

BOARD of SUPERVISORS



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MEMORANDUM

TO: Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Mayor's Office

FROM: *ll*
for Alisa Somera, Legislative Deputy Director
Rules Committee

DATE: February 6, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Peskin on January 23, 2018:

File No. 180088

Ordinance amending the Administrative Code to modify the process for the Mayor to appear at the Board of Supervisors for a question-and-answer session.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Shahde Tavakoli, Mayor's Office

1 [Administrative Code - Mayoral Appearance at the Board of Supervisors]

2
3 **Ordinance amending the Administrative Code to modify the process for the Mayor to**
4 **appear at the Board of Supervisors for a question-and-answer session.**

5
6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The Administrative Code is hereby amended by revising Section 2.11, to
15 read as follows:

16 **SEC. 2.11. MAYOR'S MONTHLY APPEARANCE AT THE BOARD FOR FORMAL**
17 **POLICY DISCUSSIONS.**

18 ~~1.(a)~~ *Scheduling Mayor's Appearance.* Pursuant to Section 3.100(7) of the Charter,
19 the Mayor shall appear at the second regularly scheduled meeting of the Board of Supervisors
20 each month. The Mayor may, due to conflict, arrange with the President to reschedule his or
21 her monthly appearance. The President, in consultation with the Mayor, may also reschedule
22 the Mayor's appearance where the second regularly scheduled meeting does not occur. In
23 those instances, the *Board* President shall communicate to the Clerk of the Board the
24 rescheduling of the Mayor's appearance date. ~~A supermajority of the Board may, when the item is~~
25 ~~called, move to forego the question and answer session.~~

26 ~~2.(b)~~ *Submission of Question Topics.*

1 (1) Supervisors' eligibility to ask questions shall be determined in order of
2 ~~each~~ Supervisorial District on a rotating basis each month. ~~Each~~ Supervisor~~s~~ from ~~an odd~~
3 Districts One, Two, Three, and Four each may ~~submit and~~ ask a question ~~for~~ at the Mayor's first
4 appearance after May 1, 2018. At the Mayor's second appearance after May 1, 2018, Supervisors
5 from Districts Five, Six, Seven, and Eight each may ask a question. At the Mayor's third appearance
6 after May 1, 2018, Supervisors from Districts Nine, Ten, and Eleven each may ask a question. ~~, each~~
7 ~~Supervisor from an even District may submit and ask an opening question for the following~~
8 ~~appearance.~~ Thereafter, ~~a Supervisor's~~ Supervisors' eligibility to ask questions shall continue to
9 rotate in this ~~same three-month cycle.~~ manner alternating each month between odd and even Districts.

10 (2) A ~~Board member~~ Supervisor eligible to ask a question shall submit the
11 general topic of the question to the Clerk of the Board and the Mayor by ~~12:00~~-noon the
12 Wednesday prior to the Mayor's appearance. The Clerk shall ~~review~~ include the submitted
13 ~~questions~~ topics and include on the Board agenda. ~~all submissions that meet the guidelines in~~
14 ~~Section 2.11(3) of the Administrative Code. A supermajority of the Board may, by oral motion, move to~~
15 ~~strike any question posed to the Mayor and, if the motion carries, the Mayor shall not be required to~~
16 ~~answer.~~

17 (3) ~~A supermajority of~~ The Board may, by oral motion approved by affirmative
18 vote of at least eight members, allow an eligible Board member to ask a question that ~~was not~~
19 ~~posed~~ is not related to a topic submitted by ~~12:00~~-noon on a Wednesday where that question
20 relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy
21 questions that ~~members the Supervisor~~ could not have anticipated prior to the ~~12:00~~ noon
22 Wednesday deadline and that cannot be adequately addressed at the next scheduled
23 question time. An eligible Supervisor who asks such a question following approval of a motion shall
24 not have the opportunity to ask any additional questions, even if the Supervisor submitted a question
25 topic to the Clerk under subsection (b)(2). ~~In the case of such questions, in order to foster a~~

1 ~~meaningful discussion with the Mayor, Supervisors are strongly encouraged to notify the Mayor, Board~~
2 ~~President and Clerk of the Board, in writing, as soon as possible in advance of the Mayor's appearance~~
3 ~~that they intend to ask to be allowed to pose the question. The notification shall include the proposed~~
4 ~~question.~~

5 3.(c) **Procedural order.** The Mayor's appearance shall be the first regular item of
6 business on the Board's agenda. The Mayor may address the Board initially for up to five
7 minutes on any policy matter within the subject matter jurisdiction of the Mayor or the Board.
8 Thereafter, ~~discussion, including the asking and answering of questions, shall not exceed five minutes~~
9 ~~per Supervisor. the Clerk shall call on each Supervisor who has submitted a question topic under~~
10 ~~subsection (b) of this Section 2.11, in the same order as the order of voting under the Board's Rules of~~
11 ~~Order. When the item is called, the Board may, by oral motion approved by affirmative vote of at least~~
12 ~~eight members, forego the question-and-answer session.~~

13 (d) **Question-And-Answer Format.**

14 (1) When called on by the Clerk, a Supervisor may ask a question pertaining to the
15 topic submitted by that Supervisor. The Mayor shall respond, and the questioning Supervisor then may
16 ask a follow-up question directly related to the opening question or to the Mayor's answer. The Mayor
17 shall respond to the follow-up question.

18 (2) Following the Mayor's response to the Supervisor's initial question, or the
19 Mayor's response to the Supervisor's follow-up question if the Supervisor asks a follow-up question,
20 the Mayor may ask a question to the Supervisor pertaining to the same topic. The Supervisor shall
21 respond, and the Mayor then may ask a follow-up question directly related to the question or to the
22 Supervisor's answer. The Supervisor shall respond to the follow-up question.

23 (3) The Mayor and the Supervisor may use up to two minutes for each of the
24 questions and each of the answers described in subsections (d)(1) and (d)(2). No question or answer
25

1 may exceed two minutes. No Supervisor other than the questioning Supervisor may participate in or
2 comment on the questions and answers during the exchange described in this subsection (d).

3 (e) The Board may, by oral motion approved by affirmative vote of at least eight members,
4 strike for good cause any question posed by a Supervisor or by the Mayor and, if the motion carries,
5 the responding party shall not be required to answer.

6 (f) The questions, including those relating to sudden or unexpected incidents or
7 occurrences, and ensuing discussion related to the questions between the Mayor and the Board, and
8 answers as described in subsection (d) shall be limited to formal policy matters as set forth in
9 Charter Section 3.100(7) and shall be limited to items that are within the subject matter
10 jurisdiction of the Mayor or the Board. Any question posed that does not fall within these parameters
11 shall be ruled out of order. The Mayor and the Board may shall not discuss In addition, no question or
12 answer may address a matters that have has already been considered in committee and that are
13 is on the Board's regular agenda as an action item for the particular day on which the Mayor
14 makes his or her appearance. The President of the Board shall rule out of order any question posed
15 that does not fall within these parameters.

16 4.(g) Public comment concerning the matters discussed during the Mayor's
17 appearance at the Board shall take place during general public comment.

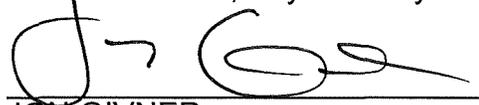
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19 Section 2. Effective Date. This ordinance shall become effective 30 days after
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
22 of Supervisors overrides the Mayor's veto of the ordinance.

23
24 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

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

8 By:



9 JON GIVNER
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Mayoral Appearance at the Board of Supervisors]

Ordinance amending the Administrative Code to modify the process for the Mayor to appear at the Board of Supervisors for a question-and-answer session.

Existing Law

Under Section 3.100 of the San Francisco Charter, the Mayor must appear “in person, at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board.” Section 2.103 of the Charter further requires the Board, in consultation with the Mayor, to adopt an ordinance providing for rules and governing the conduct of Mayoral appearances at the Board. The Board enacted such an ordinance in 2011.

Under that ordinance, the Mayor appears at the Board on the second Tuesday of each month, though the Mayor and the Board President may agree to reschedule the appearance date. At the start of the Mayor’s appearance, the Mayor may speak on any topic within the jurisdiction of the Board or the Mayor, except for items on the Board’s agenda that day. After the Mayor’s initial statement, Supervisors may ask the Mayor questions. Supervisors are eligible to ask questions on a rotating basis, with Supervisors from odd-numbered districts eligible to ask questions one month and Supervisors from even-numbered districts eligible to ask questions the following month. Eligible Supervisors may pose a question to the Mayor by submitting it in writing to the Clerk of the Board by noon the Wednesday prior to the Mayor’s appearance. In some circumstances involving unforeseen and time-sensitive events, eligible Supervisors may ask questions not posed in writing prior to the deadline. The process does not allow Supervisors to ask follow-up questions and does not allow the Mayor to ask questions of Supervisors.

Amendments to Current Law

The proposed ordinance would change the process in the following ways:

- Eligibility to ask questions would rotate on a three-month basis, with Supervisors from Districts 1, 2, 3 and 4 eligible to ask questions the first month, Supervisors from Districts 5, 6, 7, and 8 eligible to ask questions the second month, and Supervisors from Districts 9, 10, and 11 eligible to ask questions the third month.
- Instead of submitting written questions in advance, Supervisors would be required to submit a topic to the Clerk.

- At the meeting, following the Mayor's opening statement, each eligible Supervisor could ask the Mayor a question on the topic submitted by that Supervisor. The Mayor would be required to answer the question, and the Supervisor could then ask a follow-up question on the same topic, which the Mayor would also be required to answer.
- After responding to the Supervisor's question or questions, the Mayor could then ask the Supervisor a question on the same topic, which the Supervisor would be required to answer. The Mayor could then ask the Supervisor a follow-up question on that topic, which the Supervisor would also be required to answer.
- The eligible Supervisors and the Mayor would have two minutes for each question and each answer.

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