

Article 7: Elections, Campaign Finance and Lobbying

Division 30: Removal for Cause

(“Removal for Cause” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3001 Elective Officers Subject to Removal for Cause

- (a) The Mayor and City Attorney may be removed for cause by a majority of the votes cast in the removal election by *City voters*.
- (b) A Councilmember may be removed for cause by a majority of the *voters* in the appropriate district.
- (c) Removal proceedings shall not be initiated if the *elective officer*’s term will end within six months of the *elected officer*’s criminal conviction malfeasance in office or a court’s adjudication of dereliction of duty.

(“Elective Officers Subject to Removal for Cause” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3002 Effect of Recall

Removal proceedings under this division shall be suspended any time a recall *petition* is deemed sufficient by the *Clerk*, as provided by the recall provisions of this article.

(“Effect of Recall” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3003 Cause for Removal

An *elective officer* is subject to removal for cause for dereliction of duty and malfeasance in office, as provided by the Charter.

(“Cause for Removal” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3004 Special Election May be Called

Upon notification from the *Clerk* of an *elective officer*’s criminal conviction for malfeasance in office or adjudication of dereliction of duty, the *Council* may call a *special election*, as provided by the Charter.

(“Special Election May be Called” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3005 Time for Special Election

(a) If a *special election* is called under this division, it shall be held not less than 90 days after adoption of the ordinance calling the special *election* and not later than 180 days after such adoption.

(b) For the Mayor and City Attorney:

If all City *voters* are entitled to vote at any other *election* scheduled within 180 days from the date that the notice of conviction or court adjudication is presented to the *Council*, the *Council* may, at its discretion, submit the removal and replacement ballots to *voters* at that *election*.

(c) For a Councilmember:

If all district *voters* are entitled to vote at any other *election* scheduled within 180 days from the date that the notice of conviction or court adjudication is presented to the *Council*, the *Council* may, at its discretion, submit the removal and replacement ballots to *voters* at that *election*.

(“*Time for Special Election*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3006 Removal Election to Conform to Other Elections

The *Clerk* shall conduct the removal *election*, including the nomination of *candidates* to succeed the *elective officer* whose removal is sought, in a manner conforming with other municipal *elections* to the extent practicable.

(“*Removal Election to Conform to Other Elections*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3007 Content of Removal Ballots

Removal ballots shall contain the name and office of the *elective officer* whose removal is sought and the names of the *candidates* who have been nominated to succeed the *elective officer* whose removal is sought. A statement of the basis of the dereliction of duty or malfeasance in office constituting cause for removal shall be printed on the sample ballot and the official ballot or, at the discretion of the *Clerk*, printed separately and included in a pamphlet to be mailed with the sample ballot.

(“*Content of Removal Ballots*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3008 Reelection or Reappointment Prohibited for One Year

A *person* who has been removed, or who has resigned from *elective office* while removal proceedings were pending against the *elective officer*, shall not be a *candidate* for, nor appointed to such office, for at least one year after the *elective officer's* resignation or removal.

(“*Reelection or Reappointment Prohibited for One Year*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3009 Separate Ballot Required

A removal ballot shall be separate from any other ballot to be presented to the *voters* at one *election*. The removal of more than one *elective officer* may be sought at one *election* on one ballot. A removal *election* may be consolidated with other municipal *elections*.

(“*Separate Ballot Required*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3010 Elective Officer to Serve Until Declaration of Results

Any *elective officer* whose removal is sought shall continue to perform the duties of their office until the *Council* has adopted its resolution declaring the results of the *election* which shows, and follows the *Clerk's* certification that, a majority of the qualified *voters* has voted in favor of the *elective officer's* removal.

(“*Elective Officer to Serve Until Declaration of Results*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.3011 Cancellation of Election if Office Becomes Vacant

- (a) If a vacancy in the position occupied by the official whose removal is sought occurs, from any cause, after the *Clerk* files the certificate of sufficiency and with legally sufficient time prior to the *election*, the *Council* shall cancel the *election* when it adopts the Declaration of Vacancy under Section 27.0704.
- (b) If there is not legally sufficient time to cancel the *election*, the *Clerk* shall not initiate a canvass or certify the results for the *election* to remove the official under Section 27.0411 and the *election* to remove the official will be void.

(“*Cancellation of Election if Office Becomes Vacant*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3012 Seat to be Filled with Candidate Receiving the Most Votes

Once a majority of *voters* votes to remove an *elective officer*, and the *Council* adopts a resolution declaring the results, the *candidate* receiving the most votes for the *elective office* shall be declared the winner regardless of whether the number of votes cast for the *candidate* constitutes a majority of the votes cast.

(“*Seat to be Filled with Candidate Receiving the Most Votes*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.3013 Successor to Serve Unexpired Term of Elective Officer Who Was Removed

A successor elected to replace the removed *elective officer* shall serve the remainder of the unexpired term of the *elective officer* who was removed.

(“*Successor to Serve Unexpired Term of Elective Officer Who Was Removed*” added 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)