

AO 2022-60

ESTABLISHING PROCEDURES:

REMOVAL FOR

BREACH OF THE PUBLIC TRUST

Assembly Counsel

May 20, 2022

CHARTER

Section 7.01. - Determining vacancies.

(a) An elective office becomes vacant if the incumbent:

- (1) Ceases to meet the qualifications prescribed for the office by this Charter;
- (2) Resigns;
- (3) Dies;
- (4) Is judicially determined to be incompetent;
- (5) Is convicted of a felony;
- (6) Is removed from office for breach of the public trust.

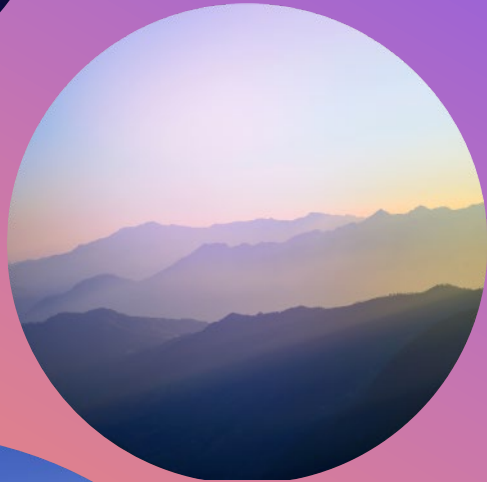
(b) Proceedings for removal of an elected official for breach of the public trust may be initiated by a majority of all members of the assembly, or the school board in the case of removal of a school board member. In addition, proceedings for removal may be initiated by any duly constituted ethics board. The assembly by ordinance shall establish procedures for removal of elected officials for breach of the public trust, including provision for notice, a complete statement of the charge, a public hearing conducted by an impartial hearing officer, and judicial review. Removal must be approved by two-thirds of the authorized membership of the assembly or school board as the case may be.

Comparison of Process – AO 2022-60

	Assembly	Mayor	School Board	Supervisory Board
Initiated by Accusation Doc	X	X	X	X
Req'd Votes of Assembly or Board of Ethics to Submit	Majority	Majority	Majority	Majority
Service of Process to Accused within 10 days	X	X	X	X
Review for Sufficiency	Muni Atty	Muni Atty or Special Counsel	Muni Atty	Muni Atty
Hearing Officer (HO) chosen w/in 2 weeks	Arbitrator	Arbitrator	Arbitrator	Administrative HO
Hearing Date	30 days after HO appt'd	30 days after HO appt'd	30 days after HO appt'd	30 days after HO appt'd
Vote for Removal	Within 10 days of HO recommendation	Within 10 days of HO recommendation	Within 10 days of HO recommendation	Within 10 days of HO recommendation
Required Votes of Assembly or School Board	2/3	2/3	2/3	2/3
Appealable to Superior Court Within 30 Days	X	X	X	X



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THANK YOU