File No. _____180088_____   Committee Item No. ____2____
                             Board Item No. ____13____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: _Rules Committee_   Date _March 14, 2018_

Board of Supervisors Meeting   Date _April 3, 2018_

Cmte Board

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☒	☒	Ordinance
☒	☒	Legislative Digest
☐	☐	Budget and Legislative Analyst Report
☐	☐	Youth Commission Report
☒	☒	Introduction Form
☐	☐	Department/Agency Cover Letter and/or Report
☐	☐	Memorandum of Understanding (MOU)
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 - Ethics Commission
☐	☐	Award Letter
☐	☐	Application
☐	☐	Form 700
☐	☐	Vacancy Notice
☐	☐	Information Sheet
☐	☐	Public Correspondence

OTHER   (Use back side if additional space is needed)

☐	☐	_____
☐	☐	_____
☐	☐	_____
☐	☐	_____
☐	☐	_____
☐	☐	_____
☐	☐	_____
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Completed by: _Victor Young_   Date _March 9, 2018_
Completed by: _V Young_   Date _3/19/15_

FILE NO. 180088   ORDINANCE NO.

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.
         Additions to Codes are in *single-underline italics Times New Roman font*.
7   **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
         Board amendment additions are in <u>double-underlined Arial font</u>.
8   **Board amendment deletions** are in ~~strikethrough Arial font~~.
         Asterisks (*   *   *   *) indicate the omission of unchanged Code
9   subsections or parts of tables.

10

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

12   Section 1. The Administrative Code is hereby amended by revising Section 2.11, to

13   read as follows:

14   **SEC. 2.11. MAYOR'S MONTHLY APPEARANCE AT THE BOARD FOR FORMAL**

15   **POLICY DISCUSSIONS.**

16   ~~*1.*~~*(a)*   *Scheduling Mayor's Appearance.* Pursuant to Section 3.100(7) of the Charter,

17   the Mayor shall appear at the second regularly scheduled meeting of the Board of Supervisors

18   each month. The Mayor may, due to conflict, arrange with the President to reschedule his or

19   her monthly appearance. The President, in consultation with the Mayor, may also reschedule

20   the Mayor's appearance where the second regularly scheduled meeting does not occur. In

21   those instances, the ~~Board~~ President shall communicate to the Clerk of the Board the

22   rescheduling of *the* Mayor's appearance date. ~~*A supermajority of the Board may, when the item is*~~

23   ~~*called, move to forego the question and answer session.*~~

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

25

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

_____ *(2)* A ~~Board member~~ *Supervisor* eligible to ask a question shall submit the *general topic of the* question to the Clerk of the Board and the Mayor by ~~12:00~~ noon the Wednesday prior to the Mayor's appearance. The Clerk shall <u>forward the submitted topics to the City Attorney to determine whether the topics provide legally adequate notice of the topic of discussion under State and local public meeting laws. If the City Attorney determines that the topics are legally adequate, the Clerk shall</u> ~~review~~ *include* the submitted ~~questions~~ *topics and* ~~include~~ on the Board agenda<u>.</u> ~~all submissions that meet the guidelines in Section 2.11(3) of the Administrative Code. A supermajority of the Board may, by oral motion, move to strike any question posed to the Mayor and, if the motion carries, the Mayor shall not be required to answer.~~

_____ *(3)* ~~A supermajority of t~~The Board may, by oral motion *approved by affirmative vote of at least eight members*, allow an eligible Board member to ask a question that ~~was not posed~~ *is not related to a topic submitted* by ~~12:00~~ noon on a Wednesday where that question relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy questions that ~~members~~ *the Supervisor* could not have anticipated prior to the ~~12:00~~ noon Wednesday deadline and that cannot be adequately addressed at the next scheduled question time. *An eligible Supervisor who asks such a question following approval of a motion shall*

1   *not have the opportunity to ask any additional questions, even if the Supervisor submitted a question*

2   *topic to the Clerk under subsection (b)(2).* ~~In the case of such questions, in order to foster a~~

3   ~~meaningful discussion with the Mayor, Supervisors are strongly encouraged to notify the Mayor, Board~~

4   ~~President and Clerk of the Board, in writing, as soon as possible in advance of the Mayor's appearance~~

5   ~~that they intend to ask to be allowed to pose the question. The notification shall include the proposed~~

6   ~~question.~~

7   ~~3.~~*(c)*   ***Procedural order.*** The Mayor's appearance shall be the first regular item of

8   business on the Board's agenda. The Mayor may address the Board initially for up to five

9   minutes *on any policy matter within the subject matter jurisdiction of the Mayor or the Board.*

10   Thereafter, ~~discussion, including the asking and answering of questions, shall not exceed five minutes~~

11   ~~per Supervisor.~~ *the Clerk shall call on each Supervisor who has submitted a question topic under*

12   *subsection (b) of this Section 2.11, in the same order as the order of voting under the Board's Rules of*

13   *Order. When the item is called, the Board may, by oral motion approved by affirmative vote of at least*

14   *eight members, forego the question-and-answer session.*

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

16   *(1)   When called on by the Clerk, a Supervisor may ask a question pertaining to the*

17   *topic submitted by that Supervisor. The Mayor shall respond, and the questioning Supervisor then may*

18   *ask a follow-up question directly related to the opening question or to the Mayor's answer. The Mayor*

19   *shall respond to the follow-up question.*

20   *(2)   Following the Mayor's response to the Supervisor's initial question, or the*

21   *Mayor's response to the Supervisor's follow-up question if the Supervisor asks a follow-up question,*

22   *the Mayor may ask a question to* ~~the~~any Supervisor who is present at the meeting *pertaining to the*

23   *same topic. The Supervisor shall respond, and the Mayor then may ask a follow-up question* to that

24   Supervisor *directly related to the question or to the Supervisor's answer. The Supervisor shall*

25   *respond to the follow-up question.*

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1   *(3)   The Mayor and the Supervisor may use up to two minutes for each of the*

2 *questions and each of the answers described in subsections (d)(1) and (d)(2). No question or answer*

3 *may exceed two minutes.*

4   <u>(4)   Except the Supervisor asking a question under subsection (d)(1) and the</u>

5 <u>Supervisor responding to a question from the Mayor under subsection (d)(2),</u> N*no Supervisor*

6 ~~other than the questioning Supervisor~~ *may participate in or comment on the questions and answers*

7 *during the exchange described in this subsection (d).*

8   *(e)   The Board may, by oral motion approved by affirmative vote of at least eight members,*

9 *strike for good cause any question posed by a Supervisor or by the Mayor and, if the motion carries,*

10 *the responding party shall not be required to answer.*

11   *(f)*   The questions, ~~including those relating to sudden or unexpected incidents or~~

12 ~~occurrences, and ensuing discussion related to the questions between the Mayor and the Board,~~ *and*

13 *answers as described in subsection (d)* shall be limited to formal policy matters as set forth in

14 Charter Section 3.100(7) and shall be limited to items that are within the subject matter

15 jurisdiction of the Mayor or the Board. ~~Any question posed that does not fall within these parameters~~

16 ~~shall be ruled out of order. The Mayor and the Board may shall not discuss~~ *In addition, no question or*

17 *answer may address a* matter~~s~~ that ~~have~~ *has* already been considered in committee and that ~~are~~

18 *is* on the Board's ~~regular~~ agenda as an action item for the ~~particular~~ day on which the Mayor

19 makes his *or her* appearance. *The President of the Board shall rule out of order any question posed*

20 *that does not fall within these parameters.*

21   ~~4.~~*(g)*   Public comment concerning the matters discussed during the Mayor's

22 appearance at the Board shall take place during general public comment.

23

24   Section 2. Effective Date. This ordinance shall become effective 30 days after

25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

2 of Supervisors overrides the Mayor's veto of the ordinance.

3

4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors

5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

8 additions, and Board amendment deletions in accordance with the "Note" that appears under

9 the official title of the ordinance.

10

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

12

13 By: _____

14 JON GIVNER
    Deputy City Attorney

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Supervisor Peskin
BOARD OF SUPERVISORS

Page 5

LEGISLATIVE DIGEST
Amended in Committee 3/14/18

[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 any Supervisor present in the room a question on the same topic, which the Supervisor would be required to answer. The Mayor could then ask the same 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.

Background Information

This legislative digest reflects amendments adopted by the Rules Committee on March 14, 2018.

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MEMORANDUM

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

FROM: 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

Introduction Form

By a Member of the Board of Supervisors or Mayor

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 [   ] inquiries"

[ ] 5. City Attorney Request.

[ ] 6. Call File No. [   ] from Committee.

[ ] 7. Budget Analyst request (attached written motion).

[ ] 8. Substitute Legislation File No. [   ]

[ ] 9. Reactivate File No. [   ]

[ ] 10. 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 the Imperative Form.

Sponsor(s):

Peskin

Subject:

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

The text is listed:

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.

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only

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