

File No. 151273

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date January 21, 2016

Board of Supervisors Meeting

Date _____

Cmte Board

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Completed by: Derek Evans Date January 19, 2016

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Charter Amendment - Filling Mayoral and Supervisorial Vacancies]

2
 3 **Describing and setting forth a proposal to the voters at an election to be held on June 7,**
 4 **2016, to amend the Charter of the City and County of San Francisco to require the**
 5 **Department of Elections to hold a special election when there is a vacancy in the Office of**
 6 **Mayor or Member of the Board of Supervisors, unless a regularly scheduled election will**
 7 **be held within 180 days of the vacancy; provide that the President of the Board of**
 8 **Supervisors serves as Acting Mayor until an election is held to fill a mayoral vacancy; and**
 9 **provide that the Mayor shall appoint an interim Supervisor to fill a supervisorial vacancy**
 10 **until an election is held to fill that vacancy, with the interim Supervisor being ineligible to**
 11 **compete in that election.**

12
 13 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
 14 and County, at an election to be held on June 7, 2016, a proposal to amend the Charter of the
 15 City and County by revising Section 13.101.5 and Article XVII, to read as follows:

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

21 **SEC. 13.101.5. VACANCIES.**

22 (a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender,
 23 Sheriff, Treasurer, or Member of the ~~Board of Supervisors~~, Board of Education or Governing
 24 Board of the Community College District becomes vacant because of death, resignation, recall,
 25 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.

1 (b) If the Office of Mayor becomes vacant because of death, resignation, recall,
2 permanent disability or the inability to carry out the responsibilities of the office, the President of
3 the Board of Supervisors shall become Acting Mayor and shall serve until a successor is elected
4 at a special municipal election as provided in Section 13.101.5(e) appointed by the Board of
5 Supervisors.

6 (c) If the Office of Member of the Board of Supervisors becomes vacant because of
7 death, resignation, recall, permanent disability or the inability to carry out the responsibilities of
8 the office, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter
9 and state law to serve as an interim Supervisor. The Mayor shall appoint an interim Supervisor
10 within 28 days of the date of the vacancy. The interim Supervisor shall serve until a successor is
11 elected at a special municipal election as provided in Section 13.101.5(e). That interim
12 Supervisor may not seek election for that seat at the special municipal election described in
13 Section 13.101.5(e).

14 (ed) Any person filling a vacancy pursuant to ~~subsection (a) or (b) of this~~ Section
15 13.101.5(a) shall serve until a successor is selected at the next election occurring not less than
16 120 days after the vacancy, at which time an election shall be held to fill the unexpired term,
17 provided that (1) if an election for the vacated office is scheduled to occur less than one year
18 after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if
19 an election for any seat on the same board as the vacated seat is scheduled to occur less than one
20 year but at least 120 days after the vacancy, the appointee shall serve until a successor is selected
21 at that election to fill the unexpired term.

22 (e) If the Office of Mayor or Member of the Board of Supervisors becomes vacant as
23 provided in subsection (b) or (c) of this Section 13.101.5, the Director of Elections, within 14
24 days of the vacancy, shall call a special municipal election to fill the vacancy. The special
25 municipal election shall be held on a Tuesday at least 126 days, but not more than 140 days,

1 following the date of its calling, except that if the next regularly scheduled statewide or general
2 municipal election will occur within 180 days of the vacancy, the Director of Elections shall
3 consolidate the special municipal election with that regularly scheduled election.

4 Notwithstanding this provision, the special election may be held more than 180 days from the
5 date of the vacancy, for the purpose of consolidation with a regularly scheduled statewide or
6 general municipal election, if (1) the Director of Elections submits such a request to the Board of
7 Supervisors and (2) the Board of Supervisors and Mayor approve the request by resolution. Any
8 person elected at a special municipal election to fill a vacancy shall take office when the
9 Director of Elections has issued the certified statement of election results for that election.

10 (f) The Director of Elections shall not include any measures or other contests on the
11 ballot for a special municipal election held pursuant to Section 13.101.5(e), unless the special
12 municipal election is consolidated with a regularly scheduled statewide or general municipal
13 election.

14 (g) If a vacancy in the Office of Mayor or Member of the Board of Supervisors occurs
15 after June 7, 2016 but before the effective date of the Charter amendment amending this Section
16 13.101.5 at the June 7, 2016 election, and the vacancy is filled in accordance with the Charter as
17 operative at that time, the person appointed to fill the vacancy shall vacate the office by
18 operation of law on the effective date of the Charter amendment. The vacancy shall then be
19 filled as provided in this Section 13.101.5. The City Attorney shall remove this subsection (g)
20 from the Charter by January 1, 2017.

21 ~~(d) If no candidate receives a majority of the votes cast at an election to fill a vacated~~
22 ~~office, the two candidates receiving the most votes shall qualify to have their names placed on~~
23 ~~the ballot for a municipal runoff election at the next regular or otherwise scheduled election~~
24 ~~occurring not less than five weeks later. If an instant runoff election process is enacted for the~~
25

1 ~~offices enumerated in this Section, that process shall apply to any election required by this~~
2 ~~Section.~~

3 **ARTICLE XVII: DEFINITIONS**

4 For all purposes of this Charter, the following terms shall have the meanings specified
5 below:

6 "Business day" shall mean any day other than a Saturday, Sunday or holiday on which
7 governmental agencies are authorized by law to close.

8 "Confirm" or "confirmation" shall mean the approval by a majority of the members of the
9 Board of Supervisors.

10 "Discrimination" shall mean violations of civil rights on account of race, color, religion,
11 creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation,
12 sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status,
13 other non-merit factors, or any category provided for by ordinance.

14 "Domestic partners" shall mean persons who register their partnerships pursuant to the
15 voter-approved Domestic Partnership Ordinance.

16 "Elector" shall mean a person registered to vote in the City and County.

17 "For cause" shall mean the issuance of a written public statement by the Mayor
18 describing those actions taken by an individual as a member of a board or commission which are
19 the reasons for removal, provided such reasons constitute official misconduct in office.

20 "General municipal election" shall mean ~~the election for local officials or measures to be~~
21 ~~held in the City and County on the Tuesday immediately following the first Monday in November~~
22 ~~in every year until and including 2015. Thereafter, "general municipal election" shall mean the~~
23 election for local officials or measures to be held in the City and County on the Tuesday
24 immediately following the first Monday in November, both in all even-numbered years and in
25 every fourth year following 2015.

1 "Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or
2 other measure which is within the powers conferred upon the Board of Supervisors to enact, any
3 legislative act which is within the power conferred upon any other official, board, commission or
4 other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to
5 the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.

6 "Notice" shall mean publication (as defined by ordinance), and a contemporaneous filing
7 with the Clerk of the Board of Supervisors or other appropriate office.

8 "One-third," "a majority" or "two-thirds" of the Board of Supervisors or any other board
9 or commission of the City and County shall mean one-third, a majority or two-thirds of all
10 members of such board or commission.

11 "Published" shall have the meaning ascribed to the term by the Board of Supervisors by
12 ordinance. The Board of Supervisors shall seek a recommendation from the Clerk of the Board
13 of Supervisors before adopting such an ordinance.

14 "Referendum" shall mean the power of the voters to nullify ordinances involving
15 legislative matters except that the referendum power shall not extend to any portion of the annual
16 budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to
17 compromise litigation, ordinances levying taxes, ordinances relative to purely administrative
18 matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers,
19 or ordinances adopted pursuant to Section 9.106 of this Charter.

20 "Special municipal election" shall mean, in addition to special elections otherwise
21 required by law, the election called by (1) the Director of Elections with respect to an initiative,
22 referendum or recall, (2) the Director of Elections with respect to filling a vacancy in the Office
23 of Mayor or Member of the Board of Supervisors, and ~~(23)~~ the Board of Supervisors with respect
24 to bond issues, ~~election of an official not required to be elected at the general municipal election,~~
25 or an initiative or referendum.

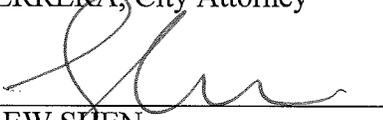
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"Statewide election" shall mean an election held throughout the state.

"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
(Second Draft – 1/14/16)

[Charter Amendment - 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 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 Mayor 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

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 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 away—then 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

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 Mayor would 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 28 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

This legislative digest reflects amendments made by the Rules Committee on January 14, 2016. On that day, the Committee duplicated the original file and amended the original file to remove all changes to the regular Mayoral election process. The Committee further amended the proposed Charter amendment to give the Mayor authority to appoint the interim Supervisor in the event of a vacancy in a Supervisor's office.

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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: Ben Rosenfield, City Controller

FROM: Derek Evans, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: January 15, 2016

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, duplicated by Supervisor Avalos and amended by Rules Committee on January 14, 2016. 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 Filling Mayoral and Supervisorial Vacancies

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to 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 Mayor 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

BOARD of SUPERVISORS



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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
Jon Givner, Office of the City Attorney
Nicole Elliot, Mayor's Office

FROM: Derek Evans, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: January 15, 2016

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 Rules of Order 2.22.4.

File No. 151273 Charter Amendment - Filling Mayoral and Supervisorial Vacancies

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to 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 Mayor 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.

Gerard Gleason
100 2nd Avenue
San Francisco CA 94118

January 12, 2016

Rules Committee
San Francisco Board of Supervisors
One Dr. Carlton B Goodlett Place
San Francisco CA 94102

Meeting January 12, 2016

RE: Item 6 151273

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

Dear Supervisor Avalos, Supervisor Teng, Supervisor Cohen,

I am writing to express my concern about the disturbing aspect of the proposed Charter Amendment that will do away with Ranked Choice Voting for office of Mayor of San Francisco. No matter how the proposal is termed, it will, unless there is a first ranking majority, in fact do away with a Ranked Choice Election. To sell this as some other enhancement is indeed not the truth.

I worked for a number of years at the Department of Elections where I witnessed periodic visits from officials and apparatchiks from the second floor of City Hall to the basement office of the Elections Department, seeking some advantage to game an election. I sat for 10 years on the Elections Commission, and was glad to see that since 2003, San Francisco has been free from much of past improper interactions between office-holders and the administration of elections. While this proposal is to be presented to the voters, and does not approach what could be viewed as improper, it does have the taint of gaming election administration for some desired outcome.

To offer up to voters a choice of only two candidates is not some benefit for voters. The current situation with State Legislative elections in California, with top-two vote elections, has produced a situation in San Francisco where elections for Assembly and State Senate result in protracted two-act elections involving big money from expenditure committees and ugly campaigns involving smear and dubious association. Are the voters well served by that?

This proposal is not doubt based on the outcome of Mayoral elections in 2007, 2011 and 2015. Two of those years involved essentially uncontested elections because challengers were scared off by the shameful specter of money and campaign consultants. 2011 involved a plethora of candidates...that situation had many aspects and maybe the political classes of this city should discuss that among themselves.

Again, I would like to reiterate that the elimination of Ranked Choice Voting will not repair the damage being done to our democracy by money, expenditure committees and political consultants. I ask that you please consider removing that aspect.

Sincerely,

Gerard Gleason

BOARD of SUPERVISORS



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MEMORANDUM

TO: John Arntz, Director, Department of Elections
Jon Givner, Office of the City Attorney
Nicole Elliot, Mayor's Office

FROM:  Derek Evans, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: December 21, 2015

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 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.

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MEMORANDUM

TO: Ben Rosenfield, City Controller

FROM:  Derek Evans, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: December 21, 2015

SUBJECT: CHARTER AMENDMENT INTRODUCED
June 7, 2016, Election

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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

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 Imperative

Sponsor(s):

Supervisor John Avalos

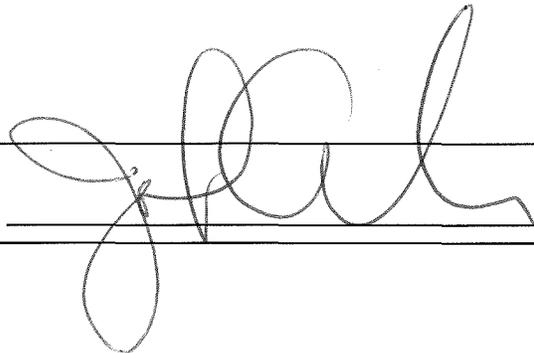
Subject:

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

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor:



For Clerk's Use Only: