File No. $\qquad$ 151273

Committee Item No. 6 Board Item No. $\qquad$

## COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee
Board of Supervisors Meeting
Date January 14, 2016
Date $\qquad$
Cmte Board

Ordinance
Legislative Digest
Budget and Legislative Analyst Report
Legislative Analyst Report
Youth Commission Report
Introduction Form (for hearings)
Department/Agency Cover Letter and/or Report
MOU
Grant Information Form
Grant Budget
Subcontract Budget
Contract/Agreement
Form 126 - Ethics Commission
Award Letter
Application
Public Correspondence
OTHER (Use back side if additional space is needed)
$\qquad$

Completed by:_Derek Evans Date_January 11, 2016
Completed by: $\qquad$ Date $\qquad$
An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.
[Charter Amendment - Mayoral Run-Off Election Following Ranked-Choice Voting; Filling Mayoral and Supervisorial Vacancies]

Describing and setting forth a proposal to the voters at an election to be held on Jume 7, 2016, to amend the Charter of the City and County of San Francisco to provide for a rumoff election for Mayor between the top two candidates selected through ranked-choice voting unless one candidate receives a majority of first-place choices; require the Department of Elections to hold a special election when there is a vacancy in the Office of Mayor or Member of the Board of Supervisors, unless a regularly scheduled election will be held within 180 days of the vacancy; provide that the President of the Board of Supervisors serves as Acting Mayor until an election is held to fill a mayoral vacancy; and provide that the Board of Supervisors shall appoint an interim Supervisor to fill a supervisorial vacancy until an election is held to fill that vacancy, with the interim Supervisor being ineligible to compete in that election.

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 7, 2016, a proposal to amend the Charter of the City and County by amending Sections 13.101.5, 13.102, and Article XVII, and adding. Section 13.102.5, to read as follows:

NOTE: Unchanged Charter text and uncodified text are in plain font. Additions are single-underline italics Times New Roman font. Deletions are strike-through italics Times New Roman font. Asterisks (* * * *) indicate the omission of unchanged Charter subsections.

SEC. 13.101.5. VACANCIES.
(a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender,

Sheriff, Treasurer, or Member of the Board of Supervisors,Board of Education or Governing Board of the Community College District becomes vacant because of death, resignation, recall, permanent disability, or the inability of the respective officer to otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter and state laws.
(b) If the Office of Mayor becomes vacant because of death, resignation, recall, permanent disability or the inability to carry out the responsibilities of the office, the President of the Board of Supervisors shall become Acting Mayor and shall serve until a successor is elected at a special municipal election as provided in Section 13.101.5(e) appointed by the Board of supervisors.
(c) If the Office of Member of the Board of Supervisors becomes vacant because of death, resignation, recall, permanent disability or the inability to carry out the responsibilities of the office, the Board of Supervisors shall, by a two-thirds vote, appoint an individual qualified to fill the vacancy under this Charter and state law to serve as an interim Supervisor. The Board of Supervisors shall appoint an interim Supervisor within 14 days of the date of the vacancy. The interim Supervisor shall serve until a successor is elected at a special municipal election as provided in Section 13.101.5(e). That interim Supervisor may not seek election for that seat at the special municipal election described in Section 13.101.5(e).
( $\epsilon$ d ) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section 13.101.5(a) shall serve until a successor is selected at the next election occurring not less than 120 days after the vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an election for the vacated office is scheduled to occur less than one year after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if an election for any seat on the same board as the vacated seat is scheduled to occur less than one
year but at least 120 days after the vacancy, the appointee shall serve until a successor is selected at that election to fill the unexpired term.
(e) If the Office of Mavor or Member of the Board of Supervisors becomes vacant as provided in subsection (b) or (c) of this Section 13.101.5, the Director of Elections, within 14 days of the vacancy, shall call a special municipal election to fill the vacancy. The special municipal election shall be held on a Tuesday at least 126 days, but not more than 140 days, following the date of its calling, except that if the next regularly scheduled statewide or general municipal election will occur within 180 days of the vacancy, the Director of Elections shall consolidate the special municipal election with that regularly scheduled election. Notwithstanding this provision, the special election may be held more than 180 days from the date of the vacancy, for the purpose of consolidation with a regularly scheduled statewide or general municipal election, if(1) the Director of Elections submits such a request to the Board of Supervisors and (2) the Board of Supervisors and Mayor approve the request by resolution. Any person elected at a special municipal election to fill a vacancy shall take office when the Director of Elections has issued the certified statement of election results for that election.
(f) The Director of Elections shall not include any measures or other contests on the ballot for a special municipal election held pursuant to Section 13.101.5(e), unless the special municipal election is consolidated with a regularly scheduled statewide or general municipal election.
(g) If a vacancy in the Office of Mayor or Member of the Board of Supervisors occurs after June 7, 2016 but before the effective date of the Charter amendment amending this Section 13.101.5 at the June 7, 2016 election, and the vacancy is filled in accordance with the Charter as operative at that time, the person appointed to fill the vacancy shall vacate the office by operation of law on the effective date of the Charter amendment. The vacancy shall then be
filled as provided in this Section 13.101.5. The City Attorney shall remove this subsection (g) from the Charter by January 1, 2017.
(d) If no candidate receives a majority of the vetes castat an-election to fill a vacated Office, the wandidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runeff election at the next regular or otherwise scheduted election occurring not less than five weeks later. If an instant muoff election process is enacted for the Offices entunerated in this Section, that process shall apply to any election required by this Section.

## SEC. 13.102. INSTANT RUNOFF RANKED-CHOICE VOTING ELECTIONS.

(a) For the purposes of this section Section: (1) a candidate shall be deemed "continuing" if the candidate has not been eliminated from further rounds of tabulation; (2) a ballot shall be deemed "continuing" if it is not exhausted; and (3) a ballot shall be deemed "exhausted," and not eounted included in further stages of the tabulation, if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter's vote shall be transferred to that voter's next ranked choice.
(b) The Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and members Members of the Board of Supervisors shall be elected using a ranked-choice, or "instant rumoff," ballot. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office; provided, however, that if the voting system, vote tabulation system or similar or related equipment used by the City and County cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Director of Elections may limit the number of
choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a voter's ability to cast a vote for a write-in candidate.
(c) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated from further rounds of tabulation, and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter's ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.
(d) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter's ballot. This process of eliminating candidates from further rounds of tabulation and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.
(e) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated from further rounds of tabulation simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation.
(f) A tie between two or more candidates shall be resolved in accordance with State law.
(g) The Department of Elections shall conduct a voter education campaign to familiarize voters with the ranked-choice-of, "instant method of voting.
(h) Any voting system, vote tabulation system, or similar or related equipment acquired by the City and County shall have the capability to accommodate this system of ranked-choice; or "instant runoff," balloting.
(i) Ranked choice, or "instant runoff," balloting shall be used for the general municipal election in November 2002 and all subsequent elections. If the Director of Elections cextifies to the Board of Supervisors and the Mayor no later than July 1, 2002 that the Department will not be ready to implement ranked choice balloting in November 2002, then the Gity shall begin using ranked choice, or "instant runoff," balloting at the November 2003 general municipat election.

If ranked-choice, or "instant runoff," balloting is not used in November of 2002, and no eandidate for any elective office of the City and County, except the Board of Education and the Governing Board of the Community Gollege District, receives a majority of the votes cast at an election for stel office, the wo candidates receiving the most wetes shall qualify to have the ir names plated on the ballot for a-rmoff election held on the second Tuesday in December of 2002.

SEC. 13.102.5. RANKED-CHOICE VOTING PLUS RUN-OFF ELECTIONS FOR MAYOR.
(a) Elections for Mayor shall consist of a ranked-choice voting election, and if necessary under subsection $(b)$, a subsequent run-off election between the two candidates receiving the most votes at that ranked-choice voting election.
(b) Elections for Mayor shall use a ranked-choice ballot. If a candidate for Mayor receives a majority of the first choices in that contest, that candidate shall be declared elected. If no candidate receives a majority of the first choices, then no candidate shall be declared elected, and the ranked-choice voting tabulation process set forth in subsections 13.102(a)-(e) shall proceed, except that the ranked-choice voting tabulation process shall end when all but two
candidates have been eliminated. Those two candidates shall then proceed to a run-off election. In that run-off election, the candidate who receives a majority of votes cast shall be declared elected.
(c) The run-off election shall be held in the City and County on the second Tuesday in December following a general municipal election. But if the Director of Elections calls a special municipal election for Mayor under Section 13.101.5(e) and does not consolidate that election with a regularly scheduled statewide or general municipal election, the Director of Elections shall call the run-off election to be held on a date at least 35 days, but not more than 42 days, following the date of the special municipal election.
(d) Ballots cast in the run-off election shall not permit voters to cast votes for write-in candidates for Mayor. The Director of Elections shall not count any attempts to cast votes for write-in candidates in that contest.
(e) The Director of Elections shall not include any measures on the ballot for a run-off election.

## ARTICLE XVI: DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:
"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.
"Confirm" or "confirmation" shall mean the approval by a majority of the members of the Board of Supervisors.
"Discrimination" shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.
"Domestic partners" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.
"Elector" shall mean a person registered to vote in the City and County.
"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.
"General municipal election" shall mean the election for local officials or meastres to be held in the City and County on the Tuesday immediately following the first Monday in November in every year until and including 2015. Thereafter, "general municipal election" shall mean the election for local officials or measures to be held in the City and County on the Tuesday immediately following the first Monday in November, both in all even-numbered years and in every fourth year following 2015.
"Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.
"Notice" shall mean publication (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office.
"One-third," "a majority" or "two-thirds" of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.
"Published" shall have the meaning ascribed to the term by the Board of Supervisors by ordinance. The Board of Supervisors shall seek a recommendation from the Clerk of the Board of Supervisors before adopting such an ordinance.
"Referendum" shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.
"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, (2) the Director of Elections with respect to filling a vacancy in the Office of Mayor or Member of the Board of Supervisors, and (z3) the Board of Supervisors with respect to bond issues, etection of an official not required to be elected at the general munticipal election, or an initiative or referendum.
"Statewide election" shall mean an election held throughout the state.
"Voter" shall mean an elector who is registered in accordance with the provisions of state law.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:


ANDREW SHEN
Deputy City Attorney
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## LEGISLATIVE DIGEST

[Charter Amendment - Mayoral Run-Off Election Following Ranked-Choice Voting; Filling Mayoral and Supervisorial Vacancies]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2016, to amend the Charter of the City and County of San Francisco to provide for a run-off election for Mayor between the top two candidates selected through rankedchoice voting unless one candidate receives a majority of first-place choices; require the Department of Elections to hold a special election when there is a vacancy in the Office of Mayor or Member of the Board of Supervisors, unless a regularly scheduled election will be held within 180 days of the vacancy; provide that the President of the Board of Supervisors serves as Acting Mayor until an election is held to fill a mayoral vacancy; and provide that the Board of Supervisors shall appoint an interim Supervisor to fill a supervisorial vacancy until an election is held to fill that vacancy, with the interim Supervisor being ineligible to compete in that election.

## Existing Law

## 1. Ranked-Choice Voting Elections

The City uses ranked-choice voting, also referred to as instant-runoff voting, to elect its Mayor, City Attorney, District Attorney, Public Defender, Sheriff, Assessor-Recorder, Treasurer, and members of the Board of Supervisors. In ranked-choice voting, voters may select up to the three candidates for a single office in order of preference. Under rankedchoice voting, the winning candidate is the one who receives the highest-level of support from the greatest number of voters.

The City's ranked-choice voting system does not employ run-off elections.

## 2. Vacancy Appointments and Elections

When a seat on the Board of Supervisors becomes vacant because of the death, resignation, recall, permanent disability, or the inability of the officer to otherwise carry out the responsibilities of the office, the Mayor has the authority to appoint a successor to fill the vacancy until an election is held. When the Office of Mayor becomes vacant, the President of the Board of Supervisors serves as Acting Mayor, and the Board of Supervisors may appoint a successor fill the vacancy until an election is held.

The Charter provides three possible dates for these vacancy elections depending on the upcoming election schedule. First, if an election for the vacant office is scheduled to occur less than one year after the vacancy, then the voters would choose the successor at that

FILE NO. 151273
election. Second, if an election for any other seat on the Board of Supervisors is scheduled to occur between 120 days and one year after the vacancy, then the voters would choose the successor at that election. Third, in any other case-for example, if the nearest election for the office or the Board of Supervisors is less than 120 days away or more than one year awaythen the voters would choose the successor at the next election, as long as that election is scheduled to occur at least 120 days after the vacancy.

## Amendments to Current Law

## 1. Ranked-Choice Voting Elections

The proposed Charter amendment would replace the City's single-stage, ranked-choice voting system for Mayor with a two-stage, run-off election system that incorporates ranked-choice voting. The proposal would not affect other offices currently subject to ranked-choice voting elections.

In the first stage, all mayoral candidates would participate in a ranked-choice voting election, generally to be held on the Tuesday immediately following the first Monday in November. If a candidate receives a majority of the first-choice selections at that election, that candidate shall be declared the winner of the election. If not, the City will use ranked-choice voting to determine which two candidates received the greatest level of support. Those two candidates will then proceed to the second stage of the process.

At the second stage, the two remaining candidates will proceed to a run-off election, generally to be held on the second Tuesday of the following December. The candidate that receives the majority of votes cast at the run-off will be declared the winner of the election.

The proposal provides that in any potential run-offs, voters may not cast votes for write-in candidates for Mayor. The proposal also specifies that ballot measures may not be submitted to the voters at a run-off election.

## 2. Vacancy Appointments and Elections

Under the proposed Charter amendment, when a vacancy occurs in the office of Mayor, the President of the Board of Supervisors would serve as the Acting Mayor until the City holds a special election to fill the vacancy. And when a seat on the Board of Supervisors becomes vacant, the Board of Supervisors itself would, by a two-thirds vote, appoint an interim Supervisor to temporarily fill the vacant office, until the City holds a special election to permanently fill the vacancy. The Board of Supervisors would be required to make this appointment within 14 days of the date of the vacancy. The interim Supervisor would not be eligible to run for office in the special election held to permanently fill the vacancy, but would be able to run in any subsequent election for the office.

The Director of Elections would call the date of these special elections within 14 days of a mayoral or supervisorial vacancy. Under this proposal, the Director of Elections would have to hold the special election on a Tuesday falling between 126 and 140 days from the date of its calling. But if a regularly scheduled election would occur within 180 days of the vacancy, the Director of Elections would consolidate the special election with the regularly scheduled election. However, the City may hold a special election more than 180 days from the date of the vacancy, for the purposes of consolidation with a regularly scheduled election, if (1) the Director of Elections submits such a request to the Board of Supervisors and (2) the Board of Supervisors and Mayor approve the request by resolution.

The proposal also specifies that any person elected to fill a vacancy shall take office when the Director of Elections has issued the certified statement of election results for that election.

If the special election is not consolidated with a regularly scheduled election, the Director of Elections may not place any ballot measure on the special election ballot.

Lastly, if either a mayoral or supervisorial vacancy occurs after the June 7, 2016 election but before the effective date of this Charter amendment, and the City filled the vacancy in accordance with the prior version of Charter, any such appointee would be required to leave office on the effective date of this Charter amendment. Such a vacancy would then be filled through the special election process set forth in this proposal.

## Background Information

On March 5, 2002, the voters approved Proposition A, establishing a ranked-choice voting system to elect the City's Mayor, City Attorney, District Attorney, Public Defender, Sheriff, Assessor-Recorder, Treasurer, and members of the Board of Supervisors. The City first used ranked-choice voting to elect its local officials in November 2004.

Proposition A also eliminated the prior, two-stage voting system for City elective offices. Before November 2004, if a candidate for Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender or member of the Board of Supervisors failed to receive a majority of the votes at a general municipal election, the two candidates receiving the most votes would proceed to a runoff election. Any run-off election held for Mayor, Sheriff, District Attorney, City Attorney, Treasurer or member of the Board of Supervisors was held the second Tuesday of December. And any run-off election held for Assessor-Recorder and Public Defender was held at the next general election.

## BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

## MEMORANDUM

| TO: | John Arntz, Director, Department of Elections <br> Jon Givner, Office of the City Attorney <br> Nicole Elliot, Mayor's Office |
| :--- | :--- |
| FROM: | Derek Evans, Assistant Clerk, Rules Committee <br> Board of Supervisors |
| DATE: | December 21, 2015 |
| SUBJECT: | CHARTER AMENDMENT INTRODUCED <br> June 7, 2016, Election |

The Board of Supervisors Rules Committee has received the following Charter Amendment for the June 7, 2016, Election, introduced by Supervisor Avalos on December 15, 2015. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 151273 Mayoral Run-Off Election Following Ranked-Choice Voting; Filling Mayoral and Supervisorial Vacancies

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for a run-off election for Mayor between the top two candidates selected through ranked-choice voting unless one candidate receives a majority of first-place choices; require the Department of Elections to hold a special election when there is a vacancy in the Office of Mayor or Member of the Board of Supervisors, unless a regularly scheduled election will be held within 180 days of the vacancy; provide that the President of the Board of Supervisors serves as Acting Mayor until an election is held to fill a mayoral vacancy; and provide that the Board of Supervisors shall appoint an interim Supervisor to fill a supervisorial vacancy until an election is held to fill that vacancy, with the interim Supervisor being ineligible to compete in that election, at an election to be held on June 7, 2016.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns please call me at (415) 554-7702 or email derek.evans@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

## City Hall

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## MEMORANDUM

TO: $\quad$ Ben Rosenfield, City Controller<br>FROM: Derek Evans, Assistant Clerk, Rules Committee Board of Supervisors<br>DATE: December 21,2015<br>SUBJECT: CHARTER AMENDMENT INTRODUCED June 7, 2016, Election

The Board of Supervisors Rules Committee has received the following Charter Amendment for the June 7, 2016, Election, introduced by Supervisor Avalos on December 15, 2015. This matter is being referred to you in accordance with Elections Code, Section 305(B)(2), and Rules of Order 2.22.3.

File No. $151273 \quad \begin{aligned} & \text { Mayoral Run-Off Election Following Ranked-Choice Voting; Filling } \\ & \text { Mayoral and Supervisorial Vacancies }\end{aligned}$
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for a run-off election for Mayor between the top two candidates selected through ranked-choice voting unless one candidate receives a majority of first-place choices; require the Department of Elections to hold a special election when there is a vacancy in the Office of Mayor or Member of the Board of Supervisors, unless a regularly scheduled election will be held within 180 days of the vacancy; provide that the President of the Board of Supervisors serves as Acting Mayor until an election is held to fill a mayoral vacancy; and provide that the Board of Supervisors shall appoint an interim Supervisor to fill a supervisorial vacancy until an election is held to fill that vacancy, with the interim Supervisor being ineligible to compete in that election, at an election to be held on June 7, 2016.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns please call me at (415) 554-7702 or email derek.evans@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.
c: Todd Rydstrom, Office of the City Controller

## Introduction Form

By a Member of the Board of Supervisors or the Mayor

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 $\square$ inquires"5. City Attomey request.6. Call File No. $\square$ from Committee.7. Budget Analyst request (attach written motion).
8. Substitute Legislation File No. $\square$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:
$\square \quad$ Small Business Commission
$\square$ Youth Commission
Ethics Commission
$\square$ Planning Commission
$\square$ Building Inspection Commission
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

## Sponsor(s):

Supervisor John Avalos
Subject:
Charter Amendment - Mayoral Run-Off Election Following Ranked-Choice Voting; Filling Mayoral and Supervisorial Vacancies

## The text is listed below or attached:



