

**Katherine Roland, CMC**  
City Clerk  
City of Stockton  
425 N. El Dorado St.  
Stockton, CA95202

Dear Ms. Roland,

**Subject: Formal Request for a Censure Hearing for Councilman Brando Villapudua**

As members of the Stockton City Council, we are formally requesting that the City Clerk initiate a censure hearing for Councilman Brando Villapudua based on his conduct during a recent City Council meeting. This request is made in accordance with the provisions outlined in Stockton's **City Council Policy Manual Chapter 3.13 (Councilmember and Commissioner Conduct Policy), Chapter 4.07 (Decorum)**, applicable city ordinances, and relevant state and federal laws that uphold honesty, ethics, and integrity in public office.

**Summary of Incident**

During the public meeting, Councilman Villapudua directed an obscene gesture—a raised middle finger—toward a member of the public. This inappropriate behavior was not only unprofessional but also a clear violation of council conduct rules. Despite initially denying the incident when approached, a video later surfaced confirming his actions, thereby compounding the breach of public trust and damaging the credibility of the Council.

**Applicable Standards**

**City Policies**

Under **Chapter 3.13.010**, councilmembers are required to:

- “Treat each other, staff, and members of the public with dignity, courtesy, and respect.”
- “Preserve order and decorum during the meeting” **(3.13.020 (2)(v))**.
- “Follow through on commitments and be accountable to each other” **(3.13.010 (1)(iv))**.

The **Creed for Councilmembers and Commissioners** further obligates councilmembers to:

- “Represent and work for the common good of the people of [the] city.”
- Refuse to “approve breaches of public trust or improper conduct” and ensure adherence to ethical standards.

Under **Chapter 4.07 on Decorum**, councilmembers must refrain from actions that:

- “Delay or interrupt the proceedings” or involve “personal, impertinent, or slanderous remarks” **(4.07.010)**.

## State Laws

The **California Political Reform Act (Government Code § 81000 et seq.)** requires public officials to act impartially and avoid conduct that would undermine public trust. This includes maintaining honesty in interactions with the public and ensuring decisions are free from personal bias or impropriety.

California **Government Code § 54950**, under the Brown Act, emphasizes transparency and accountability, requiring elected officials to conduct public business in a manner that fosters trust and confidence in government operations.

**Government Code § 87100** prohibits public officials from engaging in conduct that creates a conflict of interest or undermines the integrity of their office. While this primarily applies to financial conflicts, the principle of avoiding actions that erode public confidence is universally applicable.

## Federal Standards

The **Code of Ethics for U.S. Government Service (House Concurrent Resolution 175)**, though advisory, sets the tone for all public officials by requiring them to:

- “Uphold the Constitution, laws, and regulations of the United States.”
- “Never engage in activities that may bring discredit upon the public office.”

## Violation of Public Trust

Councilman Villapudua’s behavior violates these principles and undermines the trust placed in elected officials to act with integrity and professionalism. The denial of his actions until evidence surfaced further erodes confidence in his commitment to honesty and accountability.

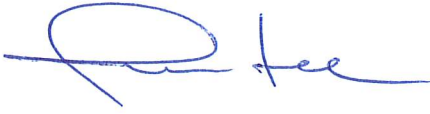
## Request for Censure Hearing

As outlined in the **Creed for Councilmembers and Commissioners** and **Chapter 3.13.010 (9)(i)**, breaches of conduct that violate ethical and behavioral standards warrant censure. We respectfully request that the City Clerk initiate a formal review of this incident and schedule a censure hearing.

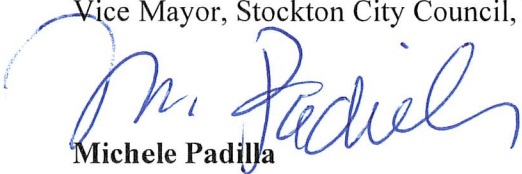
This action is critical to maintaining the integrity of the Stockton City Council and ensuring all councilmembers adhere to the highest ethical standards required under local, state, and federal guidelines.

We appreciate your immediate attention to this matter. Should you require further documentation, including the video evidence, or clarification, please contact us directly.

