

File No. 101457

Committee Item No. _____
Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 11/23/10

Cmte Board

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Completed by: Joy Lamug

Date 11/18/10

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Creating a Process for the Appointment of a Successor Mayor; Possibly Amending Rules of
2 Order]

3
4 **Motion to consider and approve a one-time process to appoint a successor Mayor, if a**
5 **vacancy occurs; possibly amending the Rules of Order by adding a new Section 7,**
6 **creating said process; and waiving Rule 4.38, which refers amendments to the Rules of**
7 **Order to the Rules Committee.**

8
9 WHEREAS, On November 16, 2010, the San Francisco Board of Supervisors
10 approved Motion No. 10-173 contained in File No. 101139; directing the Clerk of the Board to
11 prepare and provide a process to govern the Board of Supervisors nomination and
12 appointment of a successor Mayor; and

13 WHEREAS, The Clerk of the Board has prepared a process incorporating all local and
14 state provisions for the nomination and appointment of a successor Mayor; now, therefore, be
15 it

16 MOVED, That the Board of Supervisors consider and approve the proposed process
17 contained in File No. 101457 as "Exhibit A."

Board of Supervisors



City Hall
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TDD/TTY No. 544-5227

MEMORANDUM

TO: Members, Board of Supervisors

FROM: Angela Calvillo
Clerk of the Board of Supervisors

RE: Proposed Process on Mayor Succession

DATE: November 19, 2010

The Clerk of the Board of Supervisors (Clerk) has been directed to propose a process for nomination and appointment of a successor mayor for discussion at the November 23, 2010 Board of Supervisors (Board) meeting (Motion M10-173). Pursuant to Resolution #463-10, the Clerk has drafted this proposal under the guidance of the Santa Clara County Counsel.

Charter Section 2.105 states the Board shall meet and transact its business according to rules which it shall adopt. The Board's Rules of Order are formally adopted rules which provide for parliamentary actions normally used by the Board. Additionally, the Board's adopted external parliamentary authority on any question or point of order not contained in the Board's Rules of Order is governed by Robert's Rules of Order.

The Clerks' Office has examined both parliamentary authorities for the Board; the Rules of Order effective February 23, 2010, and Robert's Rules of Order (10th Edition). The attached Exhibit A is a proposed process for which a successor mayor could be nominated and appointed.

The Board is responsible for interpreting and following its own rules and has considerable latitude to set its own process and may choose to modify the proposed process or create its own process.



EXHIBIT A

PROPOSED PROCESS FOR SUCCESSOR MAYOR NOMINATION AND APPOINTMENT

A. Introduction of a Motion for Action Before the Board of Supervisors (Board)

A Board Member(s) may introduce to the Clerk of the Board two motions to 1) sit as a Committee of the Whole, and 2) Consider Appointment of a Successor Mayor. The Clerk of the Board shall open a hearing file for a Committee of the Whole and place a Special Order before the full Board, at the next available meeting, to take public comment, receive nominations and make an appointment by a majority vote of all Board Members.

B. Meeting Organization and Public Comment

The President will open the hearing to receive comments from the Board Members. The President will then open for public comment. Once all public comment has been heard, the President will close public comment. The President will open the floor for nominations and accept one nomination for each Board Member. Once all nominations have been received, the President will bring the matter back to the Board Members to begin voting on the nominations, which will be voted upon in the order received. Once a nominee has been selected by the Committee of the Whole by a majority vote, the President will adjourn as the Committee of the Whole and reconvene as the Board of Supervisors to consider the Motion to Appoint a Successor Mayor.

C. Receive and Consider Nominations for Successor Mayor

Nomination Principles

1. During the hearing, Board Members shall only nominate San Francisco electors.
2. A Board Member may not nominate him/herself
3. A Board Member may nominate only one person. There may not be more persons nominated than there are positions to fill, which allows for only 11 nominations on the table for voting at any time. If nominations are reopened, Board Members who have not yet made a nomination may do so. Board Members who previously have made a nomination may withdraw their nominations and make another nomination.
4. A nominee does not have to accept a nomination and can withdraw his/her name from consideration without a second while nominations are still open or reopened after a vote. If a Board Member withdraws his/her nomination, he/she may nominate another.
5. A Board Member who has been nominated may not participate in the discussion or vote on competitor nominees.

6. If the nomination of a Board Member nominee has been withdrawn, the Board Member may no longer have a conflict and could return to the room and participate. Once he/she participates in the process, he/she could no longer be considered (re-nominated) for the position of successor Mayor due to Political Reform Act requirements.

Nomination Procedures

1. Nominations shall be made from the floor and can be made up until the time that Board Members are ready to vote. Such is the custom in the Board Chamber, the Crestron system roster will be used to facilitate orderly nominations.
2. A second for a nomination is not necessary.
3. The nomination process continues until Board Members stop making nominations.
4. When there are no further nominations, the President/ President Pro Tempore declares nominations closed.
5. Nominations can be reopened at anytime—even when previously closed by two-thirds vote—if a motion is made and there is a second and a majority vote. This is not debatable.
6. Once a Board Member has accepted a nomination, he or she must state on the record his or her financial interest arising out of the additional compensation and benefits associated with the Office of the Mayor, and then leave the Chamber and be sequestered until a successor mayor has been appointed. During this period, communications between the sequestered Board Members and the Board Members in the Chamber may not take place. To ensure the integrity of the process, laptops will be closed, cell phones turned off, and written or verbal messages to Board Members will not be allowed. While sequestered, nominees may watch the hearing on television. Sequestered nominees may return to the Board Chamber solely to testify before the Board during public comment, standing in the same place and under the same rules as any other member of the public. Once testimony is completed, they must again leave the Chamber.

D. Discussion and Voting for Successor Mayor

1. After nominations are closed, the Board should conduct a public vote on each nominee in the order in which nominations were made. The selection is determined by majority vote of all members. No selection shall be made with fewer than six votes regardless of the number of Board Members nominated. The Clerk shall conduct a roll call vote of the eligible Board Members. When called upon, each Board Member shall cast his/her vote by stating the name of his/her selected nominee.
2. Pursuant to Board Rule 4.7, a Board Member shall not speak more than twice and only after each Board Member has had an opportunity to speak. After obtaining the floor, a Board Member shall not be allowed to speak more than 10 minutes, except by permission of a majority of the Board Members present.
3. Pursuant to the Political Reform Act (Cal. Gov't Code §§87100 et. seq.) discussion and voting shall be limited to Board Members who have not been nominated.
4. If no nominee receives a majority of the votes, nominations may be reopened. After nominations are closed, the vote is taken on each nominee in the order in which nominations were made until a nominee receives a majority vote and a successor mayor is selected.

5. Once a nominee has been selected by the Committee of the Whole the President/ President Pro Tempore shall adjourn the Committee of the Whole and reconvene the Board of Supervisors to consider the motion to appoint.
6. Once the Board is reconvened, if nominees irrevocably withdraw their nominations prior to the final vote by the Board to appoint the nominated successor mayor, only then will they be eligible to vote. If not, then the nominees must remain sequestered.
7. The motion to appoint should be amended to include the selected nominee and is voted on by the Board as amended.
8. An appointment is not final until there is a vacancy, and the Board must ratify any prospective appointment when the vacancy arises
9. The appointment cannot be reconsidered after it is final unless the nominee declines to serve.

E. Appointment of Successor Mayor

1. After successful Call of the Roll to appoint a successor mayor:
 - a) if the appointment is prospective, it will become effective when a vacancy occurs and after ratification by the Board.
 - b) if the vacancy has occurred, two members of the Board shall escort the new Mayor to the Chamber where the oath of office will be administered by the Presiding Judge.
 - c) thereafter, the new Mayor may express appreciation to the Board Members for entrusting him/her the responsibility of Mayor.

F. Other Considerations

The President or President Pro Tempore

The President presides over the hearing unless or until he/she is nominated. If nominated, the President shall appoint a President Pro Tempore and withdraw from the meeting pursuant to Board Rule 6.11 and the Political Reform Act Cal. Gov't Code §§87100 et seq. The appointment shall not extend beyond adjournment of the meeting.

Quorum

Pursuant to restrictions imposed by the Political Reform Act (Cal. Gov't Code §87100 et. seq.) discussion and voting shall be limited to Board Members who have not been nominated for consideration for appointment to the successor mayor position.

If quorum cannot be sustained due to the number of Board Members recused from participation, the following procedure will be engaged.

The Clerk of the Board will administer a drawing by lot from among the recused Board Members, selecting a sufficient number of Board Members to restore quorum. Under no

circumstances will the voting body exceed quorum (six). Those Member(s) randomly selected by lot will be permitted to participate in the discussion and voting process and the motion to appoint a successor mayor.



EXHIBIT A

PROPOSED PROCESS FOR SUCCESSOR MAYOR NOMINATION AND APPOINTMENT

A. Introduction of a Motion for Action Before the Board of Supervisors (Board)

A Board Member(s) may introduce to the Clerk of the Board two motions to 1) sit as a Committee of the Whole, and 2) Consider Appointment of a Successor Mayor. The Clerk of the Board shall open a hearing file for a Committee of the Whole and place a Special Order before the full Board, at the next available meeting, to take public comment, receive nominations and make an appointment by a majority vote of all Board Members. (*S.F. Charter §13.101.5(b) & §2.104; Board Rules 2.1 Board Actions; 2.2.1 Preparations; 2.8 Legislative Introductions; 2.9 Time Limits; 2.10 Subject Hearing; 4.35 Parliamentary Authority; 5.10 Committee Authority*)

B. Meeting Organization and Public Comment

The President will open the hearing to receive comments from the Board Members. The President will then open for public comment. Once all public comment has been heard, the President will close public comment. The President will open the floor for nominations and accept one nomination for each Board Member. Once all nominations have been received, the President will bring the matter back to the Board Members to begin voting on the nominations, which will be voted upon in the order received. Once a nominee has been selected by the Committee of the Whole by a majority vote, the President will adjourn as the Committee of the Whole and reconvene as the Board of Supervisors to consider the Motion to Appoint a Successor Mayor. (*Cal. Gov't Code §§54900 et seq., and the City's Sunshine Ordinance, S.F. Municipal Code Chapter 67; Board Rule 3.1 Call to Order; 3.10 Public Comment; Robert's Rules of Order Newly Revised (10th ed.) Art. IX, §52 Boards and Committees see Committee of the Whole; Art XIV §46 Nominations and Elections; Art. XIII §44 Voting*)

