

**RESOLUTION NO. 2018-42**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE  
APPROVING PUBLIC CENSURE OF  
COUNCIL MEMBER HOLLY ANDRADÈ BLAIR**

**WHEREAS**, the City Council of the City of Lemoore adopted rules of conduct for the City Council on March 2015;

**WHEREAS**, the City Council of the City of Lemoore reviewed and adopted Council Rules of Procedure (“Rules”), which includes “Duties of Council Members and Staff” and attaches the City Of Lemoore Code of Conduct for City Council, Boards, Commissions and Council Committees. These Rules were discussed on April 10, 2018 and adopted by the Lemoore City Council by resolution on April 17, 2018;

**WHEREAS**, at the April 10, 2018 Council Meeting, Council Member Brown requested and received consensus to place an item on the agenda to discuss Council Member Blair’s behavior and potential censure at the April 17, 2018 Council Meeting;

**WHEREAS**, a discussion regarding Council Member Blair’s conduct did occur on April 17, 2018 during open session and public input was also taken;

**WHEREAS**, the Council did not take action to censure Council Member Blair at that time, but did express concern regarding the failure of Council Member Blair to follow the City of Lemoore Rules of Conduct, concerns Council Member Blair’s conduct could create liability for the City, and requested that Council Member Blair follow the City’s rules of conduct in the future and refrain from behavior that was disrespectful or which could be seen as an action of the City Council where no such action had been taken;

**WHEREAS**, at the July 17, 2018, City of Lemoore Council Meeting, the Council again directed staff to place a censure item on the Agenda for possible Censure of Council Member Blair;

**WHEREAS**, during the August 7, 2018 Lemoore City Council Meeting there was an extensive discussion regarding Council Member Blair’s conduct by both the Council and the public. After the discussion Council moved to continue with Public Censure by creating a written resolution to be provided to the Council including Council Member Blair prior to the next regular meeting where such resolution would be discussed and Council Member Blair would have the opportunity to respond to the resolution prior to its consideration and potential adoption. Council also directed the City Attorney to draft such resolution following receipt of confidential communications from Council Members;

**WHEREAS**, the City Council makes the following findings:

The City Council has determined that Council Member Holly Andradè Blair has, for the reasons delineated below:

- 1) Engaged in conduct unbecoming a City Council Member; and

- 2) Engaged in conduct which has brought embarrassment and discredit to the City Council; and
- 3) Improperly publicly disclosed confidential information, in violation of a Council Member's duty of confidentiality; and
- 4) Breached the trust and confidence of the other City Council Members through public disclosures of confidential and privileged personnel matters; and
- 5) Engaged in conduct which is disrespectful, discourteous and inappropriate toward, staff, the public and other Council Members; and
- 6) Breached the trust and confidence of the other City Council Members by making unsupported accusations of wrongdoing, rather than engaging in good faith debate and disagreement; and
- 7) Improperly exceeded the scope of her authority and duties as a Council Member by interfering with City Staff and Management in personnel and operations matters; and
- 8) Engaged in conduct that is unprofessional, inappropriate and which is not in accordance with the ethical, Brown Act and other laws of the State for which she has received prior training; and
- 9) Failed to differentiate or explicitly state that statements made, opinions given or positions taken are made by her as an individual and are not the opinions of the City Council; and
- 10) Failed to recognize her duties as a Council Member to the public; and
- 11) Failed to give fair and equal treatment to all persons; and
- 12) Failed to maintain the confidentiality of confidential, privileged and appropriate closed session discussions; and
- 13) Improperly engaging in communication which potentially discloses or prejudices the City in matters of liability without having the advance knowledge or consent of the City;
- 14) As a result, the above conduct has caused other Council Members to lose confidence in their ability to speak candidly with Council Member Blair in both open and closed session, thus impairing the Council from engaging in candid discussion and debate on pending matters; and
- 15) The Council wishes it known that this Public Censure does not arise out of any good faith disagreement by or with Council Member Blair on any matter, as good faith disagreement and debate are expected, encouraged and welcome; and

- 16) Specific instances of Council Member Blair’s misconduct leading to this Public Censure has included, and is not limited to:
- a. Speaking publicly regarding discussions held in closed session and commenting publicly in a manner that’s judgmental to the City’s position in potential litigation.
  - b. Continually asserting unsupported allegations which could create liability for the City and failing to provide specific factual evidence as requested to support such allegations.
  - c. Discussing personnel matters in public.
  - d. Failing to take complaints related to staff to the City Manager.
  - e. Engaging in discourteous and unprofessional conduct at public meeting toward the public, staff and fellow Council Members, including but not limited to rolling her eyes, raising her middle finger as a response to public comment or other Council Member conduct, eating and looking around in a demeaning manner while members of the public address Council,
  - f. Engaging in arguments with members of the public or council when an individual voices opinions contrary to her own in a manner that is disruptive of the meeting;
  - g. Interrupting and disrespecting a Council Member speaking on a topic which you did not agree, by looking directly at him and in a low tone stating, “fuck you”.
  - h. Using unprofessional, inflammatory, belittling and discourteous language in communications with City employees, residents, and Council Members including calling individuals “good old boys”, “fuck off”, “fuck you”, “asshole”, “racist”, and “misogynist”, among other instances, leading to complaints and create distractions and interruptions at meeting ostensibly preventing the meeting from continuing in an orderly fashion.
  - i. Expressing views and statements as if they were opinions of Council, including but not limited to making unsupported allegations of dishonesty about City employees, commenting about members of the public’s age and inability to participate because of such age, using your title as City Council Member to send an email related to your position as Chair of the Kings County Democratic Party, and commenting on City matters, without making it clear the statements were your individual thoughts and opinions and not those of the City Council.
  - j. Engaging in public personal vendettas against the Mayor, the City Manager and the Police Chief by attempting to defame the individuals with unsupported allegations or falsehoods.

- k. Misusing her position and exceeding her authority by circumventing instructions of the City Manager that inquiries to or about department heads be coordinated through the City Manager's office.

**NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:

Section 1. The City Council hereby concludes that the facts concerning Council Member Blair's conduct stated above constitutes violations of the Lemoore Council Rules of Procedure, specifically:

### **Chapter 2 – Duties**

#### A. Duties of Council Members and Staff

1. Council members and city staff shall conduct the business of the City of Lemoore:
  - a. recognizing that stewardship of the public interest is of primary concern;
  - b. working for the common good of the people of Lemoore; and
  - c. assuring fair and equal treatment of all persons, claims, and transactions coming before the council, council committees, and council-established boards, commissions, and committees (legislative bodies).

### **Chapter 3 – Conduct of Council Members**

#### A. Norms and Expectations

1. Council members shall:
  - a. put constituents first at all times;
  - b. treat each other, staff, and the public with dignity, courtesy, and respect;
  - e. clarify when items are discussed in confidence and maintain appropriate confidentiality;
  - f. be attentive to others, limiting interruptions and distractions;
  - i. keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves;
  - k. place clear and realistic demands on staff resources and time when requesting action;
  - m. present problems in a way that promotes discussion and resolution;
  - n. continually work to build trust in each other;
  - o. adhere to the City of Lemoore Code of Conduct for City Council and Boards and Commissions.

#### B. General Conduct

1. Council members shall:

- a. treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- e. preserve order and decorum during the meeting;
- f. not delay or interrupt the proceedings or the peace of the council, nor disturb any council member while speaking, by conversation or otherwise, nor disobey the Rules of the Council , or the mayor , except as otherwise herein provided;
- g. prohibit disclosure of confidential communication and authorize public censure for failure to comply
- h. support the Rules established by the council;
- j. abide by these Rules in conducting the business of the City of Lemoore.

C. Conduct with Council Members

1. Council members shall:

- b. attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
- e. avoid offensive negative comments and shall practice civility and decorum during discussions and debate; and

D. Conduct with City Manager and Staff

1. Council members shall:

- a. speak to the city manager directly on issues and concerns;
- c. treat staff professionally and refrain from publicly criticizing individual employees;
- d. avoid involvement in personnel issues except during council closed sessions regarding council-appointed staff such as the city manager, city attorney, city treasurer, or city clerk, including hiring, firing, promoting, disciplining, and other personnel matters;
- e. discuss directly with the city manager, city attorney, city clerk, or city treasurer as appropriate, any displeasure with a department or staff; and
- f. request answers to questions on council agenda items from the city manager, city attorney, city clerk, city treasurer, department directors, or division managers prior to the meeting whenever possible.

E. Conduct with the Public.

1. Council members shall:

- a. make the public feel welcome;
- b. be impartial, respectful, and without prejudice toward the public;
- c. listen courteously and attentively to public comment;

- d. not argue back and forth with members of the public; and
- e. make no promises to the public on behalf of the council.

F. Conduct with Other Agencies.

1. Council members shall:

- d. explicitly state when their opinions and positions do not represent the Council when representing their individual opinions and positions, and shall not allow the Inference that they do:

I. Ethical Conduct.

- 3. Council members shall conduct themselves in accordance with such training.

In accordance with City of Lemoore Council Rules and Procedures, Chapter 3, A., 2. which states: “Failure by any council member to follow these expectations could result in action taken by the City Council as a whole as allowed by law, including but not limited to public censure”, the City Council of the City of Lemoore thus hereby:

- 1. Publicly censures Council Member Blair for engaging in the foregoing conduct which has caused undue disruption, potential liability exposure and loss of trust and confidence in her by the other City Council Members.
- 2. Admonishes Council Member Blair to cease engaging in such conduct or similar conduct in the future, so that the Council may regain trust and confidence in her going forward, and thus allowing the Council to perform its duties in the best interest of the public.
- 3. Removes Council Member Blair from any committee or board she sits on in her capacity as a Council Member, and bans her from representing the City and the Council at public functions in any official capacity.

Section 2. This resolution shall be effective immediately after its passage and approval.

Section 3. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Lemoore held on the 21<sup>st</sup> day of August 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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Mary J. Venegas  
City Clerk

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Ray Madrigal  
Mayor