

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: TERESA STRICKER, CITY ATTORNEY  
SUBJECT: CENSURE OF COUNCIL MEMBER DIANNA MACDONALD

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

Based on direction from City Council, the City Attorney brings forward this item for City Council to consider whether, in light of the findings of an independent attorney workplace investigator, to adopt a resolution: 1) censuring (which means publicly admonishing) Council Member MacDonald; 2) urging Council Member MacDonald to re-commit to her obligations under the Code of Conduct and Anti-Harassment Policy; 3) directing the City Manager to implement any further reasonable and appropriate operational steps in response to the Investigator's findings; 4) directing the City Manager to bring forward for Council's consideration any recommended changes to the Code of Conduct and Anti-Harassment Policy; 5) directing the City Manager to schedule a study session for Council to provide direction about a possible new policy to address intimate relationships between Council Members and City employees; and 6) directing the City Manager to prepare and provide, by March 31, 2026, additional training for Council Members related to the investigator's findings. This item has no impact on current fiscal year budget.

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EXECUTIVE SUMMARY

In June 2025, the City received allegations that Council Member Dianna MacDonald had engaged in allegedly negative and offensive behavior towards City employees that appeared motivated by the Council Member's publicly-known, consensual romantic relationship with a different City employee ("Consensual Relationship"). Pursuant to the City's Anti-Harassment Policy, the City retained an outside, independent attorney investigator to conduct a confidential workplace investigation into the allegations.

The investigator determined that it was more likely than not that Council Member MacDonald: (1) engaged in negative behavior towards City employees because of her Consensual Relationship; (2) made unwelcomed remarks of a sexual nature about her Consensual Relationship to City employees; and (3) attempted to influence a City operational decision based on her perception that it may benefit her romantic partner. The Investigator further concluded, based on those findings, that it was more likely than not that Council Member MacDonald's conduct violated the City's Anti-Harassment Policy.

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In light of the Investigator's findings, the City Council directed the City Attorney to bring this item forward for Council's consideration.

#### GOAL

This item relates to a legal mandate and adherence to Council policies.

#### BACKGROUND

The Code of Conduct for Council Members and Board and Commission Members (Council Policy No. 000-51), ("Code of Conduct") requires Council Members to adhere to the highest standards of respect, Council Policies, civility, and honesty in ensuring the effective maintenance of intergovernmental relationships and to treat others with respect. Council Members have the primary responsibility for ensuring that the Code of Conduct is followed, so that the public can continue to have full confidence in the integrity of City government.

The City's Harassment, Discrimination, and Retaliation Prevention Policy (Council Policy No. 700-03), ("Anti-Harassment Policy") is intended to prohibit and prevent discrimination, harassment, and retaliation in the City's workplace. The Anti-Harassment policy sets forth procedures for reporting, investigating, and resolving complaints of discrimination, harassment, or retaliation in the workplace and for protecting City employees who make such complaints or participate in workplace investigations.

Under the Anti-Harassment Policy, workplace harassment includes conduct that is intended, or actually does, unreasonably interfere with an employee's work performance or creates an intimidating, hostile, or offensive working environment. Harassment under the policy may include "unwelcome" conduct related to an intimate relationship between others in the workplace, even if the person engaging in the conduct had no intention to harass.

Among other things, the Anti-Harassment Policy requires City managers and supervisors to model appropriate behavior, take all steps necessary to prevent harassment, discrimination, and retaliation from occurring, receive complaints in a fair and serious manner, monitor the work environment and take appropriate action to stop potential policy violations, implement appropriate disciplinary and remedial actions, and participate in appropriate periodic training. The Anti-Harassment Policy specifically requires City Council members to treat City employees with respect and consideration, model appropriate behavior, and participate in periodic training where appropriate and required.

Additionally, the City maintains a Romantic/Sexual Relationships Policy, but that policy does not apply to Council Members or address relationships between Council Members and City employees.

ANALYSIS

In June 2025, the City received allegations that Council Member Dianna MacDonald had engaged in allegedly negative and offensive behavior towards City employees that appeared motivated by the Council Member's publicly-known, consensual romantic relationship with a different City employee ("Consensual Relationship").

The City followed the procedures set forth in the Anti-Harassment Policy by determining that an investigation was warranted and referring the matter to outside independent attorney workplace investigator ("Investigator"). Starting in July 2025, the Investigator conducted a confidential, independent, and objective workplace investigation to determine whether it was more likely than not that the alleged conduct occurred and violated the Anti-Harassment Policy. After completing the investigation, in November 2025 the Investigator issued a confidential, attorney-client privileged workplace investigation report to the City.

In the interest of appropriately balancing transparency regarding the conduct of the City's elected officials, on the one hand, with the privacy and other rights of City employees and the City's desire to maintain a positive and respectful workplace in which employees feel comfortable reporting alleged violations of the Anti-Harassment Policy, on the other hand, the City provides the information below about the Investigator's findings.

The Investigator concluded it was more likely than not that Council Member MacDonald: (1) engaged in negative behavior towards City employees because of her Consensual Relationship; (2) made unwelcomed remarks of a sexual nature about her Consensual Relationship to City employees; and (3) attempted to influence a City operational decision based on her perception that it may benefit her romantic partner. The Investigator further concluded, based on those findings, that it was more likely than not that Council Member MacDonald's conduct violated the Anti-Harassment Policy.

In light of the Investigator's independent findings, City Council directed the City Attorney to bring forward the proposed resolution for Council's consideration. If the resolution is adopted, Council will be taking the following disciplinary and remedial actions:

1. Censure Council Member MacDonald. (A censure is a public admonishment of behavior.)
2. Urge Council Member MacDonald to re-commit to her obligations under the Anti-Harassment Policy and Code of Conduct.
3. Direct the City Manager to implement any reasonable and appropriate operational steps in response to the Investigator's findings.
4. Direct the City Manager to bring forward for Council's consideration any recommended changes to the Code of Conduct and Anti-Harassment Policy.
5. Direct the City Manager to schedule a study session to obtain direction from

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Council concerning a possible new policy to address intimate relationships between Council Members and City employees.

6. Direct the City Manager to prepare and provide, by March 31, 2026, additional training for Council Members related to the Investigator's findings. This training will be in addition to the legally-required harassment prevention and ethics trainings in which Council Members already participate.

The proposed resolution would not remove Council Member MacDonald from office. The City Council has no authority to remove an elected official from office.

### FISCAL IMPACT

Approval of the proposed action does not have a fiscal impact on the General Fund.

### ENVIRONMENTAL IMPACT

Pursuant to CEQA Guidelines Section 15378, the recommended action is not a "project" subject to the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In the alternative, the recommended action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the recommended action may have a significant effect on the environment.

### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

### NOTIFICATION

Not applicable.

### ATTACHMENTS

- Attachment 1 – Code of Conduct for Council Members and Board and Commission Members (Council Policy No. 000-51)
- Attachment 2 – City's Harassment, Discrimination, and Retaliation Prevention Policy (Council Policy No. 700-03)
- Resolution

### PRESENTER(S)

Teresa Stricker, City Attorney