



Office of the City Manager

ACTION CALENDAR

June 27, 2006

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Subject: Ballot Measure: Impeachment of President and Vice President

RECOMMENDATION

The City Manager recommends against placing this measure on the November 2006 ballot and advises against the creation of a new advisory body.

FISCAL IMPACTS OF RECOMMENDATION

Currently, staff support is provided to over 45 boards and commissions. The establishment of an advisory body on impeachment would require that an employee of the City designated by the City Manager serve as secretary to this body, and that all meetings where a majority of members attend be held in a location open to all persons. The funding needed to support an additional advisory body is not available in the approved budget for FY 2007, and would require an amendment to the budget or be referred to a future budget process. Furthermore, depending upon the staff person assigned to the proposed advisory body, there may be delays in the scheduled completion of current City projects.

CURRENT SITUATION AND ITS EFFECTS

There is an active effort to organize cities and towns across the country to adopt resolutions calling for the impeachment of President Bush and Vice President Cheney. To date, eleven cities and towns have passed resolutions calling for impeachment. None of these resolutions have called for placing a ballot measure before the voters in the respective cities or towns.

State legislators in California, Illinois, and Vermont have introduced resolutions requesting that senators and representatives in the Congress of the United States initiate impeachment proceedings against President Bush and Vice President Cheney. Each of these resolutions has been referred to a committee of the respective legislature.

BACKGROUND

The Jefferson Manual of Rules section LIII, 603, states that impeachment may be set in motion in the House of Representatives by the following methods:

- o By charges made on the floor on the responsibility of a Member or Delegate;
- o By charges preferred by a memorial, which is usually referred to a committee for examination;
- o By a resolution dropped in the hopper by a Member and referred to committee;
- o By a message from the President;
- o By charges transmitted from the legislature of a State or territory or from a grand jury; or
- o From facts developed and reported by an investigating committee of the House.

Resolutions passed by the eleven cities and towns calling for impeachment have been focused on the one of two methods: either requesting that their elected senators and representatives in Congress institute proceeding by resolution OR requesting that their respective legislature transmit charges to Congress.

Past Council Actions

On March 3, 2004, the Peace and Justice Commission submitted a recommendation for Council consideration to adopt a Resolution requesting Congresswoman Barbara Lee to submit a resolution to the House Judiciary Committee requesting an investigation as to whether impeachable offenses were committed by George W. Bush, holder of the title United States President, and Richard B. Cheney, holder of the title United States Vice-President. The action taken by Council on this recommendation was to postpone to date uncertain.

On November 15, 2005 by Resolution No. 63,108-N.S., Council directed the City Manager to send a letter to President Bush urging prompt answers to questions raised by the Downing Street memo, which confirmed that the United States and Great Britain had secretly agreed to attack Iraq in the summer of 2002 before President Bush sought Congressional authority to engage in military action.

ALTERNATIVE ACTIONS

Another viable option that Council may consider is to adopt a resolution supporting Assembly Joint Bill (AJB) No. 39 and urging the California State Legislature to approve the bill. AJB No. 39, introduced by Assembly member Paul Koretz, requests that California's senators and representatives in the Congress cause to be instituted in the Congress proper proceedings for the investigation of President Bush and Vice President Cheney, to the end that they may be impeached and removed from office. Approval of this option would be consistent with actions taken by other cities and towns.

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