

CITY OF STOCKTON

May 14, 2025

Via Email:

civilgrandjury@sjcourts.org

Honorable Gus C. Barrerra II, Presiding Judge
San Joaquin County Superior Court
180 E. Weber Ave, Suite 1306J
Stockton, CA 95202

CITY OF STOCKTON SECOND FOLLOW-UP RESPONSE TO 2023-24 SAN JOAQUIN COUNTY CIVIL GRAND JURY REPORT "CITY OF STOCKTON: CRISIS IN GOVERNMENT" CASE NO. 0123

The City of Stockton received the above-named Grand Jury report on Monday, June 10, 2024. In accordance with Sections 933 and 933.05 of the California Penal Code, specific responses to all findings and recommendations contained in the report are to be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The City of Stockton, and the Stockton City Council accepted the 2023-24 San Joaquin County Civil Grand Jury Report titled "City of Stockton: Crisis in City Government, Case No. 0123" on August 20, 2024, and acknowledged all findings contained within: F1.1 thru F1.6, F2.1 thru F2.6, and F3.1. Initial responses were provided with a commitment to providing follow-up responses on those items still in progress.

The City and Council of the City of Stockton offer these follow-up responses, broken out by area of investigation as outlined in the report for the remaining Grand Jury recommendations not addressed in the last response.

These responses were presented to the Council for consideration and approval during its public meeting on May 13, 2025, and approved by motion 2025-05-13-xxxx.

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1. Threatening Work Environment

Recommendations & Responses:

R1.2 *By March 31, 2025, the City Council should adopt rules for handling unlawful threatening Communications received by City officials and employees. Unlawful threats, not covered under the First Amendment, should be referred to the District Attorney's office.*

CITY RESPONSE:

The City's Charter Officers (Clerk and Attorney) will work together, in coordination with the City Council's Legislation Committee, to discuss and prepare appropriate and relevant draft policies for review and approval by the full Council no later than August 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in September 2025.

R1.6 *By March 31, 2025, the City shall enact a policy that all employees of the Mayor's office are under the same mandated employment rules and laws as the rest of the City staff.*

CITY RESPONSE:

The City Council acknowledges the Grand Jury's recommendation R1.6. However, the recommendation and report do not contain sufficient information to response other than as follows:

Under City of Stockton Charter section 1102(n) all the Mayor's appointees "shall serve at the pleasure of the Mayor in the unclassified service; and shall serve under such terms and conditions, salaries and benefits as are similar to other unclassified employees." All unclassified, at-will employees of the City must adhere to all applicable employment rules and laws.

2. Brown Act

Recommendations & Responses:

R2.1 *By March 31, 2025, the City should amend its Closed Session policies and procedures to minimize the risk of revealing confidential information. There should be a requirement that no phone, electronic communication or recording devices be allowed in the room when it is a Closed Session. Additionally, each attendee should sign a pledge of secrecy on entering each meeting as an immediate and continual reminder that the rules of the Brown Act apply.*

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CITY RESPONSE:

The City Attorney brought this item to the City Council's Legislation Committee for an introductory discussion on August 28, 2024, as item 3.8. The Committee members discussed, provided feedback, and directed staff to bring it back to the Committee for further discussion. The item was brought back on October 23, 2024, as item 3.2 and staff were directed to forward a recommendation for Council consideration. The item was presented to the full council on November 19, 2024, and was adopted under Resolution 2024-11-19-1218 (Attachment R2.2). Additionally, each councilmember (former and current), signed closed session acknowledgement forms. Current council acknowledgments are attached (Attachment R2.1) Former council acknowledgments can be provided if needed.

- R2.2** *By March 31, 2025, the City should develop a City Ordinance regarding Brown Act violators that includes an impartial process for determining whether the Brown Act confidentiality requirement related to Closed Session has been violated and appropriate sanctions for the violator, including but not limited to, mandatory public censure and removal from committees and commissions.*

CITY RESPONSE:

The City Attorney brought this item to the City Council's Legislation Committee for an introductory discussion on August 28, 2024, as item 3.8. The Committee members discussed, provided feedback, and directed staff to bring it back to the Committee for further discussion. The item was brought back on October 23, 2024, as item 3.2 and staff was directed to forward a recommendation for Council consideration. The item was presented to the full council on November 19, 2024, and was adopted under Resolution 2024-11-19-1218 (Attachment R2.2).

- R2.3** *By March 31, 2025, the City should enact a policy that all findings of Brown Act violations investigations must be released to the Civil Grand Jury within seven days of receipt by the Council.*

CITY RESPONSE:

The City's Charter Officers (Clerk and Attorney) will work together, in coordination with appropriate City Council Committees, to discuss appropriate and relevant policies. A progress update will be provided to the Grand Jury and Presiding Judge in September 2025.

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3. Grievance Process

Recommendations & Responses:

- R3.1 *By March 31, 2025, the City should hire an independent third party to investigate the City's Ethics Hotline process to regain employee and public trust in the system.*

CITY RESPONSE:

The City Attorney, with assistance from relevant Charter Officers, will present for Council consideration, the engagement of an independent third party to monitor and reply to the City's ethics hotline. A progress update will be provided to the Grand Jury and Presiding Judge in September 2025.



CITY OF STOCKTON

CITY OF STOCKTON- CLOSED SESSION
ACKNOWLEDGEMENT FORM

I, **Christina Fugazi**, Mayor of the City of Stockton, hereby confirm that I have received, read, and understand the information below, which includes both the law applicable to closed session and describes the conduct and behavior expected of me as a councilmember regarding participation in confidential closed session discussions.

I fully understand and acknowledge my responsibility to comply with all applicable rules and procedures pertaining to confidential closed session discussions and that failure to adhere to these rules and procedures may subject me to all appropriate consequences prescribed by law.

1. Closed sessions are portions of meetings conducted in private without the attendance of the public or press (Cal. Gov't Code §§ 54954.2, 54957.7).
2. A closed session is permitted for specified purposes as part of a regular or special meeting, and during an emergency meeting, under certain circumstances. Discussions are limited to the scope of the agenda topic. (Cal. Gov't Code §§ 54956.5(c), 54957(b)(1)).
3. Closed session is prohibited except as expressly authorized by law (Cal. Gov't Code § 54962).
4. Attendance at closed sessions is limited to those with an official role in the meeting, meaning those necessary to advise or take direction from the body, given the specifically permitted purpose of the session (82 Ops Cal. Atty. Gen. 29 (1999)).
5. Confidential information acquired in a closed session **must not** be disclosed by any person, unless authorized by the legislative body (Cal Gov't Code § 54963).

6. Confidential information means **any communication** made in a closed session that is specifically related to the basis for the legislative body's meeting in closed session (Cal. Gov't Code § 54963(b)).
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8. A member of a legislative body who attends a meeting of their legislative body when a violation of the Brown Act occurs is guilty of a misdemeanor if that member intends to deprive the public of information to which the member knows or has reason to know the public is entitled to (Cal. Gov't Code § 54959).
9. The district attorney or any interested person may also bring a civil action under certain provisions of the Brown Act for two distinct remedies (Cal. Gov't Code §§ 54960, 54960.1, 54960.2):
 - a. To stop or prevent (past/ongoing) violations or future violations.
 - b. To seek invalidation of illegal actions taken in closed session.

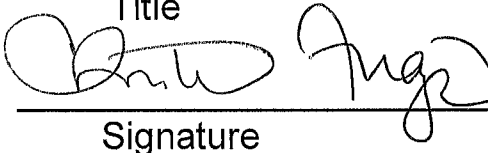
By my signature below, I declare that I have read, understood, and agree to abide by the law and my obligations under the law as described above, as well as any updates or changes to the law which may occur.

Christina Fugazi

Name

Mayor of the City of Stockton

Title



Signature

1/9/2025

Date



CITY OF STOCKTON

CITY OF STOCKTON- CLOSED SESSION
ACKNOWLEDGEMENT FORM

I, **Jason Lee**, Vice-Mayor and Councilmember for District 6 in the City of Stockton, hereby confirm that I have received, read, and understand the information below, which includes both the law applicable to closed session and describes the conduct and behavior expected of me as a councilmember regarding participation in confidential closed session discussions.

