

STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT  
POLICIES & PROCEDURES

ARTICLE: B-18  
SECTION: Board  
DATE: December 12, 2019  
SUPERSEDES: New  
TITLE: Censure Policy

**CENSURE POLICY**

(a) Purpose: This policy provides the mechanism by which the Board of Directors of the Stanislaus Consolidated Fire Protection District, acting as a whole, may adopt a resolution of censure expressing the Board's disapproval of the conduct of a board member if the Board finds, subject to the procedures set forth herein, that a member's conduct violates federal, state or local law, or any standing order or policy of the Stanislaus Consolidated Fire Protection District (the "District").

(b) Request for Censure: A request for censure may be submitted by any member in writing to the Board Clerk and Board President (unless the Board President is the subject of the request). The request must contain the specific charges on which the proposed censure is based.

(c) Ad Hoc Committee Consideration: Upon receipt of a request for censure, the Board President shall appoint an ad hoc committee of the Board of Directors to conduct preliminary review of the request. If the Board President is the subject of the censure, the Vice-President shall appoint the committee. The ad hoc committee shall not include the member making the request or the member who is the subject of the request.

(1) The Board Clerk shall deliver a copy of the request for censure to each member of the Board of Directors at least 72 hours prior to the first meeting of the ad hoc committee to give preliminary consideration to the request.

(2) At a meeting held no sooner than 72 hours of receipt by all members of the above notice, the ad hoc committee shall consider the request together with any evidence or testimony submitted by the member making the request and the member subject to the request, and shall determine whether:

- i. Further investigation of the charges is required; or
- ii. The charges should be forwarded to the Board of Directors for a censure hearing; or
- iii. No action is required.

(3) If the ad hoc committee determines that no further action should be taken with regard to the request, the committee shall make such a report to the Board at the earliest opportunity.

(4) If the committee determines that further investigation is required, the committee shall conduct an investigation and arrive at a recommendation regarding the

request and report its conclusions, findings and a summary of its proceedings to the Board of Directors at its earliest opportunity.

(5) If the committee does not report its recommendations and findings to the Board of Directors within 30 days of the formation of the committee, the matter shall automatically be sent to the Board for consideration.

(d) Board Consideration: Upon receipt of the report of the ad hoc committee, or at the expiration of the time for the ad hoc committee to report to the Board, the Board Clerk shall place the matter on the Board's next agenda in order for the Board to receive the committee report and determine whether a censure hearing is warranted. If the Board decides to set the matter for censure hearing, it shall schedule the hearing at the next available regular Board meeting to hear the matter. The Board shall not schedule the matter during any previously scheduled excused absence of the member who is the subject of the censure request. A member who is the subject of the censure request shall be ineligible to vote on any matter related to the censure including, but not limited to, agendaing the hearing and adopting a resolution of censure.

(1) Written notice of the hearing shall be delivered in person to the member who is the subject of the censure request at least ten (10) days in advance of the scheduled hearing.

(2) At the censure hearing, the member 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 member may be represented by a person or persons of his or her choice whether or not an attorney at law and may have that representative speak or question witnesses on his or her behalf. The questioning or cross-questioning of witness may be reasonably limited by the Board President or Vice-President if the Board President is the subject of the censure. 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 be apply to this hearing, and the procedures shall be generally informal.

(e) Resolution of Censure. The Board of Directors 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 member as a majority of the Board of Directors deems appropriate. Such sanctions may include removal from a committee.

Written by:



Christopher Diaz, District Counsel

Approved by:



Greg Bernardi, Board President