

CHAPTER 4.08  
COUNCIL CENSURE

**§ 4.08.010. Policy.**

- 1) In order to deter violations of law and serious violations of adopted City policies, the City Council may take formal action against its members for such misconduct in the form of censure.
- 2) Censure is a formal Resolution of City Council reprimanding one of its own members for specified conduct, generally a violation of law or of City policy where the violation of policy is considered to be a serious offense.
- 3) Censure should not follow an occasional error in judgment, which occurs in good faith and is unintentional.
- 4) Censure carries no fine or suspension of the rights of the member as an elected official but a censure is a punitive action that serves as a punishment for wrongdoing.

**§ 4.08.020. Procedures.**

- 1) Any two members of the City Council may submit, in writing to the City Clerk, a complaint and request for a censure hearing concerning an alleged violation of law or serious violation of City policies by another member. The complaint shall provide specific allegations and any supporting evidence of specific conduct alleged to violate existing law or adopted City policies. The City Clerk shall place this matter on an agenda at a regular City Council meeting.
- 2) At that meeting, the Councilmembers who did not submit the complaint and the Councilmember who is not the subject of the censure complaint may, by unanimous vote, direct the censure hearing not proceed. Otherwise, the Mayor shall appoint a Council ad hoc committee to review the complaint as set forth in subsection 4 below. Councilmembers who made the complaint shall not serve on the ad hoc committee. In even numbered years, the ad hoc committee shall be the Mayor and two Councilmembers from Districts 2, 4, or 6. In odd numbered years, the ad hoc committee shall be the Mayor and two Councilmembers from Districts 1, 3, or 5. If the Mayor is either one of the Councilmembers who submitted the complaint or is the subject of the censure complaint, the Vice-Mayor shall serve on the committee and make the other appointment as provided above. If both the Mayor and the Vice-Mayor have submitted the complaint, the Councilmember with the longest tenure (and who is not the subject of the complaint) shall serve on the committee and make the appointment as provided above. If two or more Councilmembers have the same longest tenure, the Councilmembers shall draw straws as to who will serve on the committee and make the other appointment. The make up of the ad hoc committee as described above is the general rule; depending on which Councilmembers have made the complaint and/or which Councilmember is the subject of the complaint, the make up of the ad hoc committee is flexible.
- 3) A copy of the complaint and request for censure shall be provided to the accused Councilmember as soon as possible following receipt, but in no event less than 72 hours prior

to the meeting of the ad hoc committee at which the complaint and request for a censure hearing will be considered.

- 4) The ad hoc committee shall review the allegations of the complaint, conduct whatever investigation into the allegations of the complaint is necessary, and prepare a report and recommendation on the complaint to the full City Council.
- 5) The ad hoc committee shall be staffed by the administrative support staff as may be necessary to assist in its investigation and report to the Council.
- 6) Upon completion of its review of the complaint and any investigation, the committee shall determine if, considering all the facts and evidence, there are reasonable grounds to believe or not believe that the alleged violation of law or serious violation of adopted City policy occurred. The ad hoc committee shall make a written report to the Council stating the specific law or policy alleged to have been violated, and summarizing the complaint, evidence, and the results of any additional investigation. The ad hoc committee shall also make a recommendation to the Council that the complaint is supported by sufficient evidence of a violation of law or serious violation of adopted City policy to warrant a censure hearing, or, alternatively, that the complaint is not supported by sufficient evidence of a violation of law or serious violation of adopted City policy to warrant a Council censure hearing.
- 7) If the ad hoc committee determines that the allegations are supported and a censure hearing is warranted, the committee shall direct the City Clerk to forward its report and recommendation to the entire City Council and set the matter for a public censure hearing before the City Council. If the ad hoc committee concludes that the allegations are not supported and a censure hearing is not warranted, the ad hoc committee shall direct the City Clerk to forward the committee's report and recommendation to the entire City Council and no further action on the complaint will be taken unless a City Council majority directs during Council Communications the matter to be placed on its agenda for further consideration.
- 8) If a public hearing is set before the City Council, prior to any formal action by the City Council to censure a member, the person against whom censure is sought is entitled to due process of law, which requires notice, an opportunity to be heard, including the opportunity to refute evidence against him/her.
- 9) The hearing shall be far enough in advance to give the member subject to censure adequate time to review the allegations and evidence against him or her and prepare a defense, but no longer than 30 days from the date of the ad hoc committee's recommendation.
- 10) At the hearing, the member shall be given an opportunity to be heard.
- 11) A City Council decision to censure requires the adoption of a Resolution making findings, based on substantial evidence that the member has engaged in conduct that constitutes a violation of law or a serious violation of an adopted City policy. The resolution must be affirmed by at least four affirmative votes of the Council. The accused Councilmember shall not participate in the City Council's deliberations after the public hearing is closed or in any vote by the City Council on the proposed censure.

**§ 4.08.030. Responsibilities.**

City Clerk: Place allegations of policy violations on agenda for City Council meeting.

Mayor: Appoint a Council ad hoc committee to review complaint.

City Councilmembers: Determine whether censure hearing should proceed. If selected, serve on ad hoc committee to review complaint.

**§ 4.08.040. Relevant authority.**

The authority for a City Council to censure one of its own members stems from State law. Government Code Section 36813 provides for a legislative body to establish rules for the conduct of its proceedings.

**§ 4.08.050. Related administrative directive, city policy, city procedure.**

None applicable.

**§ 4.08.060. Related forms, documents, or links.**

None applicable.

**§ 4.08.070. Frequently asked questions.**

None applicable.

**§ 4.08.080. Update history.**

12/17/13 - Adopted by Resolution No. 2013-12-17-1213

1/26/16 - Amended by Resolution No. 2016-01-26-1203