

File No. 221270

Committee Item No. 2

Board Item No. 25

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Jan. 30, 2023

Board of Supervisors Meeting

Date February 7, 2023

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

### OTHER (Use back side if additional space is needed)

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Completed by: Victor Young

Date Jan 26, 2023

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

1 [Administrative Code - Resignations from City Boards and Commissions]

2

3 **Ordinance amending the Administrative Code to establish a City policy against seeking**  
4 **preemptive resignation letters from persons seeking or being considered for**  
5 **appointment or reappointment to City boards and commissions and other City bodies.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14

15 Section 1. Article IV-A of Chapter 16 of the Administrative Code is hereby amended by  
16 revising the title of Article IV-A, and Sections 16.89-15 and 16.89-16, to read as follows:

17

**ARTICLE IV-A**

18

**RESIGNATIONS OF CITY OFFICERS AND OTHER APPOINTEES**

19

**SEC. 16.89-15. METHOD OF RESIGNATION.**

20 (a) For purposes of this Article IV-A, the term “officer” shall mean any member of a board  
21 or commission or any department head listed in Campaign and Governmental Conduct Code Sections  
22 3.1-103(a)(1) or (b)(1). The term “other appointed member” shall mean any other person appointed to  
23 serve on a City body (such as an advisory body) established in the Charter or by ordinance.

24 (b) An officer or other appointed member may resign by submitting a written resignation,  
25 Resignations shall be in writing, and made as follows:

(a) (1) By elected officers, to the Clerk of the Board of Supervisors; and

1            ~~(b)~~ (2) By appointed officers and other appointed members, to the body or officer that  
2 appointed them.

3            (c) This Article IV-A does not in any way limit or modify those circumstances in which a  
4 resignation occurs by operation of law.

5            (d) It shall be against City policy for an appointing authority to ask or require a person  
6 seeking or being considered for appointment to a City office, or to any other City body (such as an  
7 advisory body) established in the Charter or by ordinance, to prepare, submit, or sign a letter of  
8 resignation before the appointment takes effect or as a condition of their reappointment. Once the  
9 appointment takes effect, the decision whether to resign shall rest with the appointee in their sole  
10 discretion, and the ability to resign under this Article IV-A may not be delegated or otherwise  
11 reassigned back to the appointing authority. The foregoing sentence does not prohibit an appointing  
12 authority from asking an appointee to resign at any point during the appointee's tenure, or from  
13 removing or seeking to remove an appointee under the removal procedures set forth in the Charter.

14  
15            **SEC. 16.89-16. EFFECTIVE DATE.**

16            ~~Such resignation shall become effective, u~~Unless otherwise stated in the written  
17 resignation, a resignation shall take effect immediately at the time it is ~~at which they are~~ received:

18            (a) By the office of the Clerk of the Board of Supervisors, when submitted by an  
19 elected officer; or

20            (b) By the office of the appointing authority, when submitted by an appointed officer  
21 or other appointed member.

22  
23            Section 2. Effective Date. This ordinance shall become effective 30 days after  
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
8 additions, and Board amendment deletions in accordance with the "Note" that appears under  
9 the official title of the ordinance.

10  
11 APPROVED AS TO FORM:  
12 DAVID CHIU, City Attorney

13  
14 By: /s/  
15 MANU PRADHAN  
16 Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Administrative Code - Resignations from City Boards and Commissions]

**Ordinance amending the Administrative Code to establish a City policy against seeking preemptive resignation letters from persons seeking or being considered for appointment or reappointment to City boards and commissions and other City bodies**

### Existing Law

Article IV-A of Chapter 16 of the Administrative Code describes the process for City officers to resign from their positions. An appointed City officer – in other words, a department head or a member of a board or commission – may resign by submitting a resignation letter to the body or officer who appointed them (their “appointing authority”).

### Amendments to Current Law

The ordinance establishes a City policy that an appointing authority may not ask or require a person seeking or being considered for appointment to a City office to prepare or submit a letter of resignation before their appointment has taken effect or as a condition of their reappointment. The ordinance also provides that the resignation procedures for appointed City officers apply to members of advisory bodies established in the Charter or by ordinance.

### Background Information

The ordinance is not intended to prohibit an appointing authority from asking an appointee to resign at any point during the appointee’s tenure, or from removing or seeking to remove an appointee under the removal procedures set forth in the Charter.

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BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

## MEMORANDUM

TO: Tom Paulino, All City Departments via the Mayor's Office

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: December 22, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

**File No. 221270**

**Ordinance amending the Administrative Code to establish a City policy against seeking preemptive resignation letters from persons seeking or being considered for appointment or reappointment to City boards and commissions and other City bodies.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [victor.young@sfgov.org](mailto:victor.young@sfgov.org).

cc: Andres Power, Mayor's Office