

[Tolling deadlines for action by the Board of Supervisors during recess, and reducing the number of votes required when one or more Board members are disqualified because of a conflict of interest.]

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 amending Sections 2.103, 2.104, and Article XVII, to modify the provisions governing the proceedings of the Board of Supervisors by tolling deadlines for action by the Board when the Board is in recess, and by reducing the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 4, 2003, a proposal to amend the Charter of the City and County by amending Sections 2.103, 2.104, and Article XVII, 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 amending Section 2.103 to read as follows:

SEC. 2.103. MEETINGS.

The Board of Supervisors shall meet at the legislative chambers in City Hall at 12:00 noon on the eighth day in January in each odd-numbered year. Thereafter, regular meetings shall be held on such dates and at such times as shall be fixed by resolution.

The meetings of the Board shall be held in City Hall, provided that, in case of emergency,

the Board, by resolution, may designate some other appropriate place as its temporary meeting place.

Notice of any special meeting shall be published at least 24 hours in advance of such special meeting.

The Board of Supervisors, by motion, may schedule special meetings of the Board in locations in San Francisco other than City Hall. Notice of special meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings. Motions to schedule special meetings of the Board in locations in San Francisco other than City Hall shall first be introduced and referred to a committee of the Board for hearing and consideration.

The Board of Supervisors, by motion, may authorize a committee of the Board of Supervisors to schedule a special meeting of the committee of the Board in a location in San Francisco other than City Hall. Notice of special committee meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings.

Any deadline for action by the Board of Supervisors set in the Charter or the Municipal Code, and not otherwise required by state or federal law, shall be tolled during any period when the Board is in recess, except for those deadlines relating to: (1) preparing and adopting the City's budget, the Municipal Transportation Agency's budget, or any other agency's budget that requires Board approval; or (2) calling or conducting elections. For purposes of this section, "recess" shall mean any period of time when the Board of Supervisors has by resolution canceled in advance all regularly-scheduled meetings of the Board and its committees. The recess shall be deemed to begin, for tolling purposes, on the date of the last regularly-scheduled meeting of the Board or its committees before the recess and to end on the date of the first regularly-scheduled meeting of the Board or its committees after the recess, not to exceed a period of 60 days.

Section 2. The San Francisco Charter is hereby amended, by amending Section 2.104 to read as follows:

SEC. 2.104. QUORUM.

The presence of a majority of the members of the Board of Supervisors at a regular or special meeting shall constitute a quorum for the transaction of business. In the absence of a quorum, a smaller number of members may compel the attendance of absent members in the manner and under the penalties established by the Board of Supervisors.

The Board of Supervisors shall act by a majority, two-thirds, three-fourths, or other vote of all members of the Board. Each member present at a regular or special meeting shall vote “yes” or “no” when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

But if one or more members of the Board are disqualified from voting on a matter because of a conflict of interest, the number of votes required to take an action shall be determined by applying the appropriate fraction to the total number of seats on the Board minus the number of members who have been disqualified. A simple majority shall be calculated as the first whole number greater than one-half the number of members. In all other cases, fractions of votes shall be rounded upward to the next whole number. Nothing in this paragraph shall affect or reduce the number of members of the Board of Supervisors who must be present to constitute a quorum for the transaction of business.

Section 3. The San Francisco Charter is hereby amended, by amending Article XVII to read as follows:

ARTICLE XVII: DEFINITIONS

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

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

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

“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.

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

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

“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.

“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 odd-numbered years.

“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.

“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.

“Official misconduct” shall mean any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any willful or corrupt failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct

that falls below the standard of decency, good faith and right action impliedly required of all public officers.

“One-third,” “a majority” or “two-thirds” of ~~the Board of Supervisors or any other~~ a 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. “One-third,” “a majority” or “two-thirds” of the Board of Supervisors shall mean one-third, a majority or two-thirds of the Board, as determined pursuant to Section 2.104 of this Charter.

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

“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.

“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.

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

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

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

By: _____
THOMAS J. OWEN
Deputy City Attorney