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LCW'S PROPOSED EDITS TO CITY COUNCIL ADMONITION AND CENSURE POLICY (COUNCIL POLICY 047)



City of Santa Clara

The Center of What's Possible

City of Santa Clara Council Policy Manual

ADMONITION AND CENSURE POLICY

PURPOSE

This policy applies only to the Mayor and City Council members for improper conduct that may result in admonition or censure.

POLICY

It is the policy of the City Council that all of its members shall abide by federal and state law, City ordinances, and City policies, including the Code of Ethics and Values. Violations of such law or policy tends to injure the good name of the City and to undermine the effectiveness of the City Council as a whole.

For violations of City policy, Council may take action to admonish or censure the Council Member in accordance with this policy. For criminal conduct, the Council may/shall refer the matter to the Office of the District Attorney for handling. For matters within the jurisdiction of the Fair Political Practices Commission (FPCC), Council may/shall refer it to the FPCC for handling.

Nothing in this policy shall preclude individual Council Members from making public statements regarding such alleged conduct.

This policy provides definitions and procedures related to two types of action: admonition and censure.

Admonition

An admonition is a formal expression of disapproval that serves as a warning to correct inappropriate behavior without imposing disciplinary sanctions. It is typically issued for minor misconduct or ethical lapses that do not rise to the level of requiring severe consequences, such as censure or removal from office. While it is non-punitive in nature, an admonition underscores the need for the official to adhere to established rules and standards of conduct. Depending on the situation, it may be delivered privately or publicly, aiming to encourage accountability and improvement in behavior rather than inflict penalties. Admonitions play a role in promoting ethical governance while maintaining proportionality in addressing misconduct. An admonition may typically be directed to any and all member(s) of the City Council, reminding them that a particular type of behavior is in violation of law or City policy, and that, if it occurs or is found to have occurred, could make a member subject to censure.

Censure

Censure is a formal statement of disapproval issued by the Council against one of its members for conduct deemed inappropriate, unethical, or inconsistent with the responsibilities of their role. Unlike an admonition, censure is an official action that reflects the Council's collective judgment and is typically adopted through a formal resolution.

or vote. While it does not carry legal penalties or remove the member from office, censure serves as a significant public rebuke, reinforcing the importance of ethical governance and accountability. It is both a symbolic and practical measure intended to uphold the integrity of the Council and to deter future misconduct by highlighting the seriousness of the member's actions.

PROCEDURE

Procedure for Admonition

An individual Council Member can make an admonition at any Council meeting during the Public Presentations or Reports of Members and Special Committees portion of the meeting.

Procedure for Censure

Initiation and Review of Censure

Any member of the City Council, a City staff member, or a member of the public may raise concerns about a Council Member's conduct that may warrant censure.

The concerns must be submitted in writing to the Ad Hoc Ethics Commission detailing the specific behavior or actions in question. After findings are made by the Ad Hoc Ethics Commission, then the matter will come back to the City Council.

Drafting and Presentation of the Censure Resolution

A formal resolution of censure is drafted, clearly outlining:

- The specific behavior or actions being censured.
- References to applicable ethical standards or City policies violated.
- The purpose and scope of the censure (e.g., public reprimand, loss of committee assignments for a specified period of time, required training, etc.).

Formal Discussion in Public Session

The issue is placed on the agenda for a public City Council meeting. A member of the Ad Hoc Ethics Commission will present the Commission's findings.

The Council Member facing potential censure is provided an opportunity to address the Council.

City Council Vote

The censure resolution is brought to a vote during a public meeting. A majority or 2/3 vote is required for adoption.

Public Announcement of the Censure

If adopted, the censure resolution is read aloud and entered into the Council's public records. A press release may be issued to inform the public of the Council's action and its basis.

Implementation

Any additional measures associated with the censure (e.g., removal from leadership roles or committees for a specified period of time) are implemented immediately.

Reference: *City Council-approved policy dated 5/15/2018*