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To recall or not to recall; that is the question

By John Gregory

The term "You can't please everyone" is especially true when it comes to serving on San Diego's City Council. Councilmembers who make decisive moves are often criticized for being tyrants. Those who pause to hear what the citizens want are often labeled as being indecisive. It's hard to be both a strong leader and a good representative of the people. Indeed, it takes a very dynamic personality to simply survive a council term pleasing most of the people some of the time.

The situation facing District 2 Councilman Byron Wear is no different. Some of Wear's critics have filed a notice to begin circulating a recall petition. The petitions will appear in public anytime now. If it is determined that enough registered voters have signed within the deadline period, a special recall election must be held in January 2002.

Whether or not there are those who strongly disagree with Wear's decisions or his voting record is not the question. That point has been made. The question remaining is how to deal with the situation. Perhaps Wear's critics feel so strongly that they see a recall as their last option. It's a fascinating tactic.

Proponents of this recall procedure are within their rights to circulate the petition. The city's laws specify the guidelines under which this type of petition may be circulated and the proper steps to follow (see www.sannet.gov/city-clerk/process/recall.html). But a quick call to the City Clerk's office shows the recall process lacks a definition as to what type of circumstances warrant a recall. Typically, each section of the municipal code contains "purposes and intents," however, no "purposes and intents" definition could be found within the recall guidelines.

Recall proponents must simply convince enough voters to sign the petition. This means, essentially, voters of a district may change their minds about the person they elected to represent them on the City Council mid-term. It allows someone, for any reason whatsoever, to reverse the democratic process of election by majority vote.

Anyone can debate the intentions of those who wrote this code into the books and what type of situations really warrant a recall. Yes, there can be reasons for a recall and dire circumstances when a councilmember should be pulled from

office. The commitment of a felony, misuse of public funds and abuse of power come to mind. But there is none of this in Wear's case.

Besides, the financial cost of a special election using tax dollars is too great, and the regular election is set for March 2002 anyway. A new District 2 councilmember will be elected and will take office by December 2002. But, if Wear were to be recalled, a new representative would be "appointed" by City Council sometime in 2002, and would serve only a few months until the next term. So much for election by a vote of the citizens.

Say what you want about Byron Wear: During his two terms in office, Wear has neither raised the standards of leadership, nor has he lowered the standards of representation. Like all elected officials, he has made enemies, but he has yet to do anything so outrageous that he should be recalled from office. This is not the proper instance to use recall procedures. Instead, voters should get seriously involved to elect the candidate they want to replace him in 2002.