I fully understand and acknowledge my responsibility to comply with all applicable rules and procedures pertaining to confidential closed session discussions and that failure to adhere to these rules and procedures may subject me to all appropriate consequences prescribed by law.

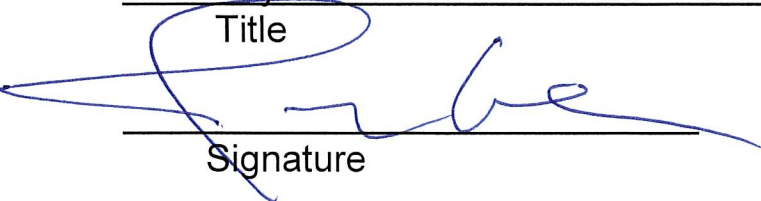
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By my signature below, I declare that I have read, understood, and agree to abide by the law and my obligations under the law as described above, as well as any updates or changes to the law which may occur.

Jason Lee
Name

Vice-Mayor and Councilmember – District 6
Title


Signature

Date



CITY OF STOCKTON

CITY OF STOCKTON- CLOSED SESSION
ACKNOWLEDGEMENT FORM

I, **Michele Padilla**, Councilmember for District 1 in the City of Stockton, hereby confirm that I have received, read, and understand the information below, which includes both the law applicable to closed session and describes the conduct and behavior expected of me as a councilmember regarding participation in confidential closed session discussions.

I fully understand and acknowledge my responsibility to comply with all applicable rules and procedures pertaining to confidential closed session discussions and that failure to adhere to these rules and procedures may subject me to all appropriate consequences prescribed by law.

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 - a. To stop or prevent (past/ongoing) violations or future violations.
 - b. To seek invalidation of illegal actions taken in closed session.

By my signature below, I declare that I have read, understood, and agree to abide by the law and my obligations under the law as described above, as well as any updates or changes to the law which may occur.

Michele Padilla

Name

Councilmember – District 1

Title



Signature

Date

1/9/25



CITY OF STOCKTON

CITY OF STOCKTON- CLOSED SESSION
ACKNOWLEDGEMENT FORM

I, **Mariela Ponce**, Councilmember for District 2 in the City of Stockton, hereby confirm that I have received, read, and understand the information below, which includes both the law applicable to closed session and describes the conduct and behavior expected of me as a councilmember regarding participation in confidential closed session discussions.

I fully understand and acknowledge my responsibility to comply with all applicable rules and procedures pertaining to confidential closed session discussions and that failure to adhere to these rules and procedures may subject me to all appropriate consequences prescribed by law.

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 - a. To stop or prevent (past/ongoing) violations or future violations.
 - b. To seek invalidation of illegal actions taken in closed session.

By my signature below, I declare that I have read, understood, and agree to abide by the law and my obligations under the law as described above, as well as any updates or changes to the law which may occur.

Mariela Ponce
Name

Councilmember – District 2
Title


Signature

1-9-2025
Date



CITY OF STOCKTON

CITY OF STOCKTON- CLOSED SESSION
ACKNOWLEDGEMENT FORM

I, **Michael Blower**, Councilmember for District 3 in the City of Stockton, hereby confirm that I have received, read, and understand the information below, which includes both the law applicable to closed session and describes the conduct and behavior expected of me as a councilmember regarding participation in confidential closed session discussions.

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 - a. To stop or prevent (past/ongoing) violations or future violations.
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By my signature below, I declare that I have read, understood, and agree to abide by the law and my obligations under the law as described above, as well as any updates or changes to the law which may occur.

Michael Blower

Name

Councilmember – District 3

Title

Signature

11/9/25
Date



CITY OF STOCKTON

CITY OF STOCKTON- CLOSED SESSION
ACKNOWLEDGEMENT FORM

I, **Mario Enriquez**, Councilmember for District 4 in the City of Stockton, hereby confirm that I have received, read, and understand the information below, which includes both the law applicable to closed session and describes the conduct and behavior expected of me as a councilmember regarding participation in confidential closed session discussions.

I fully understand and acknowledge my responsibility to comply with all applicable rules and procedures pertaining to confidential closed session discussions and that failure to adhere to these rules and procedures may subject me to all appropriate consequences prescribed by law.