C. Receive and Consider Nominations for Successor Mayor

Nomination Principles

1. During the hearing, Board Members shall only nominate San Francisco electors. (*City and County of San Francisco Charter of 1996 §13.106 Qualifications*)
2. A Board Member may not nominate him/herself. (*Political Reform Act, Cal. Gov't Code §§87100 et seq.; & 2 C.C.R. 18702.2 & 18.703.3*)

3. A Board Member may nominate only one person. There may not be more persons nominated than there are positions to fill, which allows for only 11 nominations on the table for voting at any time. If nominations are reopened, Board Members who have not yet made a nomination may do so. Board Members who previously have made a nomination may withdraw their nominations and make another nomination.
(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)
4. A nominee does not have to accept a nomination and can withdraw his/her name from consideration without a second while nominations are still open or reopened after a vote. If a Board Member withdraws his/her nomination, he/she may nominate another.
(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)
5. A Board Member who has been nominated may not participate in the discussion or vote on competitor nominees.
(Political Reform Act, Cal. Gov't Code §§87100 et seq.)

If the nomination of a Board Member nominee has been withdrawn, the Board Member may no longer have a conflict and could return to the room and participate. Once he/she participates in the process, he/she could no longer be considered (re-nominated) for the position of successor Mayor due to Political Reform Act requirements. *(Political Reform Act, Cal. Gov't Code §§87100 et seq.)*

Nomination Procedures

1. Nominations shall be made from the floor and can be made up until the time that Board Members are ready to vote. Such is the custom in the Board Chamber, the Crestron system roster will be used to facilitate orderly nominations.
(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)
2. A second for a nomination is not necessary.
(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)
3. The nomination process continues until Board Members stop making nominations
(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)
4. When there are no further nominations, the President/ President Pro Tempore declares nominations closed.
(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)
5. Nominations can be reopened at anytime—even when previously closed by two-thirds vote—if a motion is made and there is a second and a majority vote. This is not debatable.
(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)
6. Once a Board Member has accepted a nomination, he or she must state on the record his or her financial interest arising out of the additional compensation and benefits associated with the Office of the Mayor, and then leave the Chamber and be sequestered until a successor mayor has been appointed. During this period, communications between the sequestered Board Members and the Board Members in the Chamber may not take place. To ensure the integrity of the process, laptops will be closed, cell phones turned off, and

written or verbal messages to Board Members will not be allowed. While sequestered, nominees may watch the hearing on television. Sequestered nominees may return to the Board Chamber solely to testify before the Board during public comment, standing in the same place and under the same rules as any other member of the public. Once testimony is completed, they must again leave the Chamber.

(Political Reform Act Cal. Gov't Code §§87100 et seq.; 2 C.C.R. 18702.4(a)(2); Board Rule 4.14 Voting Requirements and procedure)

D. Discussion and Voting for Successor Mayor

1. After nominations are closed, the Board should conduct a public vote on each nominee in the order in which nominations were made. The selection is determined by majority vote of all members. No selection shall be made with fewer than six votes regardless of the number of Board Members nominated. The Clerk shall conduct a roll call vote of the eligible Board Members. When called upon, each Board Member shall cast his/her vote by stating the name of his/her selected nominee.

(See generally S. F. Charter §2.108 & 2.104 (b); Board Rules 4.14 Voting Requirements; 4.27 Vote Entered Into the Minutes; 4.34 Order of Voting; Robert's Rules of Order Newly Revised (10th ed.) Art. XIII §44 Voting)

2. Pursuant to *Board Rule 4.7*, a Board Member shall not speak more than twice and only after each Board Member has had an opportunity to speak. After obtaining the floor, a Board Member shall not be allowed to speak more than 10 minutes, except by permission of a majority of the Board Members present.

3. Pursuant to the *Political Reform Act (Cal. Gov't Code §§87100 et. seq.)* discussion and voting shall be limited to Board Members who have not been nominated.

(See also S.F. Campaign & Governmental Conduct Code § 3.210 Voting on Character or Conduct)

4. If no nominee receives a majority of the votes, nominations may be reopened. After nominations are closed, the vote is taken on each nominee in the order in which nominations were made until a nominee receives a majority vote and a successor mayor is selected.

(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)

5. Once a nominee has been selected by the Committee of the Whole the President/ President Pro Tempore shall adjourn the Committee of the Whole and reconvene the Board of Supervisors to consider the motion to appoint.

(Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections)

6. Once the Board is reconvened, if nominees irrevocably withdraw their nominations prior to the final vote by the Board to appoint the nominated successor mayor, only then will they be eligible to vote. If not, then the nominees must remain sequestered.

(Political Reform Act Cal. Gov