

1 [Motion to Amend the Rules of Order Governing the Board of Supervisors to amend Rule 4.16  
2 and to add new sections 4.16.1 – 4.16.6; 4.40 – 4.41.3.]

3 **Motion to Amend the Rules of Order Governing the Board of Supervisors.**  
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5           MOVED, Without good working relationships any democratically elected organization  
6 will have difficulty succeeding; and,

7           MOVED, No government will be effective unless mutual respect exists between the  
8 public, elected leaders and city staff; and

9           MOVED, The objectives of these additions are to enhance the effectiveness of City  
10 government for the good of the citizens of San Francisco; to improve the credibility and  
11 accountability of elected officials within the community; and to enhance mutual trust, respect  
12 and tolerance between elected officials; and,

13           MOVED, Individual Supervisors shall conduct themselves in ways that maintains the  
14 public confidence in the office to which they have been elected; and,

15           MOVED, Individual Supervisors shall refrain from abusive conduct, personal charges or  
16 verbal attacks upon the character, motives, ethics or morals of other elected officials, staff or  
17 public; and,

18           MOVED, The Board Rule 4.16 shall be amended to read “Conduct of Supervisors. No  
19 Supervisor in debate shall, directly or indirectly, by any form of words impute to another  
20 Supervisor or to other Supervisors any conduct or motive unworthy or unbecoming a  
21 Supervisor, except as provided in Rule 4.40: and,

22           MOVED, That Board Rule 4.16.1 shall be added to read “Members of the Board of  
23 Supervisors shall conduct themselves at all times in a manner that shall reflect creditably on  
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1 the Board of Supervisors, including their behavior at Board meetings, committee hearings and  
2 through any verbal or printed communications to the public; and,

3           MOVED, That Board Rule 4.16.2 shall be added to read “Members of the Board of  
4 Supervisors shall conduct their dealings with each other in way that maintains public  
5 confidence in the office to which they have been elected; members shall be open and honest  
6 and focus on issues rather than personalities; and shall avoid aggressive, offensive or abusive  
7 conduct; and,

8           MOVED, That Board Rule 4.16.3 shall be added to read “Members of the Board of  
9 Supervisors shall maintain the respect and dignity of their office in their dealings with other  
10 Supervisors, other elected and appointed officials, staff and the public; and,

11           MOVED, That Board Rule 4.16.4 shall be added to read “Members of the Board of  
12 Supervisors shall make no allegations against other Supervisors, other elected and appointed  
13 officials or staff which are improper, derogatory, false or misleading or slanderous and/or  
14 libelous; and,

15           MOVED, That Board Rule 4.16.5 shall be added to read “Members of the Board of  
16 Supervisors shall refrain from abusive conduct, personal charges or verbal and written attacks  
17 upon the character, motives, ethics or morals of other members of the Board of Supervisors,  
18 other elected or appointed officials, staff or the public; and,

19           MOVED, That Board Rule 4.16.6 shall be added to read “No member of the Board of  
20 Supervisors shall use his or her position or prospective position, or the power or authority of  
21 his or her office or position, in any manner intended to induce or coerce any person to  
22 provide, directly or indirectly, anything of value which shall accrue to the private advantage,  
23 benefit, or economic gain, of the Supervisor. As used in this section, the term “private  
24 advantage, benefit, or economic gain” means any advantage, benefit or economic gain,  
25 distinct from that enjoyed by members of the public without regard to official status or not

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1 resulting naturally from lawful and proper performance of duties. A Supervisor engages in  
2 prohibited use of his or her official position or prospective position when he or she engages in  
3 activities other than in the lawful and proper performance of the person’s official duties; and,

4           MOVED, That Board Rule 4.40 shall be added to read “Admonition, Sanction and  
5 Censure: In order to best serve the citizens of the City and County of San Francisco, the  
6 Board of Supervisors must act individually and collectively to create a government that is  
7 responsible, fair, honest and open. Those individuals elected to the Board of Supervisors are  
8 expected to demonstrate the highest standards of personal integrity, honesty and conduct in  
9 all activities in order to inspire public confidence and trust in the citizens of the City and  
10 County of San Francisco. A member of the Board of Supervisors may be admonished,  
11 sanctioned, or censured for violating Rules 4.16 – 4.16.6; and,

12           MOVED, That Board Rule 4.40.1 shall be added to read “Admonition: This is the least  
13 severe form of action. An admonition may typically be directed to all members of the Board of  
14 Supervisors, reminding them that a particular type of behavior is in violation of Rules 4.16 –  
15 4.16.6, and that, if it occurs or is found to have occurred, could make a member subject to  
16 sanction or censure; and,

17           MOVED, That Board Rule 4.40.2 shall be added to read “Sanction: This is the next  
18 most severe form of action. Sanction should be directed to a particular Supervisor based on a  
19 particular action (or set of actions) that is determined to be in violation of Rules 4.16 – 4.16.6,  
20 but is considered by the Board of Supervisors to be not sufficiently serious to require censure.  
21 A sanction is distinguished from censure in that it is not a punishment. A sanction may be  
22 issued based upon the Board of Supervisors’ review and consideration of an allegation of a  
23 violation of Rules 4.16 – 4.16.6. The member accused of such violation will have an  
24 opportunity to provide a written response to the allegation; and,

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1           MOVED, That Board Rule 4.40.3 shall be added to read “Censure: Censure shall be  
2 defined as an official rebuke, an expression of strong disapproval, harsh criticism or  
3 condemnation. Censure is a formal statement of the Board of Supervisors officially  
4 reprimanding one of its members. Censure should be used for cases in which the Board of  
5 Supervisors determines the violation of Rules 4.16 – 4.16.6 to be a serious offense. Censure  
6 is a serious matter and shall not be used as a tool for harassment; any allegation must be  
7 supported by evidence, not hearsay. If a Supervisor is censured, he or she should, where  
8 possible, be removed from any adjunct committee representing the City and County of San  
9 Francisco as a whole or any committee where the Supervisor represents the City, such  
10 removal shall not impinge on the Supervisors’ duties to represent his or her district. Such  
11 removal should begin from the date of censure for a one-year period, if possible. Further, a  
12 Supervisor who has been censured may be removed from all Board committees with fiduciary  
13 responsibilities for a one-year period beginning from the date of censure. In order to protect  
14 the overriding principle of freedom of speech, the Board of Supervisors shall not impose  
15 censure on any of its members for the exercise of his or her First Amendment rights, no  
16 matter how distasteful the expression was to the Board and the City. However, nothing herein  
17 shall be construed to prohibit the Board of Supervisors from collectively condemning and  
18 expressing their strong disapprobation of such remarks; and,

19           MOVED, That Board Rule 4.41 shall be added to read, “Procedures and Investigation:  
20 Any member of the Board of Supervisors may submit by written motion an allegation  
21 concerning a violation of Rules 4.16 – 4.16.6. The motion may be cosponsored by other  
22 Supervisors. Upon receiving the written motion, the clerk of the Board shall schedule a public  
23 hearing on the motion at the next duly calendared Board of Supervisors meeting. Part of the  
24 determination should include allowing for the Supervisor who is the subject of the allegation  
25 the opportunity to address the allegation in writing or by appearing at the Board of Supervisors

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1 meeting at which the allegation is discussed. The hearing will include discussion and debate  
2 on the violation in question. Upon conclusion of the hearing, the Supervisor in question may  
3 be admonished, sanctioned or censured by an appropriate vote as described below; and,

4           MOVED, That Board Rule 4.41.1 shall be added to read “Admonition: A request for an  
5 admonition must be submitted by written motion by a member of the Board of Supervisors.  
6 The request should contain the specific language of the proposed admonition. An admonition  
7 can be approved by a majority of the Board of Supervisors; and,

8           MOVED, That Board Rule 4.41.2 shall be added to read “Sanction: A request for  
9 sanction must be submitted by written motion by a member of the Board of Supervisors. The  
10 request should contain specific allegations of conduct in violation of the Code of Conduct.  
11 The Board of Supervisors sitting as a whole shall determine that either: (a) The proposed  
12 sanction is warranted; or (b) An admonition, rather than sanction, should be imposed; or  
13 (c) No action is required. A sanction is based on the Board of Supervisors’ review of the  
14 written record and of the information provided as part of the public hearing on the issue. A  
15 sanction must be approved by a majority vote of the Board of Supervisors; and,

16           MOVED, That Board Rule 4.41.3 shall be added to read “Censure: A request for a  
17 censure hearing must be submitted by written motion by a member of the Board of  
18 Supervisors. The request must contain the specific allegations of conduct in violation of Rules  
19 4.16 – 4.16.6. The Board of Supervisors sitting as a whole shall determine that either: (a) The  
20 proposed censure is warranted; or (b) An admonition or sanction, rather than censure, should  
21 be imposed; or (c) No action is required. A censure is based on the Board of Supervisors’  
22 review of the written record and of the information provided as part of the public hearing on  
23 the issue. A decision to censure requires the Board of Supervisors to make findings with  
24 regard to the specific allegations, based on substantial evidence, and must be approved by a  
25 two-thirds vote of the Board of Supervisors.

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