

1 [Establishing Process for Official Misconduct Hearing]

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3 **Motion establishing a process, in accordance with Charter Section 15.105, for official**
4 **misconduct hearings at the Board of Supervisors.**

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6 WHEREAS, Mayor Edwin Lee suspended Sheriff Ross Mirkarimi from the Office of
7 Sheriff and filed written charges of official misconduct on March 21, 2012, seeking his removal
8 from office; and

9 WHEREAS, Under Charter Section 15.105, when the Mayor suspends an elective
10 officer, the Ethics Commission shall hold a hearing not less than five days after the filing of
11 written charges. After the hearing, the Ethics Commission shall transmit the full record of the
12 hearing to the Board of Supervisors with a recommendation as to whether the charges should
13 be sustained; the Board of Supervisors shall have 30 days in which to handle this matter from
14 the date it receives the full record from the Ethics Commission; and

15 WHEREAS, The Ethics Commission has been conducting hearings on said written
16 charges in June, July, and August 2012 and, once finalized, will submit its recommendations
17 to the Board of Supervisors for consideration pursuant to Charter Section 15.105; and

18 WHEREAS, Once the recommendations and full record are received from the Ethics
19 Commission, the Clerk of the Board shall communicate such recommendations and transmit
20 the full record to the Board and agendize consideration, with the Board sitting as a Committee
21 of the Whole; and

22 WHEREAS, Pursuant to Charter Section 15.105, the Board of Supervisors shall have
23 30 days in which to handle this matter from the date it receives the full record from the Ethics
24 Commission; and

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1 WHEREAS, Once agendized, the Clerk of the Board will notify all parties and provide
2 parties with an opportunity to submit a written response to the Ethics Commission's
3 recommendations; and

4 WHEREAS, Agenda materials may include, but are not limited to, the findings and
5 recommendations made by the Ethics Commission which consist of papers filed with the
6 Ethics Commission by attorneys representing the Mayor and the Sheriff, and such other
7 materials; and, be it

8 MOVED, That the Board of Supervisors shall establish the following process for such
9 hearing:

- 10 1. Provide the Ethics Commission with an opportunity to make an oral presentation
11 explaining its recommendations, and should the Commission choose to make such
12 a presentation, it should not exceed 20 minutes.
- 13 2. Provide the parties with an opportunity to make oral presentations to the Board as
14 follows:
 - 15 a. As the charging party, the Mayor will go first, with a presentation not to
16 exceed 20 minutes.
 - 17 b. The Sheriff will then make a presentation not to exceed 20 minutes.
 - 18 c. The Mayor will then have the opportunity to respond to the Sheriff's
19 presentation, not to exceed five minutes.
- 20 3. Provide for Public Comment.
- 21 4. Deliberate.
- 22 5. Make a decision.

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