Sincerely,



**Jason Lee**  
Vice Mayor, Stockton City Council, District 6



**Michele Padilla**  
Councilmember, Stockton City Council, District 1

Attachments:

1. Stockton City Council Policy Manual Chapters 3.13 and 4.07
2. Creed for Councilmembers and Commissioners
3. California Political Reform Act (Government Code § 81000 et seq.)
4. Government Code § 54950 (Brown Act)
5. Code of Ethics for U.S. Government Service
6. Video Evidence (if applicable)

Resolution No. 2024-09-17-1501

## STOCKTON CITY COUNCIL

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**A RESOLUTION ADOPTING THE PROPOSED CITY COUNCIL POLICY MANUAL  
CHAPTER 3.13, COUNCILMEMBER AND COMMISSIONER CONDUCT POLICY AND  
ASSOCIATED CREED FOR COUNCILMEMBERS AND COMMISSIONERS**

The Creed for Councilmembers was approved by the City Council in the mid-1980s;  
and

The Legislation and Environmental Committee directed staff to redraft the Creed to  
current standards and to include Commissioners; and

The Creed was best supported by a Council Policy stating Councilmember and  
Commissioner Conduct standards; and

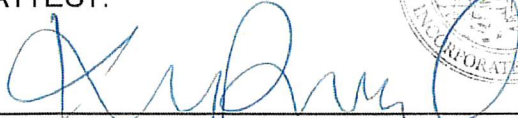
The Legislation and Environmental Committee directed staff on August 28, 2024, to  
forward the recommendation to Council to adopt the proposed City Council Policy Manual  
Chapter 3.13 Councilmember and Commissioner Conduct Policy and the associated Creed  
for Councilmembers and Commissioners; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS  
FOLLOWS:

1. City Council approves the proposed City Council Policy 3.13 entitled  
"Councilmember and Commissioner Conduct Policy;" attached hereto as "Exhibit 1."
2. City Council approves the associated Creed for Councilmembers and  
Commissioners; attached hereto as "Exhibit 2."
3. The City Manager is hereby authorized to take appropriate and necessary  
actions to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED September 17, 2024.

ATTEST:

  
KATHERINE ROLAND, CMC, CPMC  
Interim City Clerk of the City of Stockton



  
KEVIN J. LINCOLN II  
Mayor of the City of Stockton

**§3.13.010 Policy.**

The proper operation of democratic government requires that public officials be independent and impartial in their judgment and actions; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government and public officials.

And that the realization of these ends is impaired whenever there exists, or appears to exist, an actual or potential conflict between the private interests of a governmental official and his or her public duties. Public interest requires high standards with respect to official conduct.

Therefore, the City Council sets the following standards of conduct for Councilmembers and Commissioners.

**1) NORMS AND EXPECTATIONS**

**i) Members shall:**

- (1) Always put constituents first.
- (2) Treat each other, staff, and members of the public with dignity, courtesy, and respect.
- (3) Value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation.
- (4) Follow through on commitments and be accountable to each other.
- (5) Clarify when items are discussed in confidence and maintain appropriate confidentiality.
- (6) Be attentive to others, limiting interruptions and distractions.
- (7) Encourage dissent in debate while being mindful not to prolong discourse or block consensus.
- (8) Be candid with each other about ideas and feelings and resolve conflicts directly.
- (9) Keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves.
- (10) Continuously strive to improve how members work as a team.
- (11) Place clear and realistic demands on staff resources and time when requesting action.
- (12) Start and end meetings on time, work from an agenda, and be present, attentive, and prepared.
- (13) Present problems in a way that promotes discussion and resolution.

(14) Continually work to build trust in each other.

2) GENERAL CONDUCT

i) Members shall:

- (1) Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments.
- (2) Be fair, impartial, and unbiased when voting on quasi-judicial actions.
- (3) Use the speaker sequencing system to inform the presiding officer of their wish to speak and wait to be acknowledged by the presiding officer before speaking.
- (4) Move to require the presiding officer to enforce these Rules, and the presiding officer shall do so upon an affirmative vote of a majority of the members present.
- (5) Preserve order and decorum during the meeting.
- (6) Not delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, by conversation or otherwise, nor disobey the orders of the council, or the presiding officer, except as otherwise herein provided.
- (7) Support the laws established by the council.
- (8) Abide by these Rules in conducting the business of the City of Stockton.
- (9) Affirm their commitment to these Rules by signing the Creed for Councilmembers and Commissioners.

3) CONDUCT WITH MEMBERS

i) Members shall:

- (1) Value each other's time.
- (2) Attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail, and the majority and minority shall show respect for the opinion of all parties.
- (3) Have the right to dissent from, protest, or comment upon any action of the council.
- (4) Respect each other's opportunity to speak and, if necessary, agree to disagree.
- (5) Avoid offensive negative comments and practice civility and decorum during discussions and debate.
- (6) Assist the presiding officer's exercise of the affirmative duty to maintain order.

4) CONDUCT WITH CITY MANAGER AND STAFF

i) Members of the city council shall:

- (1) Speak to the city manager directly on issues and concerns.
- (2) Direct the city manager, by majority vote, to implement council policy decisions through the administrative functions of the city.
- (3) Treat staff professionally and refrain from publicly criticizing individual employees.
- (4) Avoid involvement in and commentary on personnel issues except during council closed sessions regarding council-appointed staff, which includes the city attorney, city auditor, city clerk, and city manager.
- (5) Discuss directly with the city attorney, city auditor, city clerk, and city manager, as appropriate, any displeasure with a department or staff.
- (6) Request answers to questions on council agenda items from the city attorney, city auditor, city clerk, and city manager prior to the meeting whenever possible.

ii) General Direction

- (1) Council requests that deal with policy issues and council requests that may be construed as direction must be directed to the city manager. Members may also deal directly with the city attorney, city clerk, city auditor.

5) CONDUCT WITH THE PUBLIC

i) Members shall:

- (1) Make the public feel welcome.
- (2) Be impartial, respectful, and without prejudice toward the public.
- (3) Listen courteously and attentively to public comment.
- (4) Not argue back and forth with members of the public.
- (5) Make no promises to the public on behalf of the legislative body.

6) CONDUCT WITH OTHER AGENCIES

i) Members shall:

- (1) Project a positive image of the city when dealing with other agencies.
- (2) Show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree.
- (3) Represent official policies or positions of the council when designated as delegates of a legislative body.

- (4) Explicitly state when their opinions and positions do not represent the legislative body when representing their individual opinions and positions, and not allow the inference that they do.
- (5) Have the ability to lobby or discuss issues that have been adopted by legislative bodies or are standing policies of the legislative bodies with other legislators, government officials, applicants, or other interested persons.

#### 7) CONDUCT WITH BOARDS AND COMMISSIONS

- i) Councilmembers shall:
  - (1) Treat all members of boards, commissions, and committees with appreciation and respect.
  - (2) Refrain from participation at board, commission, and committee meetings with the purpose of influencing the outcome of those meetings.

#### 8) CONDUCT WITH THE MEDIA

- i) Councilmembers shall conduct themselves in accordance with the City Council Communication Guidelines as stated within the Council Policy Manual
- ii) Members shall not discuss – or go "off the record" with the media to discuss – confidential or privileged information pertaining to closed sessions, or attorney-client privileged or attorney work product communications, including but not limited to personnel, litigation, or real property negotiations.
- iii) Providing non-confidential, non-privileged background information is acceptable.

#### 9) ETHICAL CONDUCT

- i) Members shall conduct themselves in accordance with the Council Policy Manual Conflict of Interest Code and Code of Ethics including but not limited to:
  - (1) Members shall comply with the City Charter nepotism policies.
  - (2) Members shall comply with the Mayor and Council Discretionary Funding Policy as stated in the Council Policy Manual.
  - (3) Members are obligated to comply Assembly Bill 1234 by completing ethics training within 30 days of taking office and at least every two years.
  - (4) Members are obligated to comply with Assembly Bills 1825 and 1661 by completing sexual harassment training within 6 months of taking office and at least every two years.
  - (5) Members shall follow the Political Reform Act and Fair Political Practices Commission regulations.
  - (6) Members shall conduct themselves in accordance with all policies and training.



