

1 [Rules of Order – Material Economic Impact Legislation.]

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3 **Motion amending Rule 6.25 of the Rules of Order of the Board to clarify its applicability**  
4 **to the Board proceedings and its inapplicability to determinations of material economic**  
5 **impact by the Office of Economic Analysis.**

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7 WHEREAS, in *San Francisco Chamber of Commerce et al. v. Harrington et al.*, San  
8 Francisco Superior Court No. CPF-06-506358, the San Francisco Superior Court declared  
9 that Rule 6.25 of the Rules of Order of the Board of Supervisors conflicts with the initiative  
10 ordinance that was adopted in 2004 as Proposition I and that added Sections 10.31 through  
11 10.33 to the San Francisco Administrative Code; and,

12 WHEREAS, the Board wishes to clarify that Rule 6.25 describes the manner in which  
13 the Board intends to proceed with respect to the consideration of legislation, and the Board, in  
14 adopting Rule 6.25, does not intend to alter or impair the authority of the Office of Economic  
15 Analysis; now, therefore, be it

16 MOVED, That the Board of Supervisors of the City and County of San Francisco  
17 hereby amends its Rule 6.25 of its Rules of Order, as follows (additions are in underscored  
18 text, and deletions are in ~~strikethrough text~~):

19 **6.25 Material Economic Impact Legislation Guidelines.**

20 1. The Board of Supervisors hereby determines that the following items do not have  
21 ~~material economic impact within the provisions of Proposition I, and will not require an~~  
22 analysis a report by the Office of Economic Analysis for the Board's purposes in conducting  
23 meetings and considering and potentially adopting legislation: commendations; proclamations;  
24 resolutions authorizing the acceptance and expenditure of grants from government agencies;  
25 resolutions that urge actions; all appointments to City boards, commissions, advisory

1 committees and task forces; public hearings that have no accompanying legislation;  
2 resolutions that support or oppose legislation pending before other local, state, or federal  
3 legislative bodies or executives; and motions.

4 ~~2. The Board of Supervisors hereby determines that categories of items that routinely~~  
5 ~~do not have a material economic impact may be reviewed by the Office of Economic Analysis,~~  
6 ~~but analyses will not be required if the reviewed items appear to be routine, and do not appear~~  
7 ~~to have a material economic impact.~~

8 23. Rule 6.25 does not affect the Rule 5.39 requirements for fiscal impact reports by  
9 the Budget Analyst.

10 34. The Board shall consider and adopt Aall other proposed legislation shall need  
11 review in conjunction with any reports issued by the Office of Economic Analysis, as follows:  
12 including the preparation of analyses.

13 (a) From the date of receipt of the legislation, the Office of Economic Analysis shall  
14 have 30 days (or up to 45 days as discussed later) to submit a report an analysis to the Board  
15 of Supervisors; however, the President of the Board may grant 15 days of additional time (for  
16 a total of up to 45 days) for the Office of Economic Analysis to submit a report to the Board of  
17 Supervisors. The 30 (or up to 45) days in which the Office of Economic Analysis has to submit  
18 a report an analysis shall run concurrently with the 30 day review period that the Clerk and the  
19 President may impose on legislation (Rule 5.40).

20 (b) The President of the Board of Supervisors may waive the requirement that the  
21 report by the Office of Economic Analysis must be received prior to an item being heard in  
22 committee. Such a waiver shall not affect any obligation of the Office of Economic Analysis to  
23 prepare and submit a report. If the Office of Economic Analysis does so within 30 (or up to  
24 45) days, the Board must hold a public hearing on the report.

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1           (c) If the Office of Economic Analysis fails to submit the analysis by the deadline,  
2 including an extended deadline, the President shall waive the requirement that the report be  
3 submitted to the Board prior to the legislation being heard, and the Board may then act on the  
4 legislation without the report. If the President fails to issue the required waiver, then the Board  
5 of Supervisors, by motion approved by six votes, may waive the requirement that the report  
6 be submitted to the Board prior to the legislation being heard, and the Board may then act on  
7 the legislation without the report. Such a waiver by the President or Board shall not affect any  
8 obligation of the Office of Economic Analysis to prepare and submit a report. Upon  
9 completion of a late report, the Office of Economic Analysis shall submit the report to the  
10 Clerk of the Board, who shall place it in the public files.

11           ~~If the President (or a majority of the Board) waives the prohibition on hearing an item~~  
12 ~~before the Office of Economic Analysis report has been submitted, the Office of Economic~~  
13 ~~Analysis shall still submit an analysis to the Board within 30 (or up to 45) days. The Board~~  
14 ~~must hold a public hearing on the report submitted by the Office of Economic Analysis.~~

15           ~~The President of the Board may grant 15 days of additional time (for a total of up to 45~~  
16 ~~days) for the Office of Economic Analysis to submit an analysis to the Board of Supervisors.~~

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