

File No. 140554

Committee Item No. 12

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date June 19, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" 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 |
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OTHER (Use back side if additional space is needed)

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Completed by: Alisa Miller Date June 13, 2014

Completed by: _____ Date _____

1 [Charter Amendment - Democratic Special Elections to Fill Vacancies in City Elected Offices
2 and Appointments to Fill Vacancies on the School Board and Community College District
3 Board]

4 **Describing and setting forth a proposal to the voters at an election to be held on November**
5 **4, 2014 to amend the Charter of the City and County of San Francisco to require the**
6 **Department of Elections to call a special election when there is a vacancy in the office of**
7 **Mayor, Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff,**
8 **Treasurer, or Member of the Board of Supervisors, unless a general municipal election for**
9 **the vacated seat is regularly scheduled to be held less than a year after the vacancy; and to**
10 **authorize the Board of Education and the Governing Board of the Community College**
11 **District to make appointments to fill vacancies on their respective boards to serve until a**
12 **successor is elected at a regularly scheduled election.**

13
14 The Board of Supervisors hereby submits to the qualified voters of the City and County,
15 at an election to be held on November 4, 2014, a proposal to amend the Charter of the City and
16 County by revising Sections 3.100 and 13.101.5 and Article XVII, to read as follows:

17 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
18 **Additions** are *single-underline italics Times New Roman font*.
19 **Deletions** are *strike-through italics Times New Roman font*.
20 **Asterisks (* * * *)** indicate the omission of unchanged Charter
21 subsections.

22 **SEC. 3.100. POWERS AND RESPONSIBILITIES.**

23 The Mayor shall be the chief executive officer and the official representative of the City
24 and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire
25 time and attention to the duties of the office, and shall not devote time or attention to any other

1 occupation or business activity. The Mayor shall enforce all laws relating to the City and County,
2 and accept service of process on its behalf.

3 * * * *

4 The Mayor shall have the power to:

5 * * * *

6 ~~15. Make an appointment to fill any vacancy in an elective office of the City and County~~
7 ~~until a successor shall have been elected;~~

8 ~~16~~15. Subject to the provisions of Charter Section 2.113, submit to the voters a
9 declaration of policy or ordinance on any matter on which the Board of Supervisors is
10 empowered to pass;

11 ~~17~~16. Have and exercise such other powers as are provided by this Charter or by law for
12 the chief executive officer of a City and County;

13 ~~18~~17. Unless otherwise specifically provided, make appointments to boards and
14 commissions which shall be effective immediately and remain so, unless rejected by a two-thirds
15 vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment.
16 The Notice of Appointment shall include the appointee's qualifications to serve and a statement
17 how the appointment represents the communities of interest, neighborhoods and diverse
18 populations of the City and County;

19 ~~19~~18. Appoint department heads subject to the provisions of this Charter; and

20 ~~20~~19. Prepare and submit schedule of rates, fees and other similar charges to the Board
21 of Supervisors.

22
23 **SEC. 13.101.5. VACANCIES.**

24 (a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public
25 Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, ~~Board of Education or~~

1 *Governing Board of the Community College District* becomes vacant because of death,
2 resignation, recall, permanent disability, or the inability of the respective officer to otherwise
3 carry out the responsibilities of the office, the office shall remain vacant until a successor is
4 elected as provided in this Section. Mayor shall appoint an individual qualified to fill the
5 vacancy under this Charter and state laws.

6 (b) If the Office of Mayor becomes vacant because of death, resignation, recall,
7 permanent disability or the inability to carry out the responsibilities of the office, the President of
8 the Board of Supervisors shall become Acting Mayor and shall serve until a successor is elected
9 as provided in this Section. until a successor is appointed by the Board of Supervisors.

10 ~~(e) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section shall~~
11 ~~serve until a successor is selected at the next election occurring not less than 120 days after the~~
12 ~~vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an~~
13 ~~election for the vacated office is scheduled to occur less than one year after the vacancy, the~~
14 ~~appointee shall serve until a successor is selected at that election or (2) if an election for any~~
15 ~~seat on the same board as the vacated seat is scheduled to occur less than one year but at least~~
16 ~~120 days after the vacancy, the appointee shall serve until a successor is selected at that election~~
17 ~~to fill the unexpired term.~~

18 (c) If an office becomes vacant as provided in subsection (a) or (b), within 14 days of the
19 vacancy the Director of Elections shall call a special municipal election to fill the vacancy.

20 (1) The special municipal election required by this Subsection (c) shall be held
21 not less than 105 days nor more than 120 days from the date of its calling, unless the date of the
22 special municipal election is within 105 days of a general municipal or statewide election, in
23 which event the special municipal election shall be consolidated with the general municipal or
24 statewide election.

1 (2) Notwithstanding Subsection (c)(1), if an election for the vacated office is
2 scheduled to occur less than one year after the vacancy, no special municipal election shall be
3 held, and a successor to that office shall be elected at that general municipal election.

4 (d) When the office of Member of the Board of Supervisors becomes vacant, the Clerk of
5 the Board of Supervisors shall designate and supervise staff responsible for making reasonable
6 efforts to respond to inquiries from members of the public in the supervisorial district as to
7 which the office is vacant, to keep residents and community organizations in the district apprised
8 of City business related to that district, and to keep a district office open in City Hall on average
9 at least 20 hours a week, until a successor is elected. In calculating the number of votes
10 required for any act by the Board of Supervisors while the office is vacant, the Board of
11 Supervisors shall be counted as having eleven members, notwithstanding the vacancy in the
12 office.

13 (e) If the office of Member of the Board of Education or Governing Board of the
14 Community College District becomes vacant because of death, resignation, recall, permanent
15 disability, or the inability of the respective officer to otherwise carry out the responsibilities of
16 the office, the board on which the vacancy occurs shall appoint an individual qualified to fill the
17 vacancy under this Charter and state laws. Any person filling a vacancy pursuant to this
18 subsection (e) shall serve until a successor is selected at the next election occurring not less than
19 120 days after the vacancy, at which time an election shall be held to fill the unexpired term,
20 provided that (1) if an election for the vacated office is scheduled to occur less than one year
21 after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if
22 an election for any seat on the same board as the vacated seat is scheduled to occur less than
23 one year but at least 120 days after the vacancy, the appointee shall serve until a successor is
24 selected at that election to fill the unexpired term.

1 (f) This Section shall apply to vacancies that occur after November 4, 2014. If a vacancy
2 in an office listed in this Section occurs after November 4, 2014 and the Mayor or Board of
3 Supervisors appoints an individual to fill that vacancy before the effective date of the Charter
4 amendment amending this Section 13.101.5 at the November 4, 2014 election, the appointee
5 shall vacate the office by operation of law on the effective date of the Charter amendment, and
6 the vacancy shall be filled as provided in this Section.

7 ~~(d) If no candidate receives a majority of the votes cast at an election to fill a vacated~~
8 ~~office, the two candidates receiving the most votes shall qualify to have their names placed on~~
9 ~~the ballot for a municipal runoff election at the next regular or otherwise scheduled election~~
10 ~~occurring not less than five weeks later. If an instant runoff election process is enacted for the~~
11 ~~offices enumerated in this Section, that process shall apply to any election required by this~~
12 ~~Section.~~

ARTICLE XVII:

DEFINITIONS

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

18 * * * *

19 "Special municipal election" shall mean, in addition to special elections otherwise
20 required by law, the election called by (1) the Director of Elections with respect to an
21 initiative, referendum, or recall, or to fill a vacancy in the office of Mayor, Assessor-Recorder,
22 City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of
23 Supervisors, and (2) the Board of Supervisors with respect to bond issues, election of an
24 official not required to be elected at the general municipal election, or an initiative or
25 referendum.

LEGISLATIVE DIGEST

[Charter Amendment - Democratic Special Elections to Fill Vacancies in City Elected Offices and Appointments to Fill Vacancies on the School Board and Community College District Board]

Describing and setting forth a proposal to the voters at an election to be held on November 4, 2014 to amend the Charter of the City and County of San Francisco to require the Department of Elections to call a special election when there is a vacancy in the office of Mayor, Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, unless a general municipal election for the vacated seat is regularly scheduled to be held less than a year after the vacancy; and to authorize the Board of Education and the Governing Board of the Community College District to make appointments to fill vacancies on their respective boards to serve until a successor is elected at a regularly scheduled election.

Existing Law

When the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer or a seat on the Board of Supervisors, Board of Education or Governing Board of the Community College District becomes vacant because of the death, resignation, recall, permanent disability, or the inability of the officer to otherwise carry out the responsibilities of the office, the Mayor has the authority to appoint a successor to fill the vacancy until an election is held. When the office of Mayor becomes vacant, the President of the Board of Supervisors serves as Acting Mayor, and the Board of Supervisors may appoint a successor fill the vacancy until an election is held.

In these circumstances, the City would hold an election to fill the vacated office for at an election during the following year or two. The Charter provides three possible deadlines for that election depending on the upcoming election schedule. First, if an election for the vacant office is scheduled to occur less than one year after the vacancy, then the voters would choose the successor at that election. Second, if an election for any other seat on the same board is scheduled to occur between 120 days and one year after the vacancy, then the voters would choose the successor at that election. Third, in any other case—for example, if the nearest election for the office or the board is less than 120 days away or more than one year away—then the voters would choose the successor at the next election, as long as that election is scheduled to occur at least 120 days after the vacancy.

Amendments to Current Law

Under the proposed Charter amendment, the Mayor would not appoint a successor when a vacancy occurs in the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors. And the Board of Supervisors would not appoint a Mayor when a vacancy occurs in the office of Mayor, but the President of the Board would still serve as Acting Mayor. In any of those situations, the Director of Elections would schedule a special election for the vacated office.

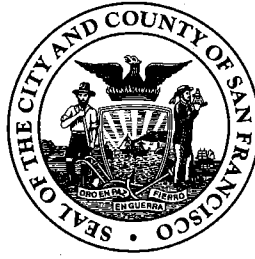
The special election would occur between 105 and 120 days after the vacancy, but if a general election is scheduled to occur within 105 days of the proposed special election date, the Director of Elections would consolidate the special election with the scheduled general election. If the vacancy occurs with less than one year remaining before the regularly scheduled election for the office, the Director of Elections would not schedule a special election, and the voters would choose the successor at that regularly scheduled election.

When a seat on the Board of Supervisors is vacant, the Clerk of the Board of Supervisors would be responsible for designating staff responsible for responding to inquiries from members of the public in the supervisorial district, keeping residents and community organizations in the district apprised of City business, and keeping a district office open in City Hall on average at least 20 hours a week, until a successor is elected.

Under the proposed Charter amendment, the Mayor also would not appoint a successor when a vacancy occurs on the Board of Education or the Governing Board of the Community College District. Instead, the board on which such a vacancy occurs could appoint a person to fill the vacancy until a successor is elected at a subsequent election. The City would hold an election to fill the vacant seat according to the same schedule that applies under existing law. The City would not hold a special election to fill the seat.

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Ben Rosenfield, City Controller

FROM: Alisa Miller, Clerk, Rules Committee
Board of Supervisors

DATE: May 28, 2014

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 4, 2014 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 4, 2014 Election, introduced by Supervisor Avalos on May 20, 2014. This matter is being referred to you in accordance with Elections Code, Section 305(B)(2) and Rules of Order 2.22.3.

File No. 140554 Charter Amendment - Democratic Special Elections to Fill Vacancies in City Elected Offices and Appointments to Fill Vacancies on the School Board and Community College District Board

Charter Amendment (First Draft) to amend the Charter, at an election to be held on November 4, 2014, to require the Department of Elections to call a special election when there is a vacancy in the office of Mayor, Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors unless a general municipal election for the vacated seat is regularly scheduled to be held less than a year after the vacancy; and to authorize the Board of Education and the Governing Board of the Community College District to make appointments to fill vacancies on their respective boards to serve until a successor is elected at a regularly scheduled election.

Please review immediately and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns please call me at (415) 554-4447 or email: alisa.miller@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Monique Zmuda, Office of the City Controller
Peg Stevenson, Office of the City Controller

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Jason Elliott, Mayor's Office
Jon Givner, Office of the City Attorney
Naomi Kelly, City Administrator
John St. Croix, Executive Director, Ethics Commission
John Arntz, Director, Department of Elections
John Rahaim, Director, Planning Department
Sarah Jones, Environmental Review Officer, Planning Department
Harvey Rose, Budget and Legislative Analyst
Carmen Chu, Assessor/Recorder
George Gascon, District Attorney
Jeff Adachi, Public Defender
Sheriff Ross Mirkarimi, Sheriff's Department
Jose Cisneros, Treasurer/Tax Collector
Superintendent Richard Carranza, SFUSD
Sandra Lee Fewer, President, Board of Education
Dr. Arthur Tyler, Chancellor, Community College of San Francisco

FROM: Alisa Miller, Clerk, Rules Committee
Board of Supervisors

DATE: May 28, 2014

SUBJECT: CHARTER AMENDMENT INTRODUCED
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election when there is a vacancy in the office of Mayor, Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors unless a general municipal election for the vacated seat is regularly scheduled to be held less than a year after the vacancy; and to authorize the Board of Education and the Governing Board of the Community College District to make appointments to fill vacancies on their respective boards to serve until a successor is elected at a regularly scheduled election.

Please review immediately and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-4447 or email: alisa.miller@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

- c: AnMarie Rodgers, Planning Department
- Aaron Starr, Planning Department
- Jeanie Poling, Planning Department
- Debra Newman, Office of the Budget and Legislative Analyst
- Severin Campbell, Office of the Budget and Legislative Analyst
- Gabriela Loeza, Office of the Budget and Legislative Analyst
- Trisha Prashad, Office of the Assessor/Recorder
- Sharon Woo, Office of the District Attorney
- Katherine Gorwood, Sheriff's Department
- Susan Fahey, Sheriff's Department
- Greg Kato, Office of the Treasurer/Tax Collector
- Esther Casco, Board of Education

Print Form

Introduction Form

By a Member of the Board of Supervisors or the 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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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 a Imperative

Sponsor(s):

Supervisors John Avalos, David Campos, Eric Mar

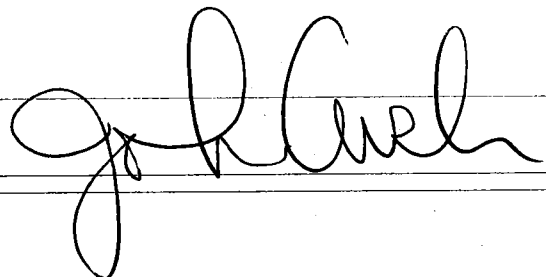
Subject:

Charter Amendment - Democratic Special Elections to Fill Vacancies in City Elected Offices and Appointments to Fill Vacancies on the School Board and Community College District Board

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor:



For Clerk's Use Only: