



# City of Greenfield

599 El Camino Real  
Greenfield, CA 93927

## City Council Meeting Special Agenda April 5, 2023 6:00 P.M.

Mayor Robert White

Mayor Pro-tem Angela M. Untalon

Councilmembers

Yanely Martinez

Rachel Ortiz

Ariana Rodriguez

The Greenfield City Council special meeting on April 5, 2023 at 6:00 p.m. will be held in the City Council Chambers located at 599 El Camino Real, Greenfield, California 93927, and will be open to the public. This meeting will also be accessible online and may be viewed through the following options:

Facebook Live: <https://www.facebook.com/GreenfieldCA/>

Join Zoom Meeting: <http://meeting.ci.greenfield.ca.us>  
Meeting ID: 844 8164 8935

PLEASE TURN OFF CELL PHONES.

- A. CALL TO ORDER
- B. ROLL CALL – CITY COUNCIL
- C. PLEDGE OF ALLEGIANCE
- D. AGENDA REVIEW

**E. CITY COUNCIL BUSINESS**

**E-1. CONSIDERATION** of findings of investigation into allegations that Councilmember Martinez misused her position as a City Councilmember and whether the City Council will take further action

- a.** Staff Report
- b.** Public Comments
- c.** City Council Comments / Review / Action

**F. ADJOURNMENT**

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (831) 674-5591. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (CFR 35.102-35.104 ADA Title II).

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This agenda is duly posted outside City Hall and on the City of Greenfield web site.



# *City Council Memorandum*

599 El Camino Real Greenfield CA 93937 831-674-5591  
www.ci.greenfield.ca.us

**AGENDA DATE:** April 3, 2023  
**MEETING DATE:** April 5, 2023  
**TO:** Mayor and Councilmembers  
**PREPARED BY:** City Attorney's Office  
**TITLE:** **COUNCILMEMBER INVESTIGATION**

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## **BACKGROUND:**

In August and October 2022, the City Council received complaints that Councilmember Martinez misused her position as a City Councilmember to intimidate the complainant, Ms. Gabriela Serrato Lone ("Lone") and Lone's mother, Ms. Carmen Serrato ("Serrato").

In October 2022, the City Council decided to hire an investigator to investigate the allegations in the complaint. The City hired Kramer Workplace Investigations who conducted an independent investigation into the allegations. The investigator interviewed Councilmember Martinez, Ms. Lone, Ms. Serrato and six other witnesses. The investigator also reviewed and relied upon various documentary evidence to make her findings. In conducting the investigation, the investigator did not set out to prove or disprove the allegations, but rather to gather information in a neutral fashion and reach reasoned conclusions. The factual findings were made by carefully analyzing the testimonial and documentary evidence gathered as part of the investigation.

The investigator's findings are not legal determinations; rather, they are based on an analysis of the facts reported. The findings were made based on a preponderance of the evidence standard. Preponderance of the evidence means that the qualitative weight of evidence on one side outweighs the qualitative weight of evidence on the other side.

A finding of "sustained" means that a preponderance of the evidence supports a finding that the alleged conduct was more likely than not to have occurred. A finding of "not sustained" means there is insufficient evidence to support a finding that the alleged conduct was more likely than not to have occurred.

In February 2023, Kramer Workplace Investigations made the following findings:

***Allegation 1: Councilmember Martinez misused her position on the City Council to intimidate Serrato and/or Lone.***

**Finding 1: Partially Sustained; Partially Not Sustained.**

A preponderance of the evidence shows that Councilmember Martinez misused her position as a City Councilmember to intimidate Serrato, but insufficient credible evidence was presented to show that more likely than not Councilmember Martinez misused her position to intimidate Lone in social media posts.

Specifically, the evidence uncovered during the investigation demonstrates Councilmember Martinez accused Serrato of not reporting income on Serrato's taxes, Councilmember Martinez told Serrato that Councilmember Martinez has contacts within the Police Department, and that Councilmember Martinez threatened to call the City Code Enforcement Division to report Serrato for failing to properly obtain permits for Serrato's rental property. All of these statements, combined with Councilmember Martinez's position as a City Councilmember, reasonably caused Serrato to feel intimidated.

The evidence does not demonstrate that Councilmember Martinez misused her position as a City Councilmember to intimidate Lone. Lone is not a resident of the City so the relationship between her and Councilmember Martinez is only connected by Lone's familial relationship to Serrato, not as Councilmember and citizen.

***Allegation 2: Councilmember Martinez encouraged or influenced others to disparage and intimidate Serrato and/or Lone.***

**Finding 2: Not Sustained.**

The undisputed evidence shows that Councilmember Martinez encouraged others to oppose Lone and Serrato by sending email communications to the City in support of Councilmember Martinez. However, insufficient credible evidence was presented to show that more likely than not Councilmember Martinez influenced others to disparage or intimidate Lone or Serrato when supporting Councilmember Martinez.

Specifically, the evidence determined that Councilmember Martinez did post on social media encouraging others to write emails to the City in support of her and against Lone for Lone's comments at the City Council meetings. Even so, no evidence was presented that Councilmember Martinez solicited others to disparage, intimidate or disrespect Lone and/or Serrato when providing support to Councilmember Martinez.

**DISCUSSION:**

The City Council has adopted a City Council Code of Conduct ("Code of Conduct") which defines the role of elected officials and establishes rules by which the City Council holds each other accountable in following these rules. The Code of Conduct states, in relevant part, the following:

Councilmembers may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.<sup>1</sup>

Councilmembers must refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.<sup>2</sup>

Every City official is expected to observe the foregoing policies and rules when engaged in City business.<sup>3</sup>

Should a complaint be of a serious nature, the City Manager and City Attorney must consult with the Mayor to determine the appropriate course of action.<sup>4</sup>

The City Council may in a public meeting impose one or more of the following sanctions: (1) reprimand, (2) censure which is a formal statement of disapproval, (3) loss of committee or liaison assignments, (4) removal from an appointed committee, commission, or board, (5) loss of staff support or use of City resources, or (6) other penalties as may be applicable under the circumstances.<sup>5</sup> Censure may be verbal or by adopted resolution. The City Council does not have the authority to remove another City Councilmember from office.

The Mayor has determined that the four members of the City Council, other than Councilmember Martinez, should determine next steps.

**NEXT STEPS:**

The purpose of this Special City Council meeting is for these four members of the City Council to discuss the allegations and investigation findings, and to determine whether they will impose one of the above-described sanctions.

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<sup>1</sup> Council Code of Conduct D. 1.

<sup>2</sup> Council Code of Conduct A. 1.

<sup>3</sup> Council Code of Conduct G. 1.

<sup>4</sup> Council Code of Conduct G. 2.

<sup>5</sup> Council Code of Conduct G. 4.