



THE CITY OF SAN DIEGO

Report to the City Council

DATE ISSUED: April 14, 2016

REPORT NO: 16-040

ATTENTION: Charter Review Committee

SUBJECT: Removal from and Succession to Elected Office

REFERENCE:

REQUESTED ACTION: Review and give feedback on this partial report addressing removal from and succession to elected office in preparation for considering a complete report on May 18, 2016.

STAFF RECOMMENDATION: Staff recommends the Committee give feedback regarding the recommended suggestions in the Summary.

EXECUTIVE SUMMARY OF ITEM BACKGROUND: This staff report follows up on the March 23, 2016, Charter Review Committee discussion regarding cause for removal. It also suggests a process for succession to elected office. These two topics, along with the scope of interim authority, will be presented in a final report to the Charter Review Committee on May 18, 2016.

Regarding cause for removal:

In response to Committee input, the staff suggests that causes for removal be divided into two categories. First, automatic removal from office would occur under any of the following circumstances: when there is a conviction of a felony; when the Mayor or City Attorney moves out of the city or the Councilmember moves out of the District; or the Mayor, City Attorney or Councilmember is judicially declared incompetent as defined by statute.

Again, it is suggested that automatic removal be such that it is determined by a neutral, detached, objective entity or standard. Such an independently determined cause would be free of the political will of other elected officials or their staff.

Second, the Council, by a 2/3 vote, may initiate a recall and special election for other causes, such as dereliction of duty or violation of the law.

Regarding succession to office:

Staff recommends clarity and uniformity for succession to all elected offices.

First, continue to conduct a special election when an elected official leaves office with more than one year remaining on his or her term.

Additionally, clarify that the interim designee for each office is the following person:

- For the Mayor: the Council President

- For each Councilmember: the chief of staff, under the authority of the Council President, to manage the office for the departing Councilmember.
- For the City Attorney: the Deputy City Attorney previously designated by the City Attorney and recorded with the City Clerk

Again, the final report on May 18, 2016, will address the scope of interim authority.

Second, for all offices, appoint a replacement when the elected official leaves office with one year or less remaining on their term. [The staff considered recommending extending the time period for appointment to two years.]

The City Council shall, within 30 days of the resignation [Staff also considered 45.], by a 2/3 vote, appoint a replacement official who is ineligible to be a candidate in the next regular election. This succession process is currently used for the City Council, and this would bring the Mayor and City Attorney into uniformity with this process.

FISCAL CONSIDERATIONS: The cost to place this measure on the ballot has yet to be determined.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (if applicable):

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

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 similar to what currently exists for the City Council.

March 23, 2016, the Charter Review Committee reviewed Report to the City Council 16-031, Clarification of What Constitutes Cause for Removal from Elected Office, and provided feedback to staff.

COMMUNITY PARTICIPATION AND OUTREACH EFFORTS:

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Council District 1

Steven Hadley, Committee Consultant

Originating Department

Name-Title

Attachment(s):
1.
2.