

(REPLACEMENT) ADMONITION AND CENSURE POLICY

PURPOSE

This policy applies only to the Mayor and City Council members for improper conduct that may result in admonition or censure.

It is the policy of the City Council that all of its members shall abide by federal and state law, City ordinances, and City policies, including the Code of Ethics and Values. Violations of such law or policy tends to injure the good name of the City and to undermine the effectiveness of the City Council as a whole.

For violations of City policy, Council may take action to admonish or censure the Council Member in accordance with this policy. For criminal conduct, the Council **may/shall** refer the matter to the Office of the District Attorney for handling. For matters within the jurisdiction of the Fair Political Practices Commission (FPCC), Council **may/shall** refer it to the FPCC for handling. Nothing in this policy shall preclude individual Council Members from making public statements regarding such alleged conduct.

This policy provides definitions and procedures related to two types of action: admonition and censure for violation of City policy.

DEFINITIONS

Admonition

An admonition is a formal expression of disapproval that serves as a warning to correct inappropriate behavior without imposing disciplinary sanctions. It is typically issued for minor misconduct or ethical lapses that do not rise to the level of requiring severe consequences, such as censure or removal from office. While it is non-punitive in nature, an admonition underscores the need for the official to adhere to established rules and standards of conduct. Depending on the situation, it may be delivered privately or publicly, aiming to encourage accountability and improvement in behavior rather than inflict penalties. Admonitions play a role in promoting ethical governance while maintaining proportionality in addressing misconduct. An admonition may typically be directed to any all member(s) of the City Council, reminding them that a particular type of behavior is in violation of law or City policy, and that, if it occurs or is found to have occurred, could make a member subject to censure.

Censure

Censure is a formal statement of disapproval issued by the Council against one of its members for conduct deemed inappropriate, unethical, or inconsistent with the responsibilities of their role. Unlike an admonition, censure is an official action that reflects the Council's collective judgment and is typically adopted through a formal resolution or vote. While it does not carry legal penalties or remove the member from office, censure serves as a significant public rebuke, reinforcing the importance of ethical governance and accountability. It is both a symbolic and practical measure intended to uphold the integrity of the Council and to deter future misconduct by highlighting the seriousness of the member's actions.

PROCEDURES

Procedure for Admonition

An individual Council Member can make an admonition at any Council meeting during the Public Presentations or Reports of Members and Special Committees portion of the meeting.

Procedure for Censure

Initiation and Review of Censure

Any member of the city council, a city staff member, or a member of the public may raise concerns about a council member's conduct that may warrant censure.

The concerns must be submitted in writing to the Ad Hoc Ethics Commission detailing the specific behavior or actions in question. After findings are made by the Ad Hoc Ethics Commission, then the matter will come back to the City Council.

Drafting and Presentation of the Censure Resolution

A formal resolution of censure is drafted, clearly outlining:

- The specific behavior or actions being censured.
- References to applicable ethical standards or City policies violated.
- The purpose and scope of the censure (e.g., public reprimand, loss of committee assignments for a specified period of time, required training, etc.).

Formal Discussion in Public Session

The issue is placed on the agenda for a public City Council meeting. A member of the Ad Hoc Ethics Commission will present the Commission's findings.

The Council Member facing potential censure is provided an opportunity to address the Council.

City Council Vote

The censure resolution is brought to a vote during a public meeting. A majority or 2/3 vote is required for adoption.

Public Announcement of the Censure

If adopted, the censure resolution is read aloud and entered into the Council's public records. A press release may be issued to inform the public of the Council's action and its basis.

Implementation

Any additional measures associated with the censure (e.g., removal from leadership roles or committees for a specified period of time) are implemented immediately.

AD HOC COMMITTEE (IN CONJUNCTION WITH ADMONITION AND CENSURE POLICY)

PREAMBLE

This policy establishes core ethical standards for elected and appointed City officials, including department heads, to ensure the proper functioning of City government. Its purpose is to strengthen public service and build the trust and confidence of the community in its local government.

Commented [MJ1]: LIMIT TO ELECTEDS?

Article I

CORE VALUES

The attitudes, words, and actions of City officials should reflect the following core values, which serve as the foundation for ethical governance:

- Integrity – Upholding honesty and strong moral principles in all actions.
- Responsibility – Acknowledging duty and being answerable for one's actions.
- Fairness and Accountability – Acting impartially, with transparency and holding oneself accountable.
- Respect for Others – Demonstrating respect for elected or appointed officials, staff, and the public.
- Efficient Use of Resources – Ensuring public resources are used responsibly and effectively.

