

1 [Advertising for and Selection Process of Outside Counsel.]

2 **Motion directing the Clerk of the Board of Supervisors to advertise for outside counsel**
3 **to represent the Board of Supervisors on the matter of the official misconduct charges**
4 **filed against Supervisor Edmund Jew, and setting forth the process of selecting said**
5 **outside counsel.**

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7 WHEREAS, On September 25, 2007, Mayor Gavin Newsom served notice to the Clerk
8 of the Board of Supervisors that, under the authority of Section 15.105 of the Charter of the
9 City and County of San Francisco, he had suspended Supervisor Edmund Jew on the
10 grounds of official misconduct; and,

11 WHEREAS, Under the provisions of Section 15.105 of the Charter, the Ethics
12 Commission must hold a hearing not less than five days after the filing of these charges; and,

13 WHEREAS, The Ethics Commission, upon completion of this hearing, must then
14 transmit the full record of the hearing to the Board of Supervisors with a recommendation as
15 to whether or not the charges should be sustained; and,

16 WHEREAS, The Board of Supervisors may then review the complete record and vote
17 on whether or not the Mayor's charges should be sustained; and

18 WHEREAS, On September 28, 2007, the City Attorney advised the Board of
19 Supervisors that it should retain outside counsel to represent itself, specifically to the subject
20 matter of Supervisor Edmund Jew's suspension, prior to, during, and after the official
21 misconduct proceedings; now, therefore, be it

22 MOVED, That the Board of Supervisors directs the Clerk of the Board to advertise in
23 the City and County of San Francisco's various Type I and Type II publications for official
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1 advertisements and in local legal publications the Board's desire to hire outside counsel to
2 represent the Board during the official misconduct proceedings; and, be it

3 FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to
4 include in the advertisement the Board's desire that prospective applicants have the following
5 minimum qualifications:

- 6 • 10 years of membership and good standing within the Bar of California
- 7 • 5 years of experience with appellate litigation
- 8 • 5 years of experience with both civil and criminal procedure
- 9 • Experience working with California and San Francisco ethics laws

10 and, be it

11 FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to
12 include in the advertisement the Board's desire that prospective applicants have the following
13 preferred qualifications:

- 14 • Experience working with the Charter of the City and County of San Francisco
- 15 • Experience working with the California Elections Code

16 and, be it

17 FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to
18 include in the advertisement a provision that states the Board of Supervisors may hire private
19 counsel only if the Board deems it necessary, and that said private counsel must adhere to
20 the conflict of interest provisions of Charter Section 13.103.5; and, be it

21 FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to
22 additionally include in the advertisement a request that all applicants submit a proposed
23 budget and scope of work for their proposed services; and, be it

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1 FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to
2 provide for a two (2) week application period, after which the Clerk should create a public file
3 for all the submitted applications; and, be it

4 FURTHER MOVED, That the Board of Supervisors directs the Clerk to coordinate with
5 the Chair of the Rules Committee to schedule a Special Meeting of the Rules Committee
6 within a week of the close of the application period at which the Committee will (1) allow all
7 applicants to present their qualifications, (2) allow members of the public to comment on the
8 applications; and, (3) forward a recommendation of a single applicant to the Board of
9 Supervisors; and, be it

10 FURTHER MOVED, That the Board of Supervisors, upon receipt of the
11 recommendation of the Rules Committee will then (1) vote to accept the Rules Committee's
12 recommendation, (2) reject the Rules Committee's recommendation and approve an applicant
13 who properly submitted an application to the Clerk of the Board, but had not been forwarded
14 by the Rules Committee; or, (3) reject all applicants and request the Clerk to re-advertise the
15 Board's desire to hire outside counsel; and, be it

16 FURTHER MOVED, That, upon confirmation of the outside counsel by the Board, the
17 Board of Supervisors directs the Clerk to immediately enter into an agreement with the
18 Board's selected outside counsel.

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