

LEMOORE CITY COUNCIL

May 15, 2019

SUMMARY

The 2018-2019 Kings County Grand Jury was made aware of the public interest to review and evaluate the disruptive and dysfunctional conduct of the Lemoore City Council members at City Council meetings. Observations and interviews were conducted by the Grand Jury. There were violations and lack of enforcement of the Brown Act and the City's Rules of Procedures under which the City Council is required to function.

BACKGROUND

Over a period of months Grand Jury members attended meetings of the City Council. Violations of the Brown Act were noted as well as disruptive behavior of members of the City Council. There was a request for the Grand Jury to investigate the behavior and lack of control of their meetings. The purpose of this investigation was to pinpoint the causes and offer recommendations to assist the City Council in conducting its business in a more appropriate manner.

METHODOLOGY

Members of the Grand Jury attended the City Council meetings. Online research was conducted primarily to obtain and review the existing City Council's Rules of Procedures, City Council minutes and internet live feeds. Interviews were conducted with the Mayor of Lemoore and the City Attorney independently. This process was done to evaluate the awareness and potential actions to resolve the disruption and dysfunction of the City Council.

DISCUSSION

Grand Jury members who attended City Council meetings observed the interruptions of one councilmember which contributed to the disruptions of the meetings. This councilmember has been formally censured by the City Council but this admonishment has not been enforced.

It was also observed that the City Mayor and City Attorney were not able to control the City Council meetings. Thus, the ongoing interruptions led to constant violations of the Brown Act, Rosenberg Rules of Order, and the Lemoore City Council Rules of Procedures.

During the interview with the Mayor, while he is very much 'pro-Lemoore' and wants to help move the city forward, his lack of leadership experience handicaps him in leading the City Council effectively. During the interview, he said that he was told, "I cannot impose any sanctions against this person". Lemoore's Rules of Procedures details codes of conduct which includes remedies beyond censorship.

The Grand Jury interviewed the City Attorney and during the interview, she stated several times that enforcement of the City's Rules of Procedures was the 'duty of the City Council'. It became obvious that the attorney was a hands-off legal advisor who saw her role as reviewing documents rather than informing the Mayor and City Council of procedural violations as they occurred.

When Grand Jury members attended a city council meeting in the absence of the City Attorney, a substitute attorney from the same law firm took her place. During this meeting, Grand Jury members in attendance noted that this substitute attorney actively advised the City Council members when they violated the Brown Act. The substitute attorney also actively advised the Mayor of proper meeting protocols. Additionally, it was observed that the meeting was conducted in a more orderly manner.

FINDINGS AND RECOMMENDATIONS

Finding 1

It was discovered during the interview process that not all City Council members attended the local training where the Rules of Procedures would have been discussed. Some members chose not to attend, nor was it apparent that the Rules of Procedures were discussed.

Recommendation 1

The recommendation is that all City Council members are highly recommended to attend the League of California Cities annual conference which includes Brown Act training as well as other responsibilities of the City Council. Any members not attending the annual conference training are encouraged to attend the City Attorney training session that is offered. Training should be conducted by the City Attorney with specific emphasis on the Lemoore City Council Rules of Procedures and Brown Act.

Finding 2

The Mayor has demonstrated his inexperience in the position of Mayor which is not uncommon for a first-time mayor. He has not had time to become familiar with the duties and responsibilities of his position which has led to his inability to 'control' either the meeting or the City Council.

Recommendation 2

The recommendation is for the Mayor to attend all training sessions which include those offered by the League of California Cities and local training provided by the City Attorney. The content of this training should include specific issues of the City.

Finding 3

The City Attorney expressed her opinion that enforcement of the Rules of Procedures is the responsibility of the City Council. Due to the Mayor's lack of experience there is no one providing leadership to the City Council. The hands-off approach of the current City Attorney appears to contribute to this void in leadership.

Recommendation 3

The Grand Jury recommends that the City Council utilize an attorney with a more hands-on approach to the enforcement to the City Council Rules of Procedures. This was demonstrated with the substitute attorney's active participation during the meeting of March 5, 2019. The substitute attorney played an active role in the enforcement of the Brown Act and Rosenberg Rules of Order violations during an open session meeting.

Finding 4

There are additional remedies to City Council member violations in Chapter 3 section 2 of the Rules of Procedures under 'Norms and Expectations'. This section includes but is not limited to public censure.

Recommendation 4

It is the recommendation of the Grand Jury that a copy of these Rules be distributed to and then reviewed with the City Council. There should be enforcement of violations of these rules.

RESPONSE REQUIRED

California Penal Code §933 provides in part: "Within 90 days of receipt of a report the public agency shall submit its response to the presiding judge. If the report is on an elected public official, the response shall be submitted to the presiding judge within sixty days of receipt..."

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