



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: March 23, 2016

REPORT NO: 16-031

ATTENTION: Charter Review Committee

SUBJECT: Clarification of What Constitutes Cause for Removal from Elected Office.

REFERENCE:

REQUESTED ACTION: Review and give feedback on this partial report in preparation for considering a complete report on May 18, 2016.

STAFF RECOMMENDATION: Staff requests the Committee give feedback regarding the recommended suggestion in the summary.

SUMMARY:

This discussion arises from the mayor's resignation in 2013 that raised questions and suggestions regarding what constitutes cause for removal from elected office, the succession process and scope of interim authority.

This report addresses preliminary thought and suggestions regarding what constitutes cause for removal from elected office. Future, cumulative reports will add the issues of process of succession (April 20, 2016) and the scope of interim authority (May 18, 2016).

The accompanying chart summarizes what constitutes causes for removal for the mayor, councilmembers and city attorney for California's eight largest cities, and eight of the nation's fifteen largest cities.

It is suggested that cause for removal be such that it is determined by a neutral, detached, objective entity or standard. Such independently determined cause would be free of the political will of other elected officials or their staffs. Once it was independently determined that cause existed, the remaining elected officials would have discretion to respond on behalf of and in the best interest of the City.

It is suggested that a list of independently determined cause for removal include:

1. Fails to qualify within thirty (30) days after commencement of their term.
2. Moves from the City.
3. Absents themselves continuously for 30 calendar days from the duties of their office without the consent of Council.
4. Convicted of violating any provision of the City Charter or Municipal Code.

5. Conviction of or settling to charges of a felony.
6. Judicially declared incompetent as defined by statute.
7. So permanently disabled as to be unable to perform the duties of their office.

FISCAL CONSIDERATIONS: None

PREVIOUS COUNCIL and/or COMMITTEE ACTION: February 2, 2016, the Charter Review Committee unanimously requested the Independent Budget Analyst, Mayor's Office, Committee Consultant and Director of Legislative Affairs work with the City Attorney to study similarly situated jurisdictions and return with:

1. A comprehensive list of what constitutes "cause" for removal from office.
2. Clear line and process of succession for the Mayor and City Attorney similar to what currently exists for Councilmembers.
3. Complete outline of authority and operations for a succeeding Mayor and City Attorney like currently exists for the City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None

Originating Department: Council District 1