

Proposal Number: 12

Name of Proposed Section: Forfeiture of Office and Removal for Cause

Suggested Article: In General

Introduced by: Commissioner Cherry

Date Introduced: 10/8/2015

Date Reported for Second Reading: 5/12/2016

Date of Second Reading: 5/26/2016

Date Reported for Third Reading:

Date Passed:

Text:

- A. The City Council shall declare the forfeiture of the office of any elective officer or appointee and may remove for cause any person appointed to an office for a fixed term. In every case there shall be a public hearing before the City Council with **PUBLIC**¹ notice published in the ~~same~~²-manner as ~~notices of proposed ordinances SET FORTH IN THIS CHARTER.~~³ A Council member charged with conduct constituting grounds for forfeiture may not participate in the resolution of the charge.
- B. The position of an elective City officer or an appointee shall be forfeited if he or she:
1. Lacks at any time any qualifications required by law or this Charter; or
 2. Violates any provisions of this Charter ~~punishable by forfeiture; or~~⁴
 3. Is convicted of a felony while holding the office or appointment.
- C. THE POSITION OF CITY ELECTIVE OFFICER OR AN APPOINTEE MAY BE FORFEITED IF HE OR SHE VIOLATES ANY PROVISIONS OF THIS CHARTER AS DETERMINED IN COURT**
- a. ANY RESIDENT OF THE CITY AND THE OMBUDSPERSON SHALL HAVE STANDING TO FILE SUIT IN CIRCUIT COURT FOR A FINDING OF A CHARTER VIOLATION ON THE PART OF AN ELECTED OFFICIAL OR APPOINTED OFFICER**

¹ Amended in Committee of the Whole 3/24/2016

² Amended in Committee of the Whole 3/24/2016

³ Amended in Committee of the Whole 3/24/2016

⁴ Amended in Committee of the Whole 1/28/2016 and 1/3/2017

- b. THE COURT SHALL DETERMINE IF A VIOLATION OF THE CHARTER HAS OCCURRED AND ANY CORRECTIVE ACTION THAT SHOULD OCCUR**
 - c. IN THE EVENT THAT THE ELECTED OR APPOINTED OFFICER DOES NOT TAKE THE CORRECTIVE ACTION REQUIRED BY THE COURT WITHIN 90 DAYS, THE COURT MAY ORDER THE CITY COUNCIL TO HOLD A HEARING TO CONSIDER FORFEITURE OF OFFICE⁵**
- D. Decisions made by the City Council under this section are not reviewable by the Mayor but are subject to judicial review in a hearing de novo. ~~Any resident of the City may petition an appropriate court to require the City Council to hold a public hearing on the forfeiture of an office if the City Council has unreasonably refused to proceed.~~⁶

⁵ Amended in Committee of the Whole 1/28/2016 and 12/20/2016

⁶ Amended in Committee of the Whole 1/28/2016