

AMENDMENT OF THE WHOLE
8/02/05

FILE NO. 050132

MOTION NO.

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

2

3 **Motion amending the Rules of Order of the Board of Supervisors to add Rule 6.25,**
4 **which will provide a process for holding public hearings associated with legislation**
5 **that might have a material economic impact on the City.**

6

Note: This entire Rule is new.

7

8 **FINDINGS:**

9

10 ~~1. At the November 2, 2004, consolidated general election, the voters of the~~
11 ~~City and County of San Francisco approved Proposition I, which created an Office of~~
12 ~~Economic Analysis under the Controller. The Office will be staffed by two economists, and~~
13 ~~such other staff as provided, subject to the budgetary and fiscal provisions of the City Charter.~~

14

15 ~~2. Once the Office is established, it will identify and report on all legislation~~
16 ~~introduced at the Board of Supervisors that might have a material economic impact on the~~
17 ~~City, as determined by the Office. The Office's analyses shall address whether proposed~~
18 ~~legislation would promote or impede the policies contained in the most recent versions of the~~
19 ~~Economic Development Plan or Survey on Barriers to Employment Retention and Attraction.~~
20 ~~The Office shall submit an analysis to the Board of Supervisors within 30 days of receiving the~~
21 ~~subject legislation from the Clerk of the Board, unless the President of the Board grants 15~~
22 ~~days of additional time (up to 45 days). The analysis must be submitted to the Board prior to~~
23 ~~the legislation being heard in committee.~~

24

25 ~~3. In Proposition I the voters urged the Board of Supervisors to adopt all~~
26 ~~necessary rules and procedures for the full implementation of Proposition I, including a Rule~~
27 ~~providing that the Board shall not consider or hold hearings on any proposed legislation until it~~
28 ~~has received the Office's analysis on the impact of the legislation. The Board may waive this~~

1 requirement by a two-thirds vote if it finds that the public interest requires the immediate
2 consideration of the measure. Proposition I also allows the Board of Supervisors to amend
3 the provisions of Proposition I to promote or better achieve the underlying goal of
4 comprehensive and professional economic planning and analysis. This Rule amendment will
5 provide guidance to the Office of Economic Analysis as to the level of review and analysis
6 expected by the Board of Supervisors as the Office considers proposed legislation introduced
7 at the Board of Supervisors.

8 MOVED, That the Board of Supervisors of the City and County of San Francisco
9 hereby adds Rule 6.25 to its Rules of Order, to read as follows:

10 **6.25. MATERIAL ECONOMIC IMPACT LEGISLATION GUIDELINES.**

11 1. The Board of Supervisors hereby determines that the following items do not
12 have material economic impact within the provisions of Proposition I, and will not require an
13 analysis by the Office of Economic Analysis: commendations; proclamations; resolutions
14 authorizing the acceptance and expenditure of grants from government agencies; resolutions
15 that urge actions; all appointments to City boards, commissions, advisory committees and
16 task forces; public hearings that have no accompanying legislation; resolutions that support or
17 oppose legislation pending before other local, state, or federal legislative bodies or
18 executives; and motions.

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

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

25 4. All other proposed legislation shall need review by the Office of Economic

1 Analysis, including the preparation of analyses.

2 From the date of receipt ~~T~~the Office of Economic Analysis shall have 30 days (or up to
3 45 days as discussed later) to submit an analysis to the Board of Supervisors. The 30 (or up
4 to 45) days in which the Office of Economic Analysis has to submit an analysis shall run
5 concurrently with the 30 day review period that the Clerk and the President may impose on
6 legislation (Rule 5.40). ~~If the Board finds that In the case of a public emergency affecting life,~~
7 ~~health, property, or for the uninterrupted operation of any City or County department or office~~
8 ~~required to comply with time limitations as established by law public interest requires the~~
9 ~~immediate consideration of the measure, the Board it may, by a two-thirds vote, waive the~~
10 ~~prohibition on hearing an item before the Office of Economic Analysis report has been~~
11 ~~submitted.~~ The President of the Board of Supervisors may waive the requirement that the
12 report by the Office of Economic Analysis must be received prior to an item being heard in
13 committee. If the Office of Economic Analysis fails to submit the analysis by the deadline,
14 including an extended deadline, the President shall waive the requirement that the report be
15 submitted to the Board prior to the legislation being heard, and the Board may then act on the
16 legislation without the report. If the President fails to issue the required waiver, then the
17 Board of Supervisors, by motion approved by six votes, may waive the requirement that the
18 report be submitted to the Board prior to the legislation being heard, and the Board may then
19 act on the legislation without the report. Upon completion of a late report, the Office of
20 Economic Analysis shall submit the report to the Clerk of the Board, who shall place it in the
21 public files.

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

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

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25