

1 [Imposing a suppression order upon the Board of Supervisors.]

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3 **Motion self-imposing a suppression order upon members of the Board of Supervisors**
4 **and its staff after the Ethics Commission has forwarded to the Board a**
5 **recommendation in the official misconduct proceedings against Supervisor Edmund**
6 **Jew.**

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8 WHEREAS, Pursuant to Charter Section 15.105, on September 25, 2007 Mayor Gavin
9 Newsom filed official misconduct proceedings against Supervisor Edmund Jew; and

10 WHEREAS, The Ethics Commission is currently executing their responsibilities under
11 the San Francisco City Charter and will be forwarding a recommendation to the Board of
12 Supervisors on the official misconduct charges; and

13 WHEREAS, The Board of Supervisors will then have the Charter duty to vote on
14 whether to sustain the charges against Supervisor Jew; and

15 WHEREAS, As this process unfolds it is imperative that the Board take all necessary
16 steps to ensure that the proceedings do not violate Supervisor Jew's constitutional right to a
17 fair trial and to prevent the appearance of bias; and

18 WHEREAS, Actions by individual members of the Board of Supervisors, including
19 interviews with media outlets, and responses to media inquiries about specific votes or
20 specific issues may be misconstrued as a lack of fairness and impartiality

21 WHEREAS, While freedom of discussion should be given the widest latitude
22 compatible with the fair and orderly administration of justice, it must not be allowed to divert
23 deliberations from their purpose of adjudicating controversies in accordance with fair and
24 accepted legal procedures; and

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1 WHEREAS, It is well established that the judiciary and its officers refrain from public
2 comment prior to, during and after deliberations; now, therefore, be it

3 MOVED, That the Board of Supervisors should adopt procedures which guarantee a
4 fair proceeding, such as adopting stricter rules for use of the chambers by the press and the
5 public, and more closely supervising conduct within the Board of Supervisors chambers.

6 FURTHER MOVED, That members of the Board of Supervisors shall voluntarily
7 observe an order of suppression from the time the Ethics Commission forwards to the Board
8 their recommendation until the Board makes a final decision in the matter; and, be it

9 FURTHER MOVED, That members of the Board of Supervisors and its staff shall
10 refrain from making public comments outside the Board's Chambers regarding deliberations in
11 the misconduct proceedings, and shall further refrain from providing comments about specific
12 votes, whether taken or prospective as well as refraining from making comments on
13 information that the Board's counsel determines to be privileged.

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