

File No. 200132

Committee Item No. 4

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date March 2, 2020

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input 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 type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (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                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date February 27, 2020  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Amending Board Rules - Administration of Oaths and Issuance of Subpoena Duces Tecum]

2  
3 **Motion amending the Board of Supervisors Rules of Order to set forth the process for**  
4 **administration of oaths to individuals testifying before the Board pursuant to a**  
5 **subpoena, and to authorize the Government Audit & Oversight Committee to**  
6 **administer oaths and issue subpoenas duces tecum.**

7  
8 MOVED, That the Board of Supervisors hereby amends Rule 3.3 of the Board of  
9 Supervisors Rules of Order by adding Rule 3.3.1 and Rule 3.3.2 to read as follows:

10 **3.3. Committee Authority.** Committees shall consider only items which have been  
11 referred to them by the President, or by the Board, and which have been posted, published,  
12 and noticed. The basic function of each committee is to inquire and to recommend actions to  
13 the full Board. Additional committee authority exists only when specifically authorized by  
14 ordinance or by the Board. Committees shall provide an opportunity for public comment only  
15 with regard to items posted, published, and noticed on their meeting agendas. No Supervisor  
16 or combination of Supervisors shall employ or engage the services of any person, or authorize  
17 or incur any charge, debt or liability against the City unless authority first shall have been  
18 given by the Board or is provided by law.

19 **3.3.1. Issuance of Subpoena Duces Tecum by the Government Audit & Oversight**  
20 **Committee.** By oral motion adopted by a majority of the members of the Government Audit &  
21 Oversight Committee during a subject public hearing, the Committee may instruct the Clerk of  
22 the Board to issue a subpoena duces tecum to individuals whose testimony is sought in that  
23 subject public hearing on file with the Clerk of the Board, with the request to appear at the  
24 Government Audit & Oversight Committee and respond to questions and produce any related  
25 materials in their possession on the hearing subject matter.

1           **3.3.2. Administration of Oaths at Government Audit and Oversight Committee**

2 **Meetings.** The Committee Clerk shall administer an oath to any person testifying before the  
3 Government Audit & Oversight Committee pursuant to a subpoena duces tecum issued by the  
4 Committee under Rule 3.3.1, excluding City employees testifying in their official capacity and  
5 persons testifying during public comment. Notwithstanding the forgoing, the Committee Clerk  
6 shall administer an oath to a Department Head when that Department Head is testifying  
7 pursuant to a subpoena duces tecum issued under Rule 3.3.1. Any testimony following such  
8 an oath shall be given under penalty of perjury. In addition to the authority granted by this  
9 Rule, the Board by written motion may authorize any standing committee to administer oaths,  
10 consistent with Charter Section 16.114.

11  
12           FURTHER MOVED, That the Board of Supervisors hereby amends Rule 6.7 of the  
13 Board of Supervisors Rules of Order by adding Rule 6.7.1 to read as follows:

14           **6.7. Subpoenas.** Whenever the subpoena power of the Board is to be exercised in an  
15 inquiry conducted pursuant to the provisions of the Charter, the subpoena shall be issued  
16 upon a motion duly seconded, with an affirmative vote of a majority of the Supervisors  
17 present, which subpoena shall be issued and authenticated in the name of the Board by the  
18 Clerk of the Board. Any person refusing to obey such subpoena or to produce such books,  
19 papers, testimony or other evidence shall be deemed in contempt and shall be subject to  
20 proceedings and penalties as provided by general law in such instances.

21           **6.7.1 Administration of Oaths.** The Clerk shall administer an oath to any person  
22 testifying before the Board pursuant to a subpoena issued under Rule 6.7, excluding City  
23 employees testifying in their official capacity and persons testifying during public comment.  
24 Notwithstanding the forgoing, the Clerk shall administer an oath to a Department Head when  
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1 the Department Head is testifying pursuant to a subpoena issued under Rule 6.7. Any  
2 testimony following such an oath shall be given under penalty of perjury.

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## Young, Victor (BOS)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, February 25, 2020 9:46 AM  
**To:** BOS-Supervisors; Young, Victor (BOS)  
**Subject:** FW: Public Comment

**From:** Thomas Busse <tjbussef@gmail.com>  
**Sent:** Monday, February 24, 2020 1:36 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>  
**Subject:** Public Comment

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members of the Board of Supervisors

I am a resident of District 5, and writing in support of Supervisor Peskin's proposal to change the rules regarding the issuance of subpoenas *deuces tecum* at the Audit and Oversight committee. I could not find a specific resolution at Legislative Research Center, so I am addressing this comment to the Board *at large*.

Local Agency subpoena power is sadly underutilized in California. The farcical public hearing process running rampant in our pay-to-play political culture too often gives way to astroturfing and misrepresentation. There is no consequence for lying to the board. It is the job of the Board of Supervisors to make investigation so as to ascertain facts for proposals of local legislation.

Moreover, Supervisor Peskin's proposal should be extended to the Police Commission, (which should also be given power of oversight in regard to the Sheriff's Dept.) Our law enforcement officials testify under penalty of perjury in courtrooms all the time, so demanding they do so before the Police Commission is not too much to ask.

Regarding the Nuru arrest, my understanding is in the "Shrimp Boy" operation, Deputy City Attorney David Pfeiffer and Dennis Herrera's political advisor Matthew Rothschild tipped off a number of investigation targets - essentially throwing Zula Jones (whom everyone already knew was crooked) under the bus and letting Leland Yee walk into a trap. The current operation seems to have "learned" from the endemic corruption in the City Attorney's office. It is very likely you are being given self-serving legal advice.

Yours truly,  
Thomas Busse

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

2020 FEB -4 P 4: 12  
BOARD OF SUPERVISORS  
rec'd by ll

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 [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

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):

Supervisor Peskin, *RONEN*

Subject:

[Amending Board Rules – Administration of Oaths and Issuance of Subpoena Duces Tecum]

The text is listed:

Motion amending the Board of Supervisors Rules of Order to set forth the process for administration of oaths to individuals testifying before the Board, and to authorize the Government Audit & Oversight Committee to administer oaths and issue subpoenas duces tecum.

Signature of Sponsoring Supervisor:

*[Handwritten Signature]*

For Clerk's Use Only