

Ch 13 CITY COUNCIL ~~INTERNAL~~ ALTERANTE DISPUTE RESOLUTION (or RESTORATIVE JUSTICE – TBD) AND-DISCIPLINE POLICY

§ 1.13.100 PREAMBLE.

It is the intent of the City Council of the City of San Leandro in enacting this policy to achieve fair, ethical, ~~and~~ accountable, and efficient local government for the City of San Leandro; to assure that individuals and interest groups in our society have a fair and equal opportunity to participate in government; to embrace clear and unequivocal standards of disclosure and transparency in government; to help reinforce public trust in governmental institutions; and to assure that this policy is vigorously enforced to achieve fair, ethical, and accountable local government for the City of San Leandro. The people of the City of San Leandro expect their public officials to comply with both the letter and the spirit of the laws of the United States of America, the State of California, the San Leandro Municipal Code, and established policies of the City of San Leandro affecting the operations of local government. All persons covered by this policy shall aspire to meet the highest ethical standards in the conduct of their responsibility as a public official of the City of San Leandro.

(Res. No. 202~~64-138~~XX, XX19/XX21/20264)

§ 1.13.105 APPLICABILITY AND PURPOSE.

This Alternate Dispute Resolution (or Restorative Justice - TBD) and Discipline Policy applies to the City Council of the City of San Leandro ("City") and provides directives for efficient and consistent resolution and/or administration of complaints against individual City Councilmembers by or from members of the public, third party consultants, City staff, appointed City officials, and other Councilmembers (together, "Complainants").

The first step in resolving any conflict among council should be open dialogue through Alternate Dispute Resolution (or Restorative Justice - TBD). All council members are encouraged to take a deep breath and begin dialogue to try and resolve the issue fairly and efficiently before it escalates to the discipline process. This is not only for the good of the council, and more importantly, the good of all the residents and businesses of our city from a fairness and efficiency standpoint. However, if the issue is so egregious that it cannot be resolved by dialog through Alternate Dispute Resolution (or Restorative Justice) then discipline is available as a next step.

This next step ~~It also~~ provides for 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. Disciplinary action~~This policy~~ does not apply to complaints against City employees or third-party consultants acting in a City Department Head or managerial capacity, because such complaints are already addressed by State law, or the City's Employment Handbook, or by contract, or City Departmental policies, or separate policies promulgated by the City Manager. Disciplinary action~~This policy~~ must be construed and executed in coordination, and not in conflict with, all applicable State and Federal laws, the San Leandro Municipal Code, the San Leandro Administrative Code, applicable City Department

policies, including all whistleblower statutes, complainant and victim privacy and confidentiality statutes, and the California Public Records Act. Investigations conducted under this policy shall not commence before the completion of, or interfere with, any investigations related to or required for criminal prosecutions, administrative enforcement, or any **Government Code** claims, litigation, or other civil actions.

~~Res. No. 2026-XX, XX/XX/2026)(Res. No. 2024-138, 10/21/2024)~~

§ 1.13.110 PROCEDURE.

(a) Public's Right to Submit Complaint. Any member of the public who would like to submit facts or allegations pertaining to an alleged violation by a Councilmember of Federal, State, or local law, or any Municipal Code, Administrative Code, or policy of the City Council, including, but not limited to, the City Council Member Handbook, shall submit such facts or allegations in a signed letter, with a return receipt, addressed to the City of San Leandro City Council, 835 E. 14th Street, San Leandro, CA 94577. The statute of limitations for the public's right to submit a complaint under this policy shall be six months from the date of the alleged violation.

~~**(ab) Alternate Dispute Resolution (or Restorative Justice Collaboration – TBD)**~~

~~**Consultation with City Attorney.** A Councilmember seeking to submit a request for discipline or to make a statement regarding specific complaints or allegations is advised to meet with the City Attorney's Office before doing so.~~

~~A Councilmember or Mayor seeking to raise a concern of an alleged policy violation against a colleague ~~submit a request for discipline or to make a statement regarding specific complaints or allegations~~ shall submit such information to the City Attorney for consideration of an Alternate Dispute Resolution (or Restorative Justice Collaboration – TBD) as a first step towards resolving the matter. The concerns of perceived violations shall be shared by the City Attorney with the Mayor and entire Council, including the Council Member (s) or Mayor who is the subject of the alleged violation unless prohibited by applicable law. If the complaining party and subject of the alleged violation agree to meet and have an open dialog through Alternate Dispute Resolution (or Restorative Justice Collaboration – TBD) to resolve the matter, this too shall be shared with the entire council by the City Attorney. A professional mediator shall be held on retainer and will lead the Alternate Dispute Resolution (or Restorative Justice Collaboration – TBD) process with the complaining party and subject of the alleged violation. Both the complaining party and subject of the alleged violation are encouraged to participate in Alternate Dispute Resolution (or Restorative Justice Collaboration – TBD) and not bring past disputes into the current matter at hand in an effort to fairly and efficiently move forward towards resolving the matter.~~

~~The professional mediator shall be a neutral third party that helps the disputing sides talk through their issues and voluntarily agree on a compromise. The neutral third party may actively engage and propose solutions in addition to facilitating the discussion. If the Alternate Dispute Resolution (or Restorative Justice Collaboration – TBD) process is deemed successful by the~~

complaining party and subject of the alleged violation, the entire council shall be notified by the City Attorney and the matter closed.

If the Alternate Dispute Resolution (or Restorative Justice Collaboration – TBD) process is not deemed successful by the complaining party and subject of the alleged violation, the entire council shall too be notified and the matter moved to the next step, disciplinary action.
~~is advised to meet with the City Attorney's Office before doing so.~~

~~(e)~~

Request for Discipline. ~~-If Alternate Dispute Resolution (or Restorative Justice Collaboration – TBD) is deemed not appropriate because of the egregiousness of the alleged violation or was not successful as described above , a-~~request for discipline or censure may be submitted by any Councilmember in writing to the City ~~Attorney-Clerk~~. Any Councilmember's request for discipline is a matter of public record subject to the California Public Records Act's requirements, including all applicable exemptions. A request for discipline must be submitted within six months of the date of the alleged violation. 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 ~~AttorneyManager~~ for distribution to the whole Council. The request must contain the specific charges on which the proposed discipline or censure is based, and sufficiently specific facts and allegations as to the charges. The request may include or append a public complaint referenced in subsection (a) of Section 1.13.110.

~~(Res. No. 2026-XX, XX/XX/2026)Res. No. 2024-138, 10/21/2024)~~

§ 1.13.115 **COUNCIL CONSIDERATION OF DISCIPLINE SHORT OF CENSURE.**

The City Clerk shall place the matter on a Council regular or special meeting agenda for the Council to determine whether further investigation is required, or whether discipline short of censure is warranted, or to move towards censure. Discipline short of censure may be one or a combination of the items in subsections (a) through (d) below. This discussion is a matter of public record and must take place during an open, noticed, and public meeting of the City Council; the complaining party(s) and subject (s) of the alleged violation shall be ineligible to vote on the matter-

(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. If both the Vice Mayor and Mayor are subjects of the request, the most senior council member will lead the consultation.

(b)

Letter of Reprimand from the City Council. At the direction of the City Council, the Mayor, or Vice-Mayor if the Mayor is the subject of the discipline, shall coordinate with the City Manager and/or City Attorney on issuing a letter of reprimand to the subject Councilmember. If both the Vice Mayor and Mayor are subjects of the discipline, the most senior council member will issue the letter of reprimand. The reprimand shall be 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. The letter of reprimand may include recommendations for corrective actions or behaviors.

(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 behavior.

(d)

Admonition. By a resolution of the City Council, an admonition that a particular type of behavior or action may become or is a violation of law or City policy.

~~Res. No. 2026-XX, XX/XX/2026)(Res. No. 2024-138, 10/21/2024)~~

§ 1.13.120 **CENSURE PROCEDURE.**

If the Council decides to set the matter for 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. The complaining party(s) and subject (s) of the alleged violation ~~A Councilmember who is the subject of an alleged violation~~ shall be ineligible to vote on any matter related to a disciplinary action including, but not limited to, agendaing the hearing and adopting a resolution of censure. Censure hearings may take place at regular or special City Council meetings and are open to the public.

(a)

Written Notice. Written notice of the hearing shall be delivered in person to the Councilmember subject to the censure hearing at least 10 days in advance of the scheduled hearing.

(b)

Hearing Procedures. 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 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; if both the Vice Mayor and Mayor are subjects of the censure, the most senior council member will set limits. 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.

~~Res. No. 2026-XX, XX/XX/2026)(Res. No. 2024-138, 10/21/2024)~~

§ 1.13.125 **CENSURE ACTION.**

If, at the close of the censure hearing, a majority of the City Council finds that the subject member's conduct violates Federal, State or local law, or any by-law, standing order, or policy of the City Council, the Council may take one or more of the following measures in addition to or in combination with the actions in subsections (a) through (d) of Section 1.13.115:

(a)

Direction to Correct. The direction shall be given to the subject Councilmember to correct the result of the behavior that violated law or City policy.

(b)

Direction to Attend Training. Direction shall be given to the subject Councilmember to attend training related to the behavior that violated law or City policy. The Council could also find that Council privileges shall be withheld or unavailable until evidence or independent certification is provided by the subject Councilmember to the City Council that the training was completed.

(c)

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 the City Council deems appropriate. Such sanctions may include removal from internal standing or ad hoc committees, removal from an external committee to which the member had been appointed, and/or restrictions on City-related travel privileges.

(Res. No. 2024-138, 10/21/2024)