

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2026-XXX

**RESOLUTION TO DISCIPLINE SHORT OF CENSURE COUNCIL MEMBER FRED SIMON
THROUGH A STATEMENT OF DISAPPROVAL AND ADMONITIONS FOR VIOLATIONS OF THE COUNCIL
MEMBERS' CODE OF ETHICS**

WHEREAS, in January 2025, then Vice-Mayor Bowen did file a complaint with the City of San Leandro's Human Resources Director alleging that Council Member Fred Simon engaged in a pattern of bullying and abusive conduct towards her, in violation of the Council's Code of Ethics and Council commitments to each other, as further detailed in the City Council Member Handbook; and

WHEREAS, on February 6, 2025, Human Resources Director Emily Hung provided notice to Vice-Mayor Bowen that the City Council had initiated an independent investigation of Vice-Mayor Bowen's complaint by retaining Jane Kow of HR Law Consultants; and

WHEREAS, on October 24, 2025, Vice-Mayor Bowen submitted an internal request for discipline under San Leandro Administrative Code (SLAC) Chapter 1.13 against Council Member Simon, re-alleging her complaint that Council Member Simon retaliated against her for her vote to censure Council Member Simon at the November 18, 2024 City Council meeting, that he engaged in bullying and abusive conduct towards her, that he made untruthful statements about Vice-Mayor Bowen, and that he exhibited bias against her; and

WHEREAS, Vice-Mayor Bowen referred to the findings applicable to Council Member Simon in Ms. Kow's investigation report as the factual basis for the internal request for discipline against Council Member Simon; and

WHEREAS, on October 27, 2025, the City received Ms. Kow's written report (hereinafter the "Investigation Report"); and

WHEREAS, at its January 5, 2026 regular City Council meeting, the City of San Leandro City Council waived the attorney-client privilege applicable to the Investigation Report and directed that it be posted on the City's website; and

WHEREAS, on January 20, 2025 the City Council adopted the Investigation Report, and all of the findings pertaining to Council Member Simon in the Investigation Report; and

WHEREAS, at its January 20, 2025 regular City Council meeting, the City Council voted to take discipline short of censure against Council Member Simon in the form of a statement of disapproval and admonition, as provided by and in accordance with subsections (c) and (d) of San Leandro Administrative Code Section 1.13.115.

NOW, THEREFORE, the City of San Leandro City Council does **RESOLVE** as follows:

1. The City Council adopts the Investigation Report, and all the findings pertaining to Council Member Simon in the Investigation Report:

- (a) Council Member Fred Simon retaliated against Council Member Xouhoa Bowen following her vote on Council Member Simon's censure at the November 18, 2024 regular City Council meeting
- (b) Council Member Fred Simon's comments derailed the City Council's consideration and vote on Council Member Bowen's priorities at the April 2024 planning session.
- (c) Council Member Fred Simon subjected Councilmember Xouhoa Bowen, female City Council Members, and a female employee to differential treatment reflecting gender bias.

2. In accordance with San Leandro Administrative Code Section 1.13.115(c), the City of San Leandro City Council hereby expresses its disapproval and displeasure with the conduct of Council Member Fred Simon, as stated herein, and further described in the Investigation Report, which is attached hereto and made a part hereof.

3. In accordance with San Leandro Administrative Code Section 1.13.115(d) and this resolution, referencing to the Investigation Report, the City of San Leandro City Council hereby admonishes Council Member Fred Simon for his behavior finding that he violated the Council Member's Code of Ethics as provided in the City of San Leandro City Council Members' Handbook (2025) as follows:

- (a) Council Member Fred Simon is admonished for retaliating against Councilmember Bowen, which is a failure to act in the service of the City of San Leandro or with integrity.

Public officials must always conduct themselves with the highest standards of honesty and integrity. They are entrusted with the responsibility to act truthfully, both in their public and private actions. Public officials must provide accurate, complete, and truthful information in all communications and decision-making processes. Misleading or false statements, whether intentional or inadvertent, undermine public trust and erode the integrity of local government. Officials must be transparent and forthright in all matters, ensuring that their actions align with their words and that they fulfill their duties in a manner that is truthful and dependable.

- (b) Council Member Fred Simon is admonished for engaging in retaliatory conduct towards Council Member Bowen that was a failure to act professionally and uphold the dignity of the office of Council Member for the City of San Leandro.

The conduct of public officials, both professional and personal, must be above reproach. They must avoid even the appearance of impropriety and refrain from engaging in abusive conduct,

personal attacks, or defamatory remarks against fellow members of the Council, boards, commissions, staff, or the public. Council Members are expected to maintain personal conduct that upholds the dignity of their office. They shall:

- Avoid engaging in actions or speech that would undermine public confidence in the Council or the City.
- Act with professionalism in all interactions, including social media and public forums.
- Refrain from actions or behaviors that could discredit the Council or the City.

(c) Council Member Fred Simon is admonished for failing to treat Council Member Bowen, other female Council Members, and a female employee with respect and civility.

Council Members shall treat all individuals — fellow Council Members, City staff, and the public — with the utmost respect and courtesy. They shall:

- Engage in open, respectful, and constructive debate, valuing diverse perspectives.
- Avoid personal attacks, inflammatory language, or any behavior that disrupts the order and civility of public discourse.
- Demonstrate active listening, consider all viewpoints, and collaborate in good faith to achieve the best outcomes for the community.
- Foster an environment in which all participants feel safe and respected, promoting mutual understanding and cooperation.

(d) Council Member Fred Simon is admonished for failing to show respect for process and the orderly conduct of City Council meetings by derailing the April 2024 City Council annual planning session.

Public officials must respect and follow the established procedures, rules of order, and guidelines for conducting business within the City Council, boards, and commissions. They must encourage public participation, ensure transparency, and support the effective implementation of City policies by staff.

Public officials must be prepared for public meetings, listen attentively, and focus on the matter at hand. They must refrain from interrupting speakers, making personal comments unrelated to the agenda, or engaging in behavior that disrupts the orderly conduct of meetings.

FURTHERMORE, the City of San Leandro City Council does **RESOLVE** that Council Member Simon must refrain from continuing and/or repeating the behavior described herein and in the Investigation Report, and the Council expects that he seek training and education that would help him to refrain from such behavior in the future.

Introduced by Councilmember _____ and passed and adopted this 2nd day of March 2026 by the following vote:

AYES: ()

NOES: ()

ABSENT: ()

ATTEST: _____

Sarah Bunting
Acting City Clerk

DRAFT