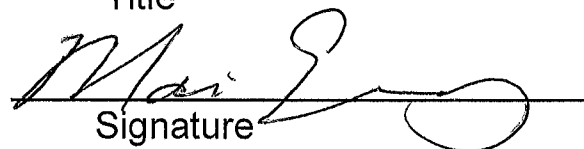
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By my signature below, I declare that I have read, understood, and agree to abide by the law and my obligations under the law as described above, as well as any updates or changes to the law which may occur.

Mario Enriquez
Name

Councilmember – District 4
Title

Signature 

1/9/25
Date



CITY OF STOCKTON

**CITY OF STOCKTON- CLOSED SESSION
ACKNOWLEDGEMENT FORM**

I, **Brando Villapudua**, Councilmember for District 5 in the City of Stockton, hereby confirm that I have received, read, and understand the information below, which includes both the law applicable to closed session and describes the conduct and behavior expected of me as a councilmember regarding participation in confidential closed session discussions.

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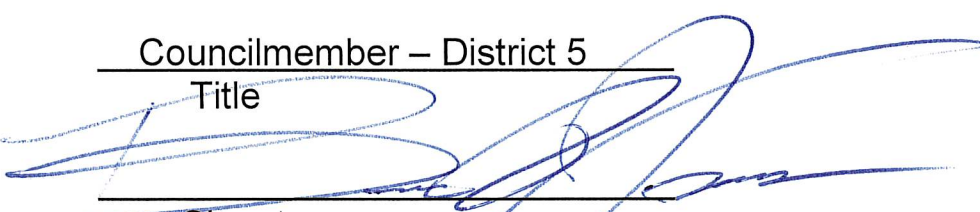
By my signature below, I declare that I have read, understood, and agree to abide by the law and my obligations under the law as described above, as well as any updates or changes to the law which may occur.

Brando Villapudua

Name

Councilmember – District 5

Title


Signature

1-9-25
Date

Resolution No. 2024-11-19-1218

STOCKTON CITY COUNCIL

RESOLUTION ADOPTING REVISED CITY COUNCIL POLICY CHAPTER 4.08, RELATING TO CENSURE

Chapter 4.08 of the Council Policy Manual addresses Council Censure; and

In December 2023, the Legislation/Environmental Committee reviewed and discussed revisions to the entire council policy manual. Staff was directed to revise Section 4.06.010(2) regarding the use of electronic devices; and

On August 28, 2024, the Committee was presented with information regarding the Council Censure Policy in Chapter 4.08 and following review and discussion, the Committee directed staff to make the following changes:

- A notification period of 10-days.
- Ad Hoc makeup at the Mayor's discretion.
- Add a reservation of rights clause.
- Revise the Policy section to a Purpose section with a broader statement of intent.
- Add a willful, negligent, intentional requirement and remove good faith exception

On October 23, 2024, these changes were presented to the Council Legislation and Environmental Committee and a recommendation was forwarded to Council; and

Those changes are presented for Council consideration and approval, now, therefore,

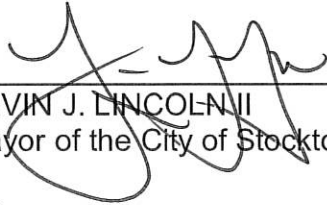
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS
FOLLOWS:

1. The City Council approves the revisions to City Council Policy 4.08, entitled "Council Censure" attached hereto as Exhibit 1 and incorporated by this reference.

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2. 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: November 19, 2024.



KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:



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



**CHAPTER 4.08
COUNCIL CENSURE**

§ 4.08.010. Purpose.

The residents of Stockton are entitled to responsible, fair, honest, and ethical City government. It is the Policy of the Stockton City Council that all its members shall abide by federal and state law, the City Charter, City legislation, and City Council policies. Violation of such laws or policies can subject the City to liability, affect the City's budget, resources, plans and timelines, injure the good name of the City, and undermine the effectiveness of the City Council as a whole. Such conduct is deemed to be subject to City Council Censure.

The purpose of this Policy and Procedure for Censure of City Councilmembers is to establish a process for City Councilmembers to seek a censure determination as to another City Councilmember. For purposes of this Policy, the term "Councilmember" includes each individual Councilmember, the Vice-Mayor, and the Mayor of the City.

Censure is a formal resolution of the City Council officially reprimanding one of its members for negligently, intentionally, or willfully violating a law, regulation, City policy, or the City Code of Ethics, while serving as a City of Stockton Councilmember. A censure shall be considered an expression of disapproval by the City Council but carries no additional penalty or fine imposed by the City Council.

In lieu of or in addition to censure, the City Council shall retain the right to refer any matter or alleged misconduct to an appropriate regulatory or enforcement agency and/or to take any other action otherwise authorized by policy or law.

§ 4.08.020. Procedures.

- 1) Any two City Councilmembers may initiate a censure process by jointly submitting a censure request to the City Clerk. The censure request shall be in writing, specify the name of the Councilmember sought to be censured, and specify the alleged misconduct for which censure is sought.
- 2) Within ten (10) days of receipt of the censure request, the City Clerk shall notify the Councilmember who is the subject of the requested censure, and the City Clerk shall provide that Councilmember with a copy of the written censure request.
- 3) The City Clerk shall thereafter place the censure request on the next regular City Council agenda for initial consideration of the censure request by the City Council at a City Council meeting occurring no later than sixty (60) days after receipt of the censure request. The initial consideration of the censure may be heard at either a regular or special City Council meeting.
- 4) At that meeting, the Councilmembers who did not submit the complaint and the Councilmember who is not the subject of the complaint, may by unanimous vote, direct that the censure hearing not move forward. Absent this unanimous vote, the censure hearing shall move forward.
- 5) If a censure hearing moves forward, the next step is the creation of a Council Ad Hoc committee. The Mayor shall appoint a Council Ad Hoc committee to review the complaint as set forth in subsection 6 below. Councilmembers who made the complaint and the accused

EXHIBIT 1

councilmember shall not serve on the ad hoc committee. If the Mayor filed or is the subject of the complaint, the Vice Mayor shall appoint a Council Ad Hoc Committee to review the complaint. If both the Mayor and Vice Mayor are unable to make the Ad Hoc Appointment, the Councilmember with the longest tenure who is not involved in the filing of the complaint and is not the subject of the complaint, may appoint a Council Ad Hoc Committee to review the complaint.

- 6) The Ad Hoc committee may interview witnesses and review documents relevant to the censure request. The Ad Hoc committee may seek the reasonable assistance of City staff, including the City Clerk, City Manager, and City Attorney, and may contract with consultants and/or investigators to assist the ad hoc committee in its investigation, provided that such contracts are subject to approval of the City Manager and City Attorney, and the amount of the contract shall not exceed the contracting authority of the City Manager without City Council approval.
- 7) The Ad Hoc committee shall endeavor to complete its investigation within ninety (90) days of the establishment of the ad hoc committee, subject to reasonable extensions of time as the specific facts, circumstances, and investigation so warrant.
- 8) At the end of its investigation, the Ad Hoc committee shall determine whether the facts support/do not support a censure hearing and prepare a report and recommendation to the full City Council. The Ad Hoc committee report shall state the specific law or policy alleged to have been violated, summarize the complaint, evidence, and the results of its investigation.
- 9) 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 at the next available meeting date considering the due process requirements in Sections 11 and 12.
- 10) 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.
- 11) If a public hearing is set before the City Council, the person against whom censure is sought is entitled to due process of law, which requires notice and an opportunity to be heard, including the opportunity to refute evidence against him/her. The hearing shall take place before the Council makes a final determination.
- 12) 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.
- 13) A City Council decision to censure requires the adoption of a Resolution with appropriate findings. Findings must be based on substantial evidence that the member has engaged in conduct that violates a law, regulation, City policy, or the City Code of Ethics.
- 14) The issuance of a resolution of censure requires a majority vote of the City 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: Submittal, notification, agenda scheduling, and other assistance as directed under the policy.

Mayor: Appoint a Council Ad Hoc committee to review complaint.

City Councilmembers: Determine whether censure process should proceed consistent with the policy. If the censure process moves forward, any selected councilmember must serve on the Ad Hoc committee to review the complaint and make a recommendation.

§ 4.08.040. Relevant authority.

Approved by Resolution.

§ 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