

ORDINANCE NO. 1254

AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING SECTIONS 2.04.015.10 AND 2.04.030 OF CHAPTER 2.04 OF TITLE 2 OF THE HOLLISTER MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF HOLLISTER DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.04.015.10 ("Confidential Information") of Chapter 2.04 ("City Council") of Title 2 ("Administration and Personnel") of the City of Hollister Municipal Code is hereby amended to read as follows:

2.04.015.10 Confidential Information.

Members must maintain the confidentiality of all written materials and verbal information provided to members, which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests. Members who disclose confidential information without proper legal authorization may be subject to those sanctions described in section 2.04.030 of this Code.

SECTION 2. Section 2.04.030 ("Sanctions") of Chapter 2.04 ("City Council") of Title 2 ("Administration and Personnel") of the City of Hollister Municipal Code is hereby amended to read as follows:

2.04.030 Sanctions.

- A. Acknowledge and Acceptance of the Provisions with Hollister Municipal Code, Chapter 2.04. Councilmembers who do not sign an acknowledgement that they have read, understand, and accept the provisions within Hollister Municipal Code, Chapter 2.04 shall be ineligible for intergovernmental assignments, council subcommittees, or to be appointed mayor pro tempore/vice mayor. Board, committee, and commission members who do not sign an acknowledgement that they have read, understand, and accept the provisions within Hollister Municipal Code, Chapter 2.04 are not eligible to hold office.
- B. Ethics Training for Local Officials. Councilmembers, city treasurer, city clerk, board, committee, and commission members who are out of compliance with state or city mandated requirements for ethics training shall not represent the city on intergovernmental assignments or council subcommittees and may be subject to sanctions.
- C. Behavior and Conduct. Hollister Municipal Code, Chapter 2.04 provides ethical and conduct standards for members of the Hollister city council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical and conduct standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chair of boards, committees and commissions, and the mayor

and council have the additional responsibility to intervene when actions of members that appear to be in violation of the Hollister Municipal Code, Chapter 2.04 are brought to their attention.

- D. Actions Constituting Willful Disruption of a Council Meeting. The following is a non-exhaustive list of actions that constitute willful disruption of a council meeting: (1) addressing council without first being recognized; (2) repetitiously addressing the same subject; (3) failing to relinquish the podium and/or dais when directed to do so; (4) unruly applause, whistles, yelling, or raucous demonstrations; (5) repeated and intentional disregard of calls to order by the presiding officer; and (6) intentionally encouraging or inciting disruptive behavior by other councilmembers or attendees at a council meeting.
- E. Sanctions will remain in place for one year.
- F. The city will not represent a city councilmember who brings action against the city in response to imposed sanctions.

Councilmembers. Councilmembers who intentionally fail to follow proper conduct standards, after reasonable warning and admonition, may be reprimanded or formally censured by the council, lose seniority or committee assignments (both within the city of Hollister and with intergovernmental agencies), lose the ability to be appointed as mayor pro tempore/vice mayor, or lose other privileges, such as the loss of travel and/or loss of the ability to allocate use of discretionary funds, afforded by the council. The discretionary funds of a councilmember who has lost the ability to allocate use of those funds will remain in the city budget, the use of which may be requested by a member of the community through another councilmember. The councilmember who receives the request for use of discretionary funds will bring the request to a future council meeting for approval by the remainder of the city council.

Serious actions that violate the code of ethics or code of conduct and which constitute a willful disruption of a council meeting or constitute a violation of section 2.04.015.10 of this code may lead to other sanctions including, but not limited to, a financial penalty. To provide notice of offending actions and allow a councilmember an opportunity to cease their conduct, the presiding officer shall immediately notify an offending councilmember that their actions may constitute a willful disruption of the council meeting and may lead to sanctions as a serious violation of the council's code of conduct. Assessment of a financial penalty for serious actions that willfully disrupt a council meeting must be approved by a four-fifths majority vote of the council.

