



Memorandum

Chuck Reed

TO: Mayor and City Council **FROM:** Chuck Reed
SUBJECT: **Removal of Mayor from Office** **DATE:** June 23, 2006

RECOMMENDATION:

Direct the City Attorney to draft for Council consideration, as soon as possible, a set of procedures, meeting constitutional due process requirements, for a hearing to consider the removal of the Mayor from office under Charter section 405.

Schedule a special meeting of the City Council to consider the draft procedures for a hearing regarding removal from office and to set a date for such a hearing.

Direct the staff to obtain a copy of the report from and a entire transcript of the proceedings of the Santa Clara County Grand Jury that issued the Indictment of Mayor Gonzales and provide those to the Council and the public before the Council hearing regarding removal

BACKGROUND:

Charter section 405* specifies that the Council shall be the judge of the grounds for forfeiture of the offices of council members and the Mayor. However, there are no procedures in place for the Council to exercise its power. Such procedures need to put approved by the Council before a hearing regarding removal can be held.

***SECTION 405. Judge of Qualifications.**

The Council shall be the judge of the election and qualification of its members, including the Mayor, and of any other elective officer, and of the grounds for forfeiture or loss of their respective offices, and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member, or the Mayor, or the holder of any other elective office, charged with conduct constituting grounds for forfeiture or loss of his or her office shall be given, if he or she so demands, an opportunity to be heard in his or her own defense at a public hearing after reasonable notice to such members.

Amended at election June 7, 1994

cc: Lee Price, City Clerk