Article II

RESPONSIBILITIES OF PUBLIC OFFICE

City officials are public servants, working for the benefit of their constituents. They shall uphold the U.S. and California Constitutions, as well as local policies and laws, and shall carry out their duties impartially. In their actions, they must prioritize the public interest and demonstrate the highest standards of conduct, aligning with both legal requirements and ethical obligations.

Article III

DEDICATED SERVICE

In their duties, City officials should support the objectives set by the electorate and the City Council. They are expected to:

- Use good manners and demonstrate respect, civility, and accuracy.
- Exercise sound judgment in all decisions.
- Use City property and resources responsibly and prudently.
- Never exceed their authority or engage in unlawful behavior, nor encourage others to do so.
- Cooperate with other officials and staff while respecting each individual's role in the City's operations.

Article IV

CONFLICTS OF INTEREST

City officials must avoid any actions or decisions that could create a conflict of interest or even the appearance of impropriety. They shall not engage in any business, transaction, or activity that conflicts with their official duties or compromises their ability to act impartially. Furthermore, officials must comply with applicable City policies, state, and federal laws regarding conflicts of interest.

Article V

HANDLING OF ETHICS VIOLATIONS

City officials and staff are encouraged to report any suspected ethics violations to a Supervisor, Department Head, the City Manager, Human Resources, or the City Attorney.

Allegations of misconduct will be reviewed by an Ad Hoc Ethics Commission, composed of the Mayor, Vice Mayor (if one or both are subject to the allegation(s), then the next most senior Council member(s)), the City Manager, City Attorney, and the Director of Human Resources. The Commission will meet within 30 days of receiving the complaint and determine whether further investigation is warranted. The Commission may attempt to resolve issues informally or move to formal review if necessary. The Commission is encouraged to take steps to de-escalate the behavior that could lead to a complaint before a complaint is filed and consider addressing the complaint informally, if appropriate, in an effort to bring the named Council member into compliance with the City Council Code of Ethics and Values and this Code. If informal resolution does not occur, then the Commission will notify the Council member subject to the allegation(s) of the allegation(s) and provide the Council member an opportunity to present information to the Commission.

After reviewing the complaint and after considering the response of the named Council member, if any, if the Commission determines a violation of the City Code of Ethics and Values or this Code has occurred, it may direct the Mayor to make an Admonishment (as defined below). Or, when deemed warranted, the Commission may direct the City Attorney to initiate an investigation by a neutral investigator that is authorized under the law to conduct investigations. The City Attorney will review the findings of the investigation within thirty days of receipt of the investigator's final findings, and then review them with Council (except for the named Council member(s)).

POTENTIAL COUNCIL ACTIONS

Following completion of a fact-finding process resulting in sustained allegations against an elected official, Council may consider appropriate action within the bounds of the law. Any action shall require the affirmative vote of at least two-thirds of the Council members present.

The Council may undertake one or more of the following actions:

a. Admonishment: This is the least severe form of action. An admonishment is a reminder directed to all elected officials that a particular type of behavior is in violation of the City Code of Ethics and Values, or other City policy, and that, if it occurs or is found to have occurred, could make a Council member subject to a higher level of action. An admonition may be issued by the Council prior to any

investigation into a complaint, and, because it is a warning or reminder, does not require a separate hearing to determine whether the complaint is founded.

b. Censure: Censure is the most severe form of action. Censure is a formal statement of the Council officially reprimanding one or more of its members and may be combined with other actions, including but not limited to, loss of committee assignments, suspension of City-sponsored attendance at conferences, meetings, workshops, seminars and similar gatherings, or removal of other privileges deemed appropriate by Council. Censure should be used for cases in which the Council determines, based on review of the findings of an investigation, the Code violation is a serious offense.

A decision to censure requires Council to adopt a Resolution and make findings regarding policy violations at a public meeting. Prior to the adoption of the Resolution, the named Council member(s) will be provided sufficient notice and the opportunity to provide a written or verbal response to the complaint. After the named Council member(s) provides a written or verbal response to the complaint, if any, a 2/3 majority of the Council may vote not to adopt the Resolution but may decide to issue a lower action against the named Council member.

To protect the overriding principle of freedom of speech, the Council will not impose censure on any of its members for the exercise of their First Amendment rights, no matter how distasteful the expression was to the Council and the City. However, nothing herein may be construed to prohibit the Council from collectively condemning and expressing their strong disapproval of such remarks.

3. Due Process

The Council will ensure due process is followed in all cases. The City Attorney may suggest procedural adjustments to guarantee fairness.

Article VI

RELATION TO OTHER POLICIES

These standards are not exhaustive and may be supplemented by additional policies, personnel rules, or employment contracts as deemed necessary.