The penalty amounts for serious actions that willfully disrupt a council meeting within a twelve-month period are:

First disciplinary action:	\$100.00
Second disciplinary action:	\$200.00

Third disciplinary action:	\$500.00
Additional disciplinary actions:	\$500.00

Councilmembers assessed a financial penalty for conduct that willfully disrupts a council meeting and is deemed a serious violation of the council's code of conduct shall be entitled to appeal the penalty by requesting an impartial hearing before a neutral third-party hearing officer. During the hearing, the councilmember shall be given the opportunity to testify and to present evidence concerning the actions being penalized.

After considering all the oral and written evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the penalty and shall list the reasons for that decision. The decision of the hearing officer shall be final.

Individual councilmembers should point out the offending councilmember's perceived violations of Hollister Municipal Code, Chapter 2.04. If the violations continue, the matter should be referred to the mayor in private. If the mayor is the individual whose actions are being questioned, then the matter should be referred to the vice mayor. It is the responsibility of the mayor (or vice mayor) to initiate action if a councilmember's behavior may warrant sanction. If no action is taken by the mayor (or vice mayor), then the alleged violations(s) can be brought up with the full council.

Board, Committee, and Commission Members. Counseling, verbal reprimands, and written warnings may be administered by the mayor to board, committee, and commission members to comply with city policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the mayor shall be distributed in memo format to the chair of the respective board, committee, or commission, the city clerk, the city attorney, the city manager, and the city council.

The city council may impose sanctions on board, committee, and commission members whose conduct does not comply with the city's policies, up to and including removal from office. Any form of discipline imposed by council shall be determined by a majority vote of at least a quorum of the council at a noticed public meeting and such action shall be preceded by a report to council with supporting documentation.

When deemed warranted, the mayor or majority of council may call for an investigation of board, committee, or commission member conduct. Also, should the city manager or city attorney believe an investigation is warranted, they shall confer with the mayor or council. The mayor or council shall ask the city manager or the city attorney to investigate the allegation and report the findings. When an investigation is called for by the mayor or a majority of council, the investigation shall be paid for with the discretionary funds of a councilmember as

follows: If the final investigation does not include any sustained findings, the investigation shall be paid from the discretionary funds of the councilmember who made the motion to call for the investigation. If the investigation contains any sustained findings, the investigation shall be paid for with the discretionary funds of the councilmember who was the subject of the investigation. If the councilmember expected to pay for an investigation does not have sufficient discretionary funds in the current fiscal year, the councilmember will be required to pay from the discretionary funds in the following fiscal year, provided that councilmember discretionary funds are budgeted in the following fiscal year.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual, including the city manager and the city attorney, after complying with rule 3-600(b) of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

SECTION 3. SEVERABILITY. If any part of this Ordinance is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

SECTION 5. PUBLICATION. The City Clerk is hereby directed to post a summary and certified copy of this ordinance in the city clerk's office at least five (5) days prior to adoption and to publish a summary of the ordinance in the Free Lance, a newspaper of general circulation, within fifteen (15) days after its adoption.

INTRODUCED at a special City Council meeting on November 12, 2024 and adopted as an ordinance of the City of Hollister at a regular City Council meeting on December 3, 2024 by the following vote:

AYES: Council Members Perez, Burns, and Mayor Casey
NOES: Council Member Resendiz
ABSTAINED: None
ABSENT: Council Member Morales

Mia Casey, Mayor

ATTEST:

APPROVED AS TO FORM:
Lozano Smith Attorneys at Law

Jennifer Woodworth, MMC, City Clerk

Jennifer P. Thompson, Assistant City Attorney

I, JENNIFER WOODWORTH, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 1254 is an original ordinance, or true and correct copy of a City ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on December 3, 2024, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Hollister on December 3, 2024.

Jennifer Woodworth, MMC
City Clerk of the City of Hollister