

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: John Arntz, Director, Department of Elections
Ben Rosenfield, City Controller, Office of the Controller
Anna Duning, Acting Budget Director, Mayor's Office of Public Policy and Finance

FROM: Brent Jalipa, Assistant Clerk, Budget and Finance Committee

DATE: December 12, 2022

SUBJECT: PROPOSED ORDINANCE INTRODUCED

The Board of Supervisors' Budget and Finance Committee has received the following proposed Ordinance, introduced by Supervisor Aaron Peskin on December 6, 2022:

File No. 221243

Ordinance prohibiting the Department of Elections and the Elections Commission from using funds appropriated to the Department of Elections and the Elections Commission in the Annual Budget and Appropriation Ordinance for Fiscal Year 2022-2023 for the purpose of contracting with a vendor to provide services to conduct a search to fill the position of Director of Elections for the five-year term scheduled to commence on May 21, 2023.

If you have any 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.

c: Todd Rydstrom, Office of the Controller
Natasha Mihal, Office of the Controller
Janice Levy, Office of the Controller
Xang Hang, Mayor's Office of Public Policy and Finance

1 [Prohibiting Use of Appropriated Funds to Hire a Vendor to Conduct a Search to Fill the
2 Director of Elections Position]

3 **Ordinance prohibiting the Department of Elections and the Elections Commission from**
4 **using funds appropriated to the Department of Elections and the Elections**
5 **Commission in the Annual Budget and Appropriation Ordinance for Fiscal Year 2022-**
6 **2023 for the purpose of contracting with a vendor to provide services to conduct a**
7 **search to fill the position of Director of Elections for the five-year term scheduled to**
8 **commence on May 21, 2023.**

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

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

17 Section 1. Background.

18 (a) On July 26, 2022, the Board of Supervisors adopted the Annual Budget and
19 Appropriation Ordinance for Fiscal Year 2022-2023. (Ord. No. 161-22.) The ordinance
20 appropriated approximately \$23 million to the Department of Elections for a variety of uses.
21 The ordinance appropriated approximately \$70,000 to the Elections Commission to fund the
22 salary and benefits of the Elections Commission Secretary. The ordinance did not specifically
23 appropriate funds to finance a search to fill the five-year term for the Director of Elections
24 position that is scheduled to commence on May 21, 2023.

25 (b) Under Charter Section 13.104, the Elections Commission appoints the Director of
Elections to a five-year term. The current term will end on May 20, 2023. Under Civil Service

1 Rule 114.34, a competitive search process is not required if the Elections Commission
2 decides to renew the term of an incumbent Director without engaging in a competitive search.

3 (c) At its November 16, 2022 meeting, the Elections Commission voted to engage in a
4 competitive search process for the Director of Elections position for the upcoming five-year
5 term, and invited the incumbent Director of Elections to apply.
6

7 Section 2. Limiting Uses for Funds Appropriated to the Department of Elections and
8 Elections Commission in Fiscal Year 2022-2023.

9 The Department of Elections and Elections Commission may not expend any funds
10 appropriated for the Department or Commission in the Fiscal Year 2022-2023 Annual Budget
11 and Appropriation Ordinance (Ord. No. 161-22) for the purpose of contracting with a vendor to
12 provide services in a search to fill the position of Director of Elections for the upcoming five-
13 year term. The Controller is hereby prohibited from any transfer of budgeted appropriations
14 for this purpose.
15

16 Section 3. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.
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1 APPROVED AS TO FORM:
2 DAVID CHIU, City Attorney

3 By: /s/ _____
4 JON GIVNER
 Deputy City Attorney

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

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

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor [] inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

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

Sponsor(s):

Supervisor Peskin

Subject:

[Prohibiting Use of Appropriated Funds to Hire a Vendor to Conduct a Search to Fill the Director of Elections Position]

Long Title or text listed:

Ordinance prohibiting the Department of Elections and the Elections Commission from using funds appropriated to the Department of Elections and the Elections Commission in the Annual Budget and Appropriation Ordinance for Fiscal Year 2022-2023 for the purpose of contracting with a vendor to provide services to conduct a search to fill the position of Director of Elections for the five-year term scheduled to commence on May 21, 2023.

Signature of Sponsoring Supervisor:

