

[DRAFT]
CITY OF SAN LEANDRO
CITY COUNCIL DISCIPLINE POLICY

I. Applicability and Purpose

This Discipline Policy applies to the City Council of the City of San Leandro and provides directives for efficient and consistent administration of disciplinary actions for a violation of federal, state, or local law, or any by-law, standing order, or policy of the City Council, including but not limited to the City Council Member Handbook.

II. Discipline Options.

- A. Consultation with Mayor.** At the direction of the City Council, an informal consultation with the Mayor may be required of the member who is the subject of the request. If the subject of the request is the Mayor, the consultation shall be with the Vice Mayor.
- B. Letter of Reprimand.** The City Council may adopt a letter of reprimand, containing recommendations for remedial action such as trainings or counseling.
- C. Statement of Disapproval.** By a resolution of the City Council, the Council may adopt a statement expressing disapproval or displeasure with the conduct of a Council member including recommendations for corrective action or behaviors.
- D. Censure.**

III. Procedure.

A. Request for Discipline. A request for discipline may be submitted by any Councilmember in writing to the City Clerk. A Councilmember seeking to provide information to the Council concerning the specific conduct for which discipline is requested must submit written information to the City Manager for distribution to the whole Council. The request must contain the specific charges on which the proposed discipline is based, and a sufficient amount of specific facts and allegations as to the charges.

B. Ad Hoc Committee Consideration. Upon receipt of a request for discipline, the City Clerk shall forward the request to the Mayor.

The Mayor shall appoint an ad hoc Committee of the Council to conduct preliminary review of the request. The ad hoc Committee shall not include the Councilmember making the request or the Councilmember who is the subject of the request.

- i. The City Clerk shall deliver a copy of the request for discipline and the charges to each member of the City Council at least 72 hours

prior to the first meeting of the ad hoc Committee providing preliminary consideration of the request.

- ii. At a meeting held no sooner than 72 hours after the receipt by all Council members of the above notice, the ad hoc Committee shall consider the request together with any evidence or testimony submitted by the Council member making the request and the Council member subject to the request and shall determine whether:
 1. Further investigation of the charges is required; or
 2. The charges should be forwarded to the Council for discipline; or
 3. No action is required.
- iii. If the ad hoc Committee determines that no further action is required with regard to the request, the Committee shall make a report to the Council on this recommendation at the earliest opportunity but no later than the time period provided in subsection v. below.
- iv. If the Committee determines that further investigation is required, the Committee shall conduct an investigation and arrive at a recommendation regarding the request and report its conclusions, findings and a summary of its proceedings to the Council at its earliest opportunity. The ad hoc committee may coordinate with the City Manager on the retention of an independent investigator to conduct the investigation.
- v. If the ad hoc Committee does not report its recommendation for no further action or for further investigation to the Council within 30 days of the formation of the ad hoc Committee, the matter shall automatically be sent to the Council for consideration.

C. Council Consideration of Discipline Short of Censure. Upon receipt of the report of the ad hoc Committee, or at the expiration of the time for the ad hoc Committee to report, the City Clerk shall place the matter on the Council's next agenda in order for the Council to receive the Committee report and determine whether further investigation is required or whether discipline short of censure is warranted. Discipline short of censure may be one of or a combination of the items in Section II.A., B., or C.

D. Censure Procedure. If the Council decides to set the matter for a censure hearing, it shall schedule the hearing no sooner than two weeks after its determination to hear the matter. The Council shall not schedule the matter during any previously scheduled excused absence of the subject Councilmember. A Councilmember who is the subject of an alleged violation shall be ineligible to vote on any matter related to the censure action including, but not limited to, agendaing the hearing and adopting a resolution of censure.

- i. Written notice of censure hearing shall be delivered in person to the Councilmember subject to the censure hearing at least ten (10) days in advance of the scheduled hearing.
- ii. At the censure hearing, the Councilmember who is the subject of the request for censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf and to question his or her accusers. The subject Councilmember may be represented by a person or persons of his or her choice whether or not an attorney at law and may have that representative speak or question witnesses on his or her behalf. The questioning or cross-questioning of witnesses may be reasonably limited by the Mayor, or Vice Mayor if the Mayor is the subject of the censure. Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not apply to this hearing, and the procedures shall be generally informal.

D. Censure Action. If, at the close of the censure hearing, a majority of the City Council finds that the subject Councilmember's conduct violates federal, state or local law, or any by-law, standing order, or policy of the City Council, including the City Council Handbook, the Council may take one or more of the following measures:

- i. Admonition. An admonition may be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of law or City policy.
- ii. Direction to Correct. The direction could be given to the subject Councilmember to correct the result of the particular behavior that violated law or City policy.
- iii. Reprimand. The reprimand should be directed to the subject member of the City Council based on a particular action (or set of actions) that is determined to be in violation of law or City policy, but is considered by the Council to be not sufficiently serious to require formal censure.
- iv. Resolution of Censure. The City Council may adopt a resolution of censure based on clear and convincing facts supporting the allegations of misconduct giving rise to the censure. A resolution of censure may include the imposition of sanctions against the Councilmember as a majority of the City Council deems appropriate. Such sanctions may include removal from internal standing or ad hoc committees, removal from external committee or board appointments to

which the member had been appointed, and/or restrictions on City-related travel or technology privileges.