**CREED FOR COUNCILMEMBERS AND COMMISSIONERS**

As a public official, I believe:

That the proper operation of democratic government requires that public officials be independent and impartial in their judgment and actions; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government and public officials.

And that the realization of these ends is impaired whenever there exists, or appears to exist, an actual or potential conflict between the private interests of a governmental official and his or her public duties. Public interest requires high standards with respect to official conduct.

Therefore, as a public official of the City of Stockton, I assert my solemn belief that the primary responsibility for maintaining a high level of conduct among city officials and employees falls upon the Council as the governing body elected by the people. Consequently, as a public official, I believe it is my duty to uphold the expectations of the Council Policy on Conduct of Councilmembers and Commissioners. In accordance with those policies I commit to:

1. Represent and work for the common good of the people of my city and not for private interest, assuring fair and equal treatment of all persons, claims, and transactions coming before me in my official capacity.
2. Learn the background and purposes of all action items before voting and request answers to questions on council agenda items from the city manager, city attorney, and city clerk prior to the meeting whenever possible.
3. Refrain from disclosing confidential information concerning the city government, in accordance with the provisions of the Brown Act. I understand that speaking on activity during Closed Session is a violation of the Brown Act and I may not share Closed Session information with anyone.
4. Help the Council maintain the highest standard of rules of conduct by refusing to approve breaches of public trust or improper attempts to influence legislation and by being willing to vote to censure any public official who willfully violates the duty established rules of conduct. Censure should be for just cause and not for political purposes consistent with the Council Censure Policy.
5. Uphold the standards outlined in the Council Policy Manual Decorum policy.
6. Faithfully perform my duties as a public official by attending all sessions of the meeting body and if applicable, its committees of which I am a member, unless unable to do so for some compelling reason or disability. I will make every attempt to be punctual and ready to conduct business.

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Signature

Date

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Printed Name

Title of Office

CHAPTER 4.07  
DECORUM**§ 4.07.010. Policy.**

## 1) COUNCILMEMBERS

The City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

- A) All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak.
- B) The Mayor has the affirmative duty to maintain order. The City Council will honor the role of the Mayor in maintaining order. If a Councilmember believes the Mayor is not maintaining order, the Councilmember may move that the Vice-Mayor enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a Council majority, the Vice-Mayor shall enforce the rules of decorum and maintain order.
- C) Any Councilmember who violates the rules repeatedly shall be sanctioned by the City Council, including, but not limited to, barring the Councilmember from further participation (other than voting) on the subject.

## 2) PERSONS ADDRESSING THE CITY COUNCIL

Persons addressing the Council shall not make personal, impertinent, unduly repetitive, slanderous or profane remarks to the Council, any member of the Council, City staff or the general public, nor utter loud, threatening, personal or abusive language, nor engage in any other conduct that disrupts, disturbs or otherwise unreasonably impedes the orderly conduct of the Council meeting. Any person who makes such remarks, who utters loud, threatening, personal or abusive language, who is unduly repetitious or engages in extended discussion of irrelevancies, or who engages in any disorderly conduct that disrupts, disturbs or otherwise unreasonably impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer or a majority of the Council, be barred from further audience before the Council during that meeting.

## 3) ENFORCEMENT

The rules of decorum set forth above shall be enforced in the following manner:

Warning. The presiding officer shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer shall order him or her to leave the Council meeting. If such person does not remove himself or herself, the presiding officer

may order any law enforcement officer who is on duty at the meeting to remove that person from the Council Chambers.

- 4) RULES PERTAINING TO SIGNS, OBJECTS, SYMBOLIC MATERIALS, AND FIRE SAFETY WITHIN THE COUNCIL CHAMBERS DURING COUNCIL MEETINGS
- A) Objects and symbolic materials such as signs which do not have sticks attached or otherwise create any fire or safety hazards will be allowed within the Council Chamber during Council meetings provided that they are not so large as to infringe upon the space of those in adjacent areas, and are no wider on their longest side than the audience chairs.
  - B) Persons with objects and symbolic materials such as signs must remain seated when displaying them except when making an oral presentation to the Council and must not raise them above shoulder level or otherwise use them to obstruct vision or passage or disturb the conduct of the Council meeting. Such materials may not be placed on or against the walls, doors or furniture or in the aisles.
  - C) Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways.
  - D) Exit ways shall not be used in any way that will present a hazardous condition.
  - E) Overcrowding and admittance of persons beyond the approved capacity of a place of assembly are prohibited.
  - F) The Fire Marshal may establish designated areas for media equipment.

5) PERSONS AUTHORIZED WITHIN RAIL

No person except City officials and City staff shall be permitted within the rail in front of the City Council dais without the express consent of the presiding officer.

**§ 4.07.020. Responsibilities.**

Mayor: Affirmative duty to maintain order.

**§ 4.07.030. Relevant authority.**

City Charter Section 400;

Stockton Municipal Code Section 2.04.010.

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

None applicable.

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

None applicable.

City of Stockton, CA

§ 4.07.060

§ 4.07.070

**§ 4.07.060. Frequently asked questions.**

None applicable.

**§ 4.07.070. Update history.**

3/16/81 - Adopted by Resolution No. 38,095

2/22/82 - Amended by Resolution No. 38,894

4/21/86 - Amended by Resolution No. 86-0222

10/26/87 - Amended by Resolution No. 87-0583

5/7/90 - Amended by Resolution No. 90-0286

2/4/92 - Amended by Resolution No. 91-0110

6/7/93 - Amended by Resolution No. 93-0377

2/23/10 - Amended by Resolution No. 10-0041

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

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

**CREED FOR COUNCILMEMBERS AND COMMISSIONERS**

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3. Refrain from disclosing confidential information concerning the city government, in accordance with the provisions of the Brown Act. I understand that speaking on activity during Closed Session is a violation of the Brown Act and I may not share Closed Session information with anyone.
4. Help the Council maintain the highest standard of rules of conduct by refusing to approve breaches of public trust or improper attempts to influence legislation and by being willing to vote to censure any public official who willfully violates the duly established rules of conduct. Censure should be for just cause and not for political purposes consistent with the Council Censure Policy.
5. Uphold the standards outlined in the Council Policy Manual Decorum policy.
6. Faithfully perform my duties as a public official by attending all sessions of the meeting body and if applicable, its committees of which I am a member, unless unable to do so for some compelling reason or disability. I will make every attempt to be punctual and ready to conduct business.

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Signature

Date

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Printed Name

Title of Office

California Political Reform Act 2024

[https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/The%20Political%20Reform%20Act/2024-pra/2024\\_Act\\_highlighted.pdf](https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/The%20Political%20Reform%20Act/2024-pra/2024_Act_highlighted.pdf)

Government Code §54950 (Brown Act)

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?chapter=9.&division=2.&lawCode=GOV&part=1.&title=5.](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?chapter=9.&division=2.&lawCode=GOV&part=1.&title=5)

B12

CONCURRENT RESOLUTIONS—JULY 11, 1958 [72 STAT.]

July 11, 1958  
[H. Con. Res. 175]

CODE OF ETHICS FOR GOVERNMENT SERVICE

*Resolved by the House of Representatives (the Senate concurring),*  
That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including office-holders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

Passed July 11, 1958.

July 15, 1958  
[H. Con. Res. 346]

CENTENNIAL ANNIVERSARY OF THE LINCOLN-DOUGLAS DEBATE

Whereas the debate between Abraham Lincoln and Stephen A. Douglas at Freeport, Illinois, in the Illinois senatorial contest of 1858 was one of the great and important events in the history of the United States; and

Whereas the centennial anniversary of the Lincoln-Douglas debate is to be appropriately commemorated at Freeport in August of 1958: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),*  
That the Congress of the United States joins the city of Freeport in commemorating the centennial anniversary of the Lincoln-Douglas debate which was held in Freeport, Illinois, on August 27, 1858.

SEC. 2. A copy of this resolution, suitably engrossed and duly authenticated, shall be transmitted to the Governor of Illinois, and the president of the Lincoln-Douglas Society, Freeport, Illinois.

Passed July 15, 1958.

Lincoln-Douglas debate.  
Centennial in Freeport, Ill.

Copy to Governor of Illinois.



Video Evidence

<https://www.facebook.com/reel/1314520393306514>

