



**Office of the Independent Budget Analyst**

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# **Proposed Council Response to County Grand Jury Report**

**“Updating San Diego’s City Charter:  
A Recommendation to Amend the Charter’s Provisions  
Related to Removal of Elected Officials”**

**Presentation for the  
City Council  
May 19, 2014  
Item #202**

**IBA Report 14-12**



# Overview

- The Grand Jury filed this report, directed to the City Council, on March 13, 2014.
- The report examines the City Charter in comparison to other CA cities as to reasons for removal of an elected official.
- The report includes 2 findings and 4 recommendations.



# Overview

- City Council required to provide response to Presiding Judge by June 11, 2014.
- IBA developed proposed Council response collaboratively with the City Attorney's Office.



# Overview

Prescribed Grand Jury responses include:

- For each Finding:
  - Agree
  - Disagree wholly or partially
- For each Recommendation:
  - Has been implemented
  - Has not yet been implemented, but will be
  - Requires further analysis
  - Will not be implemented because it is not warranted or is not reasonable



# Summary of Proposed Response

- 2 Findings, both Agrees
- 4 Recommendations
  - 1 – Has been implemented
  - 3 – Require further analysis



# Highlights of Findings

1. Removal of an elected official for reasons other than as presently listed in the City Charter requires the Charter to be amended.
  - Agree
2. The San Diego City Council as a governing body can propose charter revisions which would be presented to San Diego voters for approval or rejection.
  - Agree



# Highlights of Recommendations

14-1 Identify additional reasons (other than death, resignation, or recall) for removing elected officials and place them on the ballot for an upcoming election. – **Requires further analysis**

- Proposed response indicates this can be addressed as part of a comprehensive Charter review process or as a single ballot measure to amend the Charter.
- The Mayor and City Council can establish an independent Charter review committee to study issues and make recommendations as relates to a potential ballot measure.



# Highlights of Recommendations

14-2 Actively seek citizens' recommendations for Charter amendments and hold hearings to ensure the process is transparent to the public. – **Has been implemented**

- City has an open and transparent process for review of citizens' recommendations for Charter amendments.
- Council Policy 000-21, "Submission of Ballot Proposals," establishes procedures for "submittal of ballot proposals to the City Council, by members of the public, Councilmembers, the Mayor or mayoral departments, independent department directors, or a public agency."





# Highlights of Recommendations

- 14-3 Amend the City Charter to provide that a City Council supermajority vote – at least six of the current nine members – is authorized to remove an elected official. – Requires further analysis



# Highlights of Recommendations

14-4 Consider the following possible reasons for removing an elected official . – Requires further analysis

*Grand Jury suggestions include:*

- Official pleads guilty or no contest to any felony
- Official is adjudged insane
- Official ceases to be a registered voter or resident
- Official ceases to discharge the duties of the office for 90 consecutive days, unless excused



## Previous Action & Next Steps

- The proposed response was presented to the ED&IR Committee on April 30, 2014.
  - ED&IR unanimously voted to move the item forward to the full Council with a recommendation for approval.
  - There were no changes to this item.
- We request Council approval of the proposed response, and authorization for delivery to the Presiding Judge.