

File No. 180062

Committee Item No. _____

Board Item No. 47

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: January 23, 2018

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Legislation Exhibit A - Clerk of the Board Memo, January 19, 2018</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Brent Jalipa

Date: January 18, 2018

Prepared by: _____

Date: _____

1 [Approving Process for Nominating and Selecting a Successor Mayor]

2
3 **Motion to consider and approve a special process to nominate and appoint a**
4 **successor Mayor of the City and County of San Francisco.**

5
6 WHEREAS, On December 12, 2017, the sudden and unexpected passing of Mayor
7 Edwin Lee created a vacancy in the Office of the Mayor; and

8 WHEREAS, San Francisco Charter, Section 13.101.5(b), provides that when a vacancy
9 occurs in the Office of the Mayor, the President of the Board of Supervisors shall become
10 Acting Mayor and shall serve until a successor is appointed by the Board of Supervisors; and

11 WHEREAS, On December 12, 2017, President of the Board of Supervisors London
12 Breed assumed the role of Acting Mayor of the City and County of San Francisco; and

13 WHEREAS, The San Francisco Charter and the San Francisco Administrative Code
14 are silent on the process for the selection of a successor Mayor, but the Board of Supervisors
15 has considerable discretion in creating such a process; and

16 WHEREAS, It is in the best interest of the City and County of San Francisco that the
17 Board of Supervisors utilize a fair and orderly process to be used for the selection of a
18 successor Mayor; and

19 WHEREAS, The Board of Supervisors directed the Clerk of the Board of Supervisors
20 for the City and County of San Francisco, by the Motion contained in Board of Supervisors
21 File No. 180059, to prepare and provide a process that is modeled after the process utilized in
22 2010, to govern the nomination and appointment of a successor Mayor; and

23 WHEREAS, In order to consider the appointment of a successor Mayor, the Board of
24 Supervisors will conduct the business to consider nominations and appointment a successor
25

1 Mayor according to the process contained in Board of Supervisors File No. 180062, and
2 approved on _____, 2018; and

3 WHEREAS, The Clerk of the Board of Supervisors has prepared a process
4 incorporating all local and state provisions for the nomination and appointment of a successor
5 Mayor, including the California Government Code, San Francisco Municipal Charter of 1996,
6 San Francisco Campaign and Governmental Conduct Code, Board of Supervisors' Rules of
7 Order, Robert's Rules of Order (11th Edition), and Board of Supervisors Journals of
8 Proceedings; now, therefore, be it

9 MOVED, That the Board of Supervisors of the City and County of San Francisco
10 approves the process prepared by the Clerk of the Board of Supervisors, attached as Exhibit
11 "A" and contained in Board of Supervisors File No. 180062.

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Board of Supervisors



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Date: January 19, 2018
To: Members, Board of Supervisors
FROM: Clerk of the Board, Angela Calvillo
RE: Item #47 January 23, 2018 Agenda

**2018 PROPOSED PROCESS FOR SUCCESSOR MAYOR NOMINATION
AND APPOINTMENT**

The Clerk of the Board has been directed to present a process to the Board of Supervisors which may be used to appoint a Successor Mayor in 2018, based upon Amended Exhibit A from 2011, contained in Legislative File No. 180059, Item #46, on the January 23, 2018 Agenda. The Clerk's proposed process begins on page two of this memorandum.

The Board of Supervisors (Board) has broad discretion in developing a procedure, given that the San Francisco Municipal Charter and the Municipal Codes do not dictate a process. Accordingly, the Board may establish its own process with respect to the nomination and appointment of a Successor Mayor so long as the process does not conflict with any relevant City or state law such as the Political Reform Act.

Provided below is the sequence of events taken by the Board President in 2011, once the proper motions were properly introduced, the process approved and the Committee of the Whole called.

A. COMMITTEE OF THE WHOLE MEETING CALLED TO ORDER

- The President calls to order the Committee of the Whole (COW) to receive comments from Board Members.
- The President opens public comment. The public has a right to discuss or recommend any nominee to the COW.
- The President closes public comment.
- The President opens the floor for nominations. The President will preside over the hearing unless she is nominated. If nominated, the President will appoint a President Pro Tem or Presiding Officer to preside over the meeting, and the President if nominated, shall withdraw from the meeting until either the nomination is approved by the Board or the nomination is publicly and irrevocably rejected by the President. The Pro-Tem should be ready to preside over the remainder of the meeting, but not beyond adjournment of the meeting.
- Once the COW makes its recommendation to the Board, the COW adjourns.
- The Board reconvenes as the Board of Supervisors to appoint a Successor Mayor.

2018 PROPOSED PROCESS FOR SUCCESSOR MAYOR NOMINATION AND APPOINTMENT

A. Nominations for Successor Mayor

Nomination Principles

1. During the hearing, Board Members shall only nominate San Francisco electors. (*City and County of San Francisco Charter, 1996, §13.106 Qualifications*)
2. A Board Member may not nominate themselves. (*Political Reform Act, Ca. Gov't Code §87100 et seq.: & 2 C.C.R §18702. (1), (2) & (3)*)
3. A nominee does not have to accept a nomination and can withdraw his/her name from consideration without a second. If a nominee withdraws his/her nomination, nominations may be reopened by motion, second, and a majority vote. (*Roberts's Rules of Order, Newly Revised 11th ed. p. 430 Article XIV §46 Nominations and Elections*)

New Consideration: Consider if nominees should express their desire to accept or reject the nomination before the Board votes on their nomination, and within what timeframe should the acceptance or rejection be stated?

Nomination Procedures

1. Nominations shall be made from the floor and continues up until the time that Board Members are ready to vote. When there are no further nominations, the Presiding Officer declares nominations closed. The Chamber Crestron system will be used to facilitate the order of nominations. (*Roberts's Rules of Order, Newly Revised 11th ed. p. 430 Article XIV §46 Nominations and Elections*)
2. A second for a nomination is not necessary. (*Roberts's Rules of Order, Newly Revised 11th ed. p. 430 Article XIV §46 Nominations and Elections*)
3. If no nominee receives a majority vote by the COW, nominations may be reopened by a majority vote. (*Roberts's Rules of Order, Newly Revised 11th ed. p. 430 Article XIV §46 Nominations and Elections*)
4. If a Board Member accepts a nomination, they consent to leaving the Chamber and shall be sequestered until voting on his/her nomination is concluded. During this period, communications between the sequestered Board Members and the Board Members in the Chamber may not take place. To ensure Members are kept from participating or otherwise from influencing the Board's decision, no laptops, or cell phones will be allowed, and written or verbal messages to the sequestered Board Member will not be allowed. While sequestered, a nominee may watch the hearing on television. A Sheriff Deputy will be present in the sequestered room to ensure the integrity of the process. (*Political Reform Act, Ca. Gov't Code §87100 et seq.: & 2 C.C.R §18702. (1), (2) & (3)*)

5. Once all nominations have been made, the Presiding officer will close nominations and request the voting begin on the nominations, in the order received. (*Roberts's Rules of Order, Newly Revised 11th ed. Article XIV §46 Nominations and Elections*)
6. Once a nominee has been selected by the COW, and the COW has adjourned, the remaining sequestered nominees may return to the Chamber only if they publicly and irrevocably withdraw their nominations prior to rejoining the discussion and or vote on the appointment of Successor Mayor. If they do not publicly and irrevocably withdraw their nomination, the nominees remain disqualified from the vote and from participating or otherwise influencing the Board's decision. (*Political Reform Act, Ca. Gov't Code §87100 et seq.: & 2 C.C.R §18702. (1), (2) & (3)*)
7. If the nominee selected by the COW is a Board Member, the nominee remains sequestered until the Board takes the final vote. (*Political Reform Act, Ca. Gov't Code §87100 et seq.: & 2 C.C.R §18702. (1), (2) & (3)*)

B. Discussion and Voting for Successor Mayor

1. After nominations are closed, Board Members have the opportunity to discuss the nomination, then vote. One nominee at a time, the Clerk shall conduct a roll call vote of the eligible Board Members. Voting will be conducted on nominations in the order in which they were received. Keep in mind, this means an early nominee may receive a majority vote of all members and selected before a later nominee ever gets voted on. No selection shall be made with fewer than six votes regardless of the number of Board Members nominated. (*Roberts's Rules of Order, Newly Revised 11th ed. Article XIV §46 Nominations and Elections*)
2. A Board Member shall not speak more than twice on any particular nomination and only after each Board Member has had an opportunity to speak. After obtaining the floor, a Board Member shall not be allowed to speak more than 10 minutes, except by permission of a majority of the Board Members present. (Board of Supervisors, Rules of Order, Board Rule 5.11, February 14, 2017)
3. Once a nominee has been selected by the COW, the Presiding Officer shall adjourn the COW and reconvene as the Board of Supervisors to consider the motion to appoint.
4. Once the Board has reconvened, any nominee who has not publicly and irrevocably withdrawn their nomination remains disqualified from the vote and from participating or otherwise influencing the Board's decision. (*Political Reform Act, Ca. Gov't Code §87100 et seq.: & State Political Reform Act, See 2 C.C.R §18702. (1), (2) & (3); & San Francisco Campaign & Governmental Conduct Code §3.210 (a)*)

5. If the nominated person recommended by the COW is a member of the Board, they must remain sequestered until final action by the Board is taken on the motion to appoint the successor Mayor. (*Political Reform Act, Ca. Gov't Code §87100 et seq.: & 2 C.C.R §18702. (1), (2) & (3)*)

C. Appointment of Successor Mayor

To appoint a Successor Mayor the Board would have to act by at least six affirmative votes on the motion confirming the appointment, by amending Item #42, on the January 23, 2018 Agenda, Legislative File No. 180064, to include the selected nominee's name and is voted on by the Board as amended. Thereafter,

- a) two members of the Board may escort the new Mayor to the well of the Chamber (*Board of Supervisors Journals of Proceedings, 1978 Dianne Feinstein appointed Mayor of San Francisco*)
- b) the new Mayor may express appreciation to the Board Members for entrusting him/her the responsibility of Mayor until such time as the special election;
- c) the oath of office may be administered on the date of appointment or at later date.

Charter Section 13.101.5(b) states that the "President of the Board of Supervisors shall become Acting Mayor and shall serve until a successor is appointed by the Board of Supervisors." However, the Board of Supervisors may, but is not required to appoint a successor Mayor by a certain date (or at all), nor is there any provision that sets a time limit on the duration of the Board President serving as Acting Mayor. In the event a nominee does not get six votes, the Acting Mayor shall continue to serve until the special election occurs and the Mayor takes office.

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Approving Process for Nominating and Selecting a Successor Mayor

The text is listed:

Motion to consider and approve a special process to nominate and appoint a successor Mayor of the City and County of San Francisco.

Signature of Sponsoring Supervisor: *Alisa Gomez*

For Clerk's Use Only

fr

180062