

Steve Miller, *Mayor*
Jeannie Bruins, *Vice Mayor*
Bret Daniels, *Council Member*
Albert J. Fox, *Council Member*
Jeff Slowey, *Council Member*

**CITY OF CITRUS HEIGHTS
CITY COUNCIL
Special Meeting of Thursday, June 7, 2018
City Hall Council Chambers
6360 Fountain Square Dr., Citrus Heights, CA
Special Meeting 5:00 p.m.**

PLEASE NOTE: The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. The City Council has established a procedure for addressing the Council. Speaker Identification Sheets are provided on the table inside the Council Chambers. If you wish to address the Council during the meeting, please complete a Speaker Identification Sheet and give it to the City Clerk. So that everyone who wishes may have an opportunity to speak, there is a five-minute maximum time limit when addressing the Council. Audio/Visual presentation material must be provided to the City Clerk's Office at least 48 hours prior to the meeting.

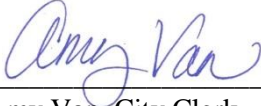
Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall located at 6360 Fountain Square Drive, Citrus Heights during normal business hours. Email subscriptions of the agenda are available online by signing up with the City's Notify Me service.

The Agenda for this meeting of the City Council for the City of Citrus Heights was posted in the following listed sites before 5:00 p.m. on June 6, 2018.

1. City of Citrus Heights, 6360 Fountain Square Drive, Citrus Heights, CA
2. Rusch Park Community Center, 7801 Auburn Boulevard, Citrus Heights, CA
3. Sacramento County Library, Sylvan Oaks Branch, 6700 Auburn Blvd., Citrus Heights, CA

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office 916-725-2448, 6360 Fountain Square Drive. TDD: California Relay Service 7-1-1.

June 6, 2018



Amy Van, City Clerk

Please turn off all cellular phones and pagers while the City Council meeting is in session.

**SPECIAL MEETING
5:00 PM**

CALL SPECIAL MEETING TO ORDER

1. Flag Salute
2. Roll Call: Council Members: Daniels, Fox, Slowey, Bruins, Miller

PUBLIC COMMENT

Under Government Code Section 54954.3, members of the audience may address the Council on any item of interest to the public and within the Council's purview, or on any Agenda Item before or during the Council's consideration of the Item. If you wish to address the Council during the meeting, please fill out a Speaker Identification Sheet and give it to the City Clerk. When you are called upon to speak, step forward to the podium and state your name for the record. Normally, speakers are limited to five minutes each with 30 minutes being allowed for all comments. Any public comments beyond the initial 30 minutes may be heard at the conclusion of the agenda. The Mayor has the discretion to lengthen or shorten the allotted times.

REGULAR CALENDAR

3. **SUBJECT:** Consideration and Possible Action as to Censure of Council Member Bret Daniels
RECOMMENDATION: Adopt Resolution No. 2018-___ A Resolution of the City Council of the City of Citrus Heights, California, Censuring Council Member Bret Daniels

ADJOURNMENT



CITY OF CITRUS HEIGHTS

CITY COUNCIL STAFF REPORT MEMORANDUM

DATE: June 7, 2018

TO: Mayor and City Council Members
Christopher W. Boyd, City Manager

FROM: Ruthann G. Ziegler, City Attorney

SUBJECT: **Consideration and Possible Action as to Censure of Council Member Bret Daniels**

Summary

The City Council is considering for action the possible censure of Council Member Daniels as his pattern of behavior and alleged conduct is not in accordance with the City of Citrus Heights' core values and principles.

The resolution is attached for Council consideration and possible action: Resolution No. 2018-____ A Resolution of the City Council of the City of Citrus Heights, California, Censuring Council Member Bret Daniels.

Fiscal Impact

There is no fiscal impact associated with this action.

Background and Analysis

The Citrus Heights City Council has worked hard to develop a city culture whereby ethical, respectful conduct is one of its most highly valued precepts. The City's Vision Statement includes the fact that City leaders are committed to fostering an environment in which residents have the opportunity to "prosper and thrive." Moreover, the Council has crafted Core Values that include the tenets of "integrity, respect, and trust."

In 2008, the Citrus Heights Police Department investigated certain matters relating to Bret Daniels who was not then a City Council Member. In 2017, the Police Department investigated related matters regarding Council Member Daniels. Following usual protocol, the Police Department did not share the 2008 or 2017 investigation, or results thereof, with the City Council or other parties. However, in mid-May 2018, the City received a Public Records Act request relating to the 2017 investigation and, later, a second request relating to the 2008

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investigation. Thus, the Citrus Heights City Council only recently become aware of these police reports regarding possible misconduct by Council Member Bret Daniels. Upon the receipt of the Public Records Act requests City and Police Department staff performed the following actions, and Council was informed at that time.

- On May 11, 2018, a Public Records Act request was made to the City of Citrus Heights seeking documents regarding conduct of Council Member Bret Daniels in recent years. In accordance with State law, the Citrus Heights Police Department produced responsive, partially redacted records concerning Council Member Daniels. The produced records referenced an earlier report from 2008 concerning Council Member Daniels. Subsequent to the first document production, the City received a second Public Records Act request for the 2008 records. In response, the City produced the responsive, partially redacted records from 2008. The production of these records was required by, and in compliance with, the California Public Records Act (Government Code Sections 6250 *et seq.*).
- The first set of records produced related to a possible criminal violation of Penal Code section 653m(b) – Annoying/Repeated Calls, which is a misdemeanor. The second set of records produced stemmed from an incident reported to the Police Department in October of 2008, and was documented as an incident report.
- In October 2017, the Police Department forwarded the matter to the Sacramento County District Attorney’s Office to investigate and/or follow-up at the discretion of that Office. The purpose of this request was to remove any perceived conflict of interest due to Council Member Daniels being an elected official with the City of Citrus Heights.
- The Police Department is not currently in possession of any District Attorney reports or case files related to the District Attorney’s investigation of this matter.

While the District Attorney’s Office and the Citrus Heights Police Department may encounter behavior that does not rise to the level of criminal conduct beyond a reasonable doubt, Citrus Heights elected officials choose to hold themselves to a higher standard. The conduct outlined in these documents is unacceptable and is indicative of a pattern of behavior by Council Member Daniels. Therefore, the Council is considering for action possible censure of this council member.

Attachments

1. Resolution No. 2018-____ A Resolution of the City Council of the City of Citrus Heights California, Censuring Council Member Bret Daniels

RESOLUTION NO. 2018- ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS,
CALIFORNIA, CENSURING COUNCIL MEMBER BRET DANIELS**

WHEREAS, the City of Citrus Heights outlines in its Vision Statement that the City and its representatives will create a city environment in which residents can prosper and thrive;

WHEREAS, the City's Core Values include the principles of integrity, respect, and trust;

WHEREAS, the City Council has recently become aware of police investigations and/or reports relating to Council Member Bret Daniels;

WHEREAS, the City, due to an elected official's involvement, and in an effort to be completely transparent, referred the issue to the District Attorney's Office in October, 2017;

WHEREAS, the City trusts in the District Attorney's ability to identify any criminal conduct that may have occurred;

WHEREAS, while the District Attorney's Office and the City's Police Department may encounter behavior that does not rise to the level of criminal conduct beyond a reasonable doubt, the City and its representatives choose to hold themselves to a higher standard; and

WHEREAS, the City Council has determined that Council Member Bret Daniels' conduct is unbecoming of an elected official and that his pattern of behavior is not only unacceptable, but also in conflict with the City's core values and principles.

NOW THEREFORE BE IT RESOLVED AND ORDERED that the City of Citrus Heights does hereby formally censure Council Member Bret Daniels for a pattern of behavior and conduct unbecoming of an elected official of the City of Citrus Heights.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 7th day of June 2018 by the following vote, to wit:

AYES: **Council Members:**
NOES: **Council Members:**
ABSTAIN: **Council Members:**
ABSENT: **Council Members:**

Steve Miller, Mayor

ATTEST:

Amy Van, City Clerk