



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Elizabeth Gibbs, City Manager

**PREPARED BY:** Phaedra Norton,

**MEETING DATE:** May 26, 2026

**SUBJECT:** Consideration of Motion for Censure Initiated by Councilmember Flynn against Councilmember Wallace

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**RECOMMENDATION:**

None

**BACKGROUND:**

**Banning Municipal Code Section 2.04.060 – Public Censure of Council Members**

Pursuant to B.M.C. section 2.04.060(A), it shall be a violation of this section for any sitting member of the Banning city council to violate any general law or regulation, and any rule, law, ordinance or resolution of the city. It shall also be a violation of this section for any sitting member of the city council to violate an administrative policy of the city which has been adopted following a vote of the council on the matter and which by its terms is expressly made applicable to the city council.

Pursuant to B.M.C. section 2.04.060(B), any violation of subsection A may be punished through the administration of a public censure of the council member by the Banning city council. Such censure may be in addition to any other punishment applicable to the violation.

Pursuant to B.M.C. section 2.04.060(C), a councilmember may not be made the subject of a motion for censure without first being given notice of the violation and an opportunity to correct the violation. Upon a continued violation or failure to correct, the councilmember shall be given notice and an opportunity to be heard.

As a precursor to consideration of a motion to censure the procedural step set forth in B.M.C. section 2.04.060(C) must be satisfied. Upon a continued violation or failure to correct, the councilmember shall be given notice and an opportunity to be heard as follows:

1. Only a sitting member of the Banning city council may initiate proceedings for the censure of its members.
2. Proceedings shall be commenced by the presentation of a written statement of charges to the subject councilmember by the councilmember initiating the charges. The statement of charges shall be given at least two council meetings prior to that at which the censure motion is proposed to be brought. The notice shall contain, at a minimum, the designation of the specific rule, law, regulation, etc. which the councilmember is claimed to have violated and a statement of the date, place, and time at which the violation occurred. The statement shall further contain a description of the conduct of the councilmember which is alleged to constitute the violation. The statement of charges shall be delivered to all other

council persons and made a part of the public record at the council meeting next occurring after date of its delivery.

3. The motion to censure shall be considered at the second regularly scheduled meeting following that at which the statement of charges is entered into the public record. The hearing may not be continued except upon the absence from the meeting of a member of the city council other than the member bringing the charge or the member who is the subject of the charge.

The hearing shall generally proceed as follows:

- a. The hearing shall be conducted in open session.
- b. A reading of the charges by the charging member.
- c. A statement in rebuttal by the member charged.
- d. After reading of the charges, each member may present witnesses in support of their case.
- e. The member bringing the charges shall be allowed to make a closing statement.
- f. The member being charged shall be allowed to make a closing statement and shall be allowed to speak last.
- g. Members of the public may speak in favor or opposed to the charge(s).
- h. The remaining council members may speak to the charges.
- i. Vote on the motion shall be by the three nonparty members of the City Council.
  - i. A unanimous vote of the three members is required to sustain a motion for censure.
  - ii. The voting members shall not go into closed session for deliberation.

4. If the motion for censure does not pass, the proceedings shall be at an end. A new motion for censure on the same grounds may not thereafter be commenced against the same councilmember for a period of one calendar year from date of the vote. However, new proceedings may be commenced on the same charges within the one-year period on the vote of four members of the city council.

5. If the motion for censure does pass, such motion shall become a part of the public record a copy of which shall be made available upon demand to any member of the public and notice of the same shall be placed in the administrative file of the city councilmember.

**JUSTIFICATION:**

N/A

**FISCAL IMPACT:**

The cost to prepare this report.

**ATTACHMENTS:**

1. [Attachment 1 - Communication dated November 19, 2025 from CM Flynn to the other Council Members.pdf](#)
2. [Attachment 2 - Communication dated April 27, 2026 from CM Flynn to CM Wallace and Vickie Sellers.pdf](#)
3. [Attachment 3 - Communication dated May 20, 2026, from CM Flynn\\_Redacted.pdf](#)
4. [Attachment 4 - Link to the April 28, 2026, City Council Meeting.pdf](#)