

IDYLLWILD FIRE PROTECTION DISTRICT

POLICY TITLE: ADMONITION/CENSURE POLICY

POLICY NUMBER: 4098

4098.1

This policy applies to the elected officials of the Idyllwild Fire Protection District and concerns conduct offensive to the laws, regulations, rules, and norms governing ethical, effective, and transparent government. Any action taken by the District under this policy shall be a final action and is not subject to an appeal or reconsideration.

4098.2

It is the policy of the District that all elected officials of the District shall perform their duties in an ethical and lawful manner that furthers the public interest. Actions counter to these principals undermine the effectiveness of the District as a whole and fosters distrust from the public.

The Board therefore determines that it may take action to admonish or censure any elected official of the District, by the affirmative votes of a majority of the members of the Board for any of the following ("Violations"):

4098.2.1 Conviction of, or plea of guilty or nolo contendere to, any crime or offense (other than minor traffic violations or similar offenses) which is likely to have a material adverse impact on the District or elected official's reputation.

4098.2.2 Failure of the elected official to observe or perform any of his or her duties and obligations, or failure to follow the provisions of state law or District Ordinance or Policy, when such failure continues for a period of thirty (30) days from the date of his or her receipt of notice from the District specifying the acts or omissions deemed to amount to that failure;

4098.2.3 Conviction of any crime involving an "abuse of office or position," as that term is defined in Government Code Section 53243.4;

4098.2.4 Any action or inaction by the elected official that materially and adversely: (a) impedes or disrupts the operations of the District or its organizational units; (b) is detrimental to the District's employees, volunteers, citizens or public safety; or (c) violates the District's properly established rules or procedures.

4098.2.5 Depending on the circumstances of alleged violations, the Board may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in this policy. An investigation, however, is not required.

4098.2.6 Nothing in this policy shall preclude individual elected officials from making public statements regarding such alleged conduct. While the Board has broad discretion in deciding certain actions it may choose to take action for violations of the above, which would not require the Board to adopt policy, including but not limited to voting to remove an elected official from a Committee or Board, a vote of no confidence in a particular elected official, or reassignment of duties as authorized by state law, this policy provides definitions and procedures related to two types of actions: admonition and censure.

4098.3 Admonition

An admonition of an elected official is informal in nature. An admonition may be issued in response to a particular alleged Violation and may be issued by the Board without any findings of fact regarding allegations. As an admonition it is by its nature a warning or reminder, the Board is not required to conduct an investigation or separate hearings to determine whether the allegation is true. The Board recognizes the right to criticize is protected by the First Amendment, and that the Board may also do so as a body.

4098.4 Censure

Censure is an official reprimand or condemnation made by Board in response to specified conduct by an elected official of the District. Censure is disciplinary in nature and requires the formal adoption of a resolution setting forth the elected official's alleged Violation(s). Although not required, censure could involve an investigation and it must protect the due process rights of the elected official being investigated. Censure carries no fine or suspension of the rights of the elected official.

4098.5 Procedure

4098.5.1 Admonition. The Board may determine, by a vote of a majority of its members, to make an informal admonition at any Board meeting during the Reports of Commissioners portion of the meeting. The Commissioner moving the informal admonition must state on the record the basis for the informal admonition, including the alleged Violation(s). After receiving the motion, the Presiding Officer shall ask for a second. If no second is received, the motion shall not be considered. If a second to the motion to

admonish is received, the Board shall, after discussion and public comment, vote on whether to make the informal admonition.

The vote on the informal admonition shall then be entered into the minutes by the Clerk of the Board and shall state the following:

- The name of the elected official admonished and the particular type of behavior that is alleged to be in Violation(s); and
- Any direction given to the elected official to correct the behavior that is alleged to be in Violation(s).

4098.5.2

Censure. The Board may, as part of a public hearing item placed on the agenda at a regular meeting of the Board, discuss and take action to formally censure an elected official. The Clerk of the Board shall provide a formal notice of the public hearing to the elected official who is the subject of the potential censure. The notice shall contain the specific allegations and/or charges on which the proposed censure is based and the date and time that the matter will be heard. At the hearing, the Commissioner(s) who requested the hearing shall have a cumulative total time of no more than 10 minutes to state the reason(s) they are requesting the censure, and the elected official who is the subject of the action shall have no more than 10 minutes to respond. Following the hearing, the Board may take action by a majority vote of its members setting forth its findings and decision.

The Board may direct the General Counsel to prepare for adoption at the next regularly scheduled Board Meeting, a resolution of censure that clearly sets forth the facts supporting the allegations of misconduct giving rise to the censure. A resolution of censure may include the imposition of such actions against the elected official that are permitted by law, such as removal from a Committee or Board, a vote of no confidence in a particular elected official, or reassignment of duties as authorized by state law.

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Clerk of the Board

