUSAL OF ABSENCE

Following discussion, it was moved by Member Stahovich and seconded by Member Huerta to excuse the absence of Jessica Newman from the meeting of October 14, 2020. The motion carried unanimously.

WRITTEN STATEMENT OF FINDINGS AND DECISION FOR ALLOTTA V. PLASCENCIA - OCTOBER 15, 2020

Following discussion, it was moved by Member Stahovich and seconded by Member Foley that the Hearing Panel consisting of Chair Foley and Members Stahovich, Keen, Ford, and Newman amend the Statement of Findings and Decision adding facts in support of a violation of **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** by Councilwoman Plascencia to include "(1) a violation of the Sunshine Ordinance". The motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Foley that the Hearing Panel consisting of Chair Foley and Members Stahovich, Keen, Ford, and Newman amend the Statement of Findings and Decision adding facts in support of a violation of **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** by Councilwoman Plascencia to include "(3) there was evidence of discussion on January 5, 2020, regarding his removal and the agenda was finalized on January 9, 2020; (4) the agenda item was not added until Friday afternoon of January 17, 2020, before a three-day weekend". The motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Keen that the Hearing Panel consisting of Chair Foley and Members Stahovich, Keen, Ford, and Newman amend the Statement of Findings and Decision adding facts in support of a violation of **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** by Councilwoman Plascencia by discrimination to include statements made by Councilwoman Plascencia at the City Council meeting of January 21, 2020, at the 4:35:58 timestamp, "I understand that our City adopted a Board of Ethics process. However, I do not believe that this case applies as he is not my appointee", at the 4:36:21 timestamp, "Nowhere in the City Charter does it say I have to follow the path of the Code of Ethics process", and at the 4:36:35 timestamp, "I am committed to changing the faces of our boards and commissions". The motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Newman that the Hearing Panel consisting of Chair Foley and Members Stahovich, Keen, Ford, and Newman amend the Statement of Findings and Decision adding facts in support of a violation of **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** by Councilwoman Plascencia by discrimination to include (4) after the City Council discussed the urgency of the matter at the January 21, 2020, meeting with no evidence presented to show urgency, the matter was withdrawn at the 5:44:19 timestamp. The motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Keen that the Hearing Panel consisting of Chair Foley and Members Stahovich, Keen, Ford, and Newman amend the Statement of Findings and Decision adding facts in support of a violation of **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** by Councilwoman Plascencia by discrimination to include (2) evidence and testimony by Sean Mill of statements made to him and his claim of discrimination with no evidence or rebuttal to deny it. Therefore, the Hearing Panel found no alternative, but to find in favor. The motion carried unanimously.

Following discussion, it was moved by Member Keen and seconded by Member Stahovich that the Hearing Panel consisting of Chair Foley and Members Stahovich, Keen, Ford, and Newman amend the Statement of Findings and Decision adding facts in support of a violation of **Riverside Municipal Code Section 2.78.060(A) Use of official title or position for personal gain prohibited** to include that "the text messages of January 3 and 5, 2020, by Councilwoman Plascencia to Andrew Guerra stating, "Unless he calls me to tell me they removed him (Mill) we have nothing to talk about" and "Let's schedule something with exec board soon. I'm not going to help with shit if he is going to be in their ear bashing me" were not refuted by testimony of the parties that they partook in the discussion." The request for a favor to have Sean Mill removed from the Arlington Business Partnership was for political gain and gave the appearance of compromised judgment for such request. Therefore, Councilwoman Plascencia violated **Riverside Municipal Code Section 2.78.060(A) Use of official title or position for personal gain prohibited** as alleged in the complaint of Roberta Allotta based upon all evidence presented at the hearing and after due consideration by the Hearing Panel. The motion carried unanimously.

Following discussion, it was moved by Member Keen and seconded by Member Stahovich that the Hearing Panel consisting of Chair Foley and Members Stahovich, Keen, Ford, and Newman request the City Clerk advise the City Council of the transcript page range of the Allotta v. Councilwoman Plascencia Hearing Panel noting the deliberation by the Hearing Panel. The motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Newman that the Hearing Panel consisting of Chair Foley and Members Stahovich, Keen, Ford, and Newman adopt the amended Statement of Findings and Decision as presented. The motion carried unanimously.

BROWN ACT TRAINING - QUESTION AND ANSWER

Senior Deputy City Attorney Mercer provided brief training on the Brown Act. No formal action was taken.

AD HOC COMMITTEE REPORT ON VALIDATION PROCESS FOR APPOINTED AND ELECTED OFFICIALS TO VET POLICY PROPOSALS AND AMENDMENT OF COMPLAINT AFTER FILING

There was nothing to report by Board Members of the Ad Hoc Committee.

ADDING EVIDENCE BY THE PUBLIC TO ETHICS COMPLAINT HEARING RECORD

Following discussion, the Board of Ethics determined the Code of Ethics is clear on the admittance of evidence by the parties of the complaint. No formal action was taken.

REPORT ON INCLUSIVENESS, COMMUNITY ENGAGEMENT, AND GOVERNMENTAL PROCESSES COMMITTEE AND CITY COUNCIL ACTIONS

There were no Inclusiveness, Community Engagement, and Governmental Processes Committee or City Council actions to report at this time.

REPORT OF MEETINGS AND ACTIVITIES BY BOARD MEMBERS

Senior Deputy City Attorney Mercer reported that the referral of the Hunter v. Councilwoman Plascencia hearing with the findings will be on the agenda for the Board of Ethics meeting of December 3, 2020.

There was nothing to report on meetings and activities by Board Members.

RIVERSIDE MUNICIPAL CODE CHAPTER 2.78 CODE OF ETHICS AND CONDUCT AND CHAPTER 2.80 BOARD OF ETHICS

There were no comments on Riverside Municipal Code Chapter 2.78 Code of Ethics and Conduct and Chapter 2.80 Board of Ethics.

ITEMS FOR FUTURE BOARD CONSIDERATION AS REQUESTED BY BOARD OF ETHICS MEMBERS

Chair Nelson requested discussion of (1) hearing panel member to author the findings of a hearing for ratification by the panel and presentation to the City Council; (2) previous hearings and pre-hearing process; (3) mediation as a remedy in lieu of sanction; (4) hearing panel terminology; (5) Code of Ethics amendments to de-novo hearing process; (6) hearing process training; and (7) conduct of remote meetings. Member Foley requested discussion of Board of Ethics number of members and authentication of hearing witnesses. Member Huerta requested an update on sanctions recommended to the City Council.

The meeting adjourned at 6:58 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Eva Arseo", is written over a horizontal line.

EVA ARSEO
Assistant City Clerk