

[Appointment of the City Treasurer; City Elections In Even-Numbered Years.]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by (1) adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, set qualifications for the office of Treasurer, and setting an operative date; and, (2) amending Sections 2.101, 13.101 and Article XVII to: change the election cycle for the offices of Mayor, Sheriff, District Attorney, and City Attorney so that these offices will be elected in even-numbered years; amend the definition of general municipal election so that such elections occur only in even-numbered years; and, clarify the operation of term limits for members of the Board of Supervisors.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 4, 2008, a proposal to amend the Charter of the City and County by adding Section 3.106, amending Sections 2.101, 6.100, 13.101, 13.101.5, 13.102, 14.103, and Article XVII, and repealing Section 6.106, to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

Section 1. The San Francisco Charter is hereby amended by adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to read as follows:

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SEC. 3.106. TREASURER.

(a) The Mayor shall appoint or reappoint a Treasurer for a ten-year term, subject to confirmation by the Board of Supervisors. The Treasurer may only be removed by the Mayor for cause, with the concurrence of the Board of Supervisors by a two-thirds vote.

(b) No person shall be eligible for appointment to the office of Treasurer unless that person meets at least one of the following criteria:

1. The person has served in a senior financial management position in a county, city, or other public agency dealing with similar financial responsibilities for a continuous period of not less than three years, including, but not limited to, treasurer, tax collector, auditor, auditor-controller, or the chief deputy or an assistant in those offices; or,

2. The person possesses a valid baccalaureate, masters, or doctoral degree from an accredited college or university in any of the following major fields of study: business administration, public administration, economics, finance, accounting, or a related field, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

(c) The Treasurer shall be responsible for the collection of taxes, the receipt of all monies collected by the City and County and their safeguard, deposit and investment in accordance with sound financial practices, and shall be responsible for collection of delinquent revenue. The Treasurer shall appoint a Chief Assistant and a Tax Collector who shall serve at the pleasure of the Treasurer.

SEC. 6.100. DESIGNATION OF OTHER ELECTIVE OFFICERS.

(a) In addition to the officers required to be elected under other Articles of this Charter, the following shall constitute the elective officers of the City and County: the Assessor-Recorder, City Attorney, District Attorney, Public Defender, and Sheriff ~~and Treasurer~~. Each such officer shall be elected for a four-year term and shall serve full time.

(b) The City Attorney shall be licensed to practice law in all courts of the State of California and shall have been so licensed for at least ten years next preceding his or her election. The District Attorney and Public Defender shall each be licensed to practice law in all courts of the State of California and shall have been so licensed for at least five years next preceding his or her election. Such officers shall not engage in the private practice of law during the period they serve as elective officers of the City and County.

(c) Subject to the powers and duties set forth in this Charter, the officers named in this section shall have such additional powers and duties prescribed by state laws for their respective office. The terms of office in effect for these officers on the date this Charter is adopted shall continue.

~~SEC. 6.106. TREASURER.~~

~~*The Treasurer shall be responsible for the collection of taxes, the receipt of all monies collected by the City and County and their safeguard, deposit and investment in accordance with sound financial practices, and shall be responsible for collection of delinquent revenue. The Treasurer shall appoint a Chief Assistant and a Tax Collector who shall serve at the pleasure of the Treasurer.*~~

SEC. 13.101. TERMS OF ELECTIVE OFFICE.

(a) Except in the case of an appointment or election to fill a vacancy, the term of office of each elected officer shall commence at 12:00 noon on the eighth day of January following the date of the election.

(b) Subject to the applicable provisions of Section 13.102, the elected officers of the City and County shall be elected as follows:

(1) At the general municipal election in 1995 and every fourth year thereafter, a A Mayor, a Sheriff and a District Attorney shall be elected at the general municipal election in 2011, at the general municipal election in 2016, and every fourth year thereafter.

(2) Four members of the Board of Education and four members of the Governing Board of the Community College District shall be elected at A# the statewide general municipal election in 1996 and every fourth year thereafter, four members of the Board of Education and four members of the Governing Board of the Community College District shall be elected.

(3) At the general municipal election in 1997 and every fourth year thereafter, a A City Attorney and a Treasurer shall be elected at the general municipal election in 2009, at the general municipal election in 2014, and every fourth year thereafter.

(4) An Assessor-Recorder and Public Defender shall be elected at A# the general municipal election in 2006 and every fourth year thereafter, an Assessor-Recorder and Public Defender shall be elected.

(5) Three members of the Board of Education and three members of the Governing Board of the Community College District shall be elected at A# the statewide general municipal election in 1998 and every fourth year thereafter, three members of the Board of Education and three members of the Governing Board of the Community College District shall be elected.

(6) The election and terms of office of members of the Board of Supervisors shall be governed by Section 13.110.

(c) Notwithstanding any other provision of this Charter, including Sections 3.101 and 6.100, the term of office for the person elected Mayor, Sheriff, or District Attorney at the general municipal election in 2011 and the term of office for the person elected City Attorney at the general municipal election in 2009 shall be five years. This five-year term for the person elected to the office of Mayor in 2011 shall be deemed a single term for the purposes of term limits under Section 3.101.

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 appointed by the Board of Supervisors.

(c) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section 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.

(d) If no candidate receives a majority of the votes cast at an election to fill a vacated office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election at the next regular or otherwise scheduled election occurring not less than five weeks later. If an instant runoff election process is enacted for the offices enumerated in this Section, that process shall apply to any election required by this Section.

SEC. 13.102. INSTANT RUNOFF ELECTIONS.

(a) For the purposes of this section: (1) a candidate shall be deemed "continuing" if the candidate has not been eliminated; (2) a ballot shall be deemed "continuing" if it is not exhausted; and (3) a ballot shall be deemed "exhausted," and not counted 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 of the Board of Supervisors shall be elected using a ranked-choice, or "instant runoff," 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, 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 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 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 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 or, "instant runoff," 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 certifies 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 City shall begin using ranked-choice, or "instant runoff," balloting at the November 2003 general municipal election.

If ranked-choice, or "instant runoff," balloting is not used in November of 2002, and no candidate for any elective office of the City and County, except the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their

names placed on the ballot for a runoff election held on the second Tuesday in December of 2002.

SEC. 14.103. RECALL.

An elected official of the City and County, the City Administrator, the Controller, *the Treasurer*, or any member of the Airports Commission, the Board of Education, the governing board of the Community College District, the Ethics Commission or the Public Utilities Commission may be recalled by the voters as provided by this Charter and by the laws of the State of California, except that no recall petitions shall be initiated with respect to any officer who has held office for less than six months.

A recall petition shall include the signatures of voters in a number equal to at least ten percent of registered voters of the City and County at time of the filing of the notice of intention to circulate the recall petitions. A recall petition for a member of the Board of Supervisors shall include signatures of voters from the district from which the Supervisor was elected in a number equal to at least ten percent of the registered voters of the district at the time of the filing of the notice of intention to circulate the recall petition. A recall petition shall state the grounds on which the recall is based.

Upon certifying the sufficiency of the recall petition's signatures, the Director of Elections shall immediately call a special municipal election on the recall, to be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the recall shall be submitted at such general municipal or statewide election.

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Section 2. The San Francisco Charter is hereby amended by amending Section 2.101 and Article XVII, to read as follows:

SEC. 2.101. TERM OF OFFICE.

Each member of the Board of Supervisors shall be elected at a general election and shall serve a four-year term commencing on the eighth day in January following election and until a successor qualifies. The respective terms of office of the members of the Board of Supervisors in effect on the date this Charter is adopted shall continue.

No person elected or appointed as a Supervisor may serve as such for more than two successive four-year terms. Any person appointed, elected, or any combination thereof to the office of Supervisor to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive four-year terms may serve as a Supervisor, either by election or appointment, until at least four years after the expiration of the second successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term.

ARTICLE XVII: DEFINITIONS

SEC. 17.1. DEFINITIONS.

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

(a) “Business day” shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

(b) “Confirm” or “confirmation” shall mean the approval by a majority of the members of the Board of Supervisors.

(c) “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.

(d) “Domestic partners” shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

(e) “Elector” shall mean a person registered to vote in the City and County.

(f) “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.

(g) “General municipal election” shall mean the election to be held in the City and County on the Tuesday immediately following the first Monday in November in every year until and including 2011 ~~odd numbered years~~. Thereafter, "general municipal election" shall mean the election to be held in the City and County on the Tuesday immediately following the first Monday in November in even-numbered years.

(h) “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.

(i) “Notice” shall mean publication in an official newspaper (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office.

(j) “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.

(k) “Published” shall mean published in an official newspaper of the City and County.

(l) “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.

(m) “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, and (2) the Board of Supervisors with respect to bond issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

(n) “Statewide election” shall mean an election held throughout the state.

(o) “Voter” shall mean an elector who is registered in accordance with the provisions of state law.

Section 3. Section 1 of this Charter amendment shall become operative on January 8, 2010; provided, however, that the amendments to Section 13.101 shall become operative on the effective date of this measure.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney