File No. __120808_

Committee Item No._____
Board Item No._____ 71

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee_____ Date_____

~~Board of Supervisors Meeting~~ ~~Date __07/31/12_____~~

Cmte	Board	
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☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Introduction Form (for hearings)
☐	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Award Letter
☐	☐	Application
☐	☐	Public Correspondence

OTHER (Use back side if additional space is needed)

☐ ☐_____
☐ ☐_____
☐ ☐_____

Completed by:__Nicole Lyshorn___ Date___7/25/12_____
Completed by:_____ Date_____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

[Establishing Process for Official Misconduct Hearing]

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

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

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

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

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

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

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

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

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

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

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 JUL 25 AM 9:03
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

☐ 1. For reference to Committee: _____

An ordinance, resolution, motion, or charter amendment.

☒ 2. Request for next printed agenda without reference to Committee.

☐ 3. Request for hearing on a subject matter at Committee: _____

☐ 4. Request for letter beginning "Supervisor _____ inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. _____ from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No. _____

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on _____

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Clerk of the Board

Subject:

Establishing Process for Official Misconduct Hearing

The text is listed below or attached:

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

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only:

2124