

**Ethics Commission
Scope of Work Committee
Draft Intake and Investigative Process**

Complaint Intake Process

- 1) Complaint received through website/hotline
 - a) HR performs review by sorting the complaint and determining if the City has jurisdiction and if the complaint warrants investigation.
 - i) Reference number is assigned to all complaints.
 - ii) If the complaint is made about an employee, HR will conduct an investigation.
 - HR notifies the Ethics Commission that a general complaint has been made against an employee and is being investigated. Provides the applicable reference number.
 - iii) If the complaint is made against an elected official or appointed commissioner, the Ethics Commission is notified
 - iv) City staff determines whether the matter should be referred to:
 - (a) The City Attorney
 - (b) A third-party investigator if applicable
 - (c) To the California Fair Political Practices Commission (FPPC)

2) If a complaint is made as a part of public comments during an official Ethics Commission meeting, a Complaint Form will be provided to the individual making the complaint. The form will then be given to the HR Liaison in attendance and follow the same process as a complaint made via the hotline or website. Anyone making a complaint of violations to other city commissions or the City Council will also be provided with a Complaint Form or directed to the website/hotline.

3) Investigation findings will be presented to the Ethics Commission

a) If the complaint is of an ethical violation against a city employee, the following findings will be reported to the Commission.

- i) Nature of the complaint – as much as possible that does not include Personally Identifiable Information.
- ii) Findings
- iii) Resolution (as much as possible that does not include Personally Identifiable Information (PII))
- iv) City's recommendations on how to prevent future incidents of the same nature.

b) If the complaint is against an elected official or commissioner, the matter will be investigated per Section 1.a.iii (above). The following findings will be reported to the Commission:

- i) Nature of the Complaint and against Whom
- ii) Findings of investigation

4) Ethics Commission Action

- a) The Ethics Commission will receive a report of complaints, investigations, and findings. The Ethics Commission will then review the investigative findings.
- b) After reviewing and discussing as part of a regular Ethics Commission meeting, the Commission may make concurring, opposing or partial concurring and opposing recommendations to the City Council.

OLDER DRAFT

Commission - Scope of Work Committee

1st Phase: Complaint Intake Process and Intake Form

Draft Intake Process

- 1) Complaint comes in through website/hotline
 - a) HR performs triage by sorting the complaint and determining if the City has jurisdiction and if the complaint warrants investigation
 - i) Reference number is assigned to that complaint
 - ii) If the complaint is made about an employee, HR assigns an investigator (HR? Contractor?)
 - (1) HR notifies the Ethics Commission that a general complaint has been against an employee and is being investigated
 - (2)
 - iii) If the complaint is made against an elected official or appointed commissioner, the Ethics Commission is notified regarding both the alleged nature of the complaint and who it has been made against (but without naming the person bringing the complaint?)
 - (1) The commission determines whether the matter should be investigated by
 - (a) The City Clerk
 - (b) The City Attorney
 - (c) A third party investigator
 - (d) The FPPC
 - (e) The District Attorney
- 2) If a complaint is made as a part of public comments during an official Ethics Commission meeting, a form will be provided to the person making the complaint to be filled out. The form will then be given to HR and follow the same process as a complaint made via the hotline or website.
- 3) Once resolved, investigation findings are presented to the Ethics Commission
 - a) If the complaint is against a city employee, the matter will be investigated by HR or an investigator assigned by HR and the following findings will be reported to the Commission
 - i) Nature of the complaint (as much as possible that does not include Personally Identifiable Information (PII))
 - ii) Findings
 - iii) Resolution (as much as possible that does not include Personally Identifiable Information (PII))

- iv) Lessons learned? Are procedures or practices being changed / improved after this?
- b) If the complaint is against an elected official or commissioner the the matter will be investigated by HR, City Clerk or other entity and the following findings will be reported to the Commission to recommend enforcement action:
 - i) Nature of the Complaint
 - ii) Findings of investigation
 - iii) Recommended action
- 4) Ethics Commission Action
 - a) Ethics Commission reviews nature of complaint and investigation findings and discusses during Commission meeting
 - b) Ethics Commission then votes to either agree with the recommendations provided by the investigators or proposes a different recommendation to the Council for action
- ~~5) Still to be determined would be what will be reported to the Commission and when~~
 - ~~a) For a complaint made against a city employee~~
 - ~~b) For a complaint made against an elected official or commissioner and reported to the City Clerk, City Attorney, or Third Party Investigator (My assumption is that the FPPC and the DA will feel no need to report to us)~~

Potential elements of an intake form

Use Google form or similar platform

- Potential fields
 - Type of Complaint (multiple choice options with a brief description of what each violation is)
 - Fraud, Waste and Abuse
 - Ethics - Employee related action
 - Ethics - Campaign / Election / Related activity
 - Name of complainant or anonymous
 - Add clause about the limitations of anonymous reporting i.e staff cannot follow-up with a person to get additional details, etc.
 - Would you like someone to follow up with you about your complaint?
 - (If not anonymous) Contact information of complainant
 - Complainant's relationship to the City
 - Resident
 - City Employee
 - City contractor
 - City volunteers including Commissioners
 - Elected Official
 - Candidate (or potential) candidate for Elected Office
 - Person(s) that the complaint is about

- Acknowledgement from the City that complaint has been received (i.e auto response, etc) that includes
 - information about complainant protections against Retaliation (EEO language)
 - Link that provides an overview of the intake / investigation process
- Nature of complaint or concern including
 - What occurred?
 - When did it happen? (date/time)
 - Where did it happen (Location/ map?)
 - Any witnesses
 - (Availability for complainant to upload (submit) supporting evidence)
- Desired resolution
- Date/Time stamp for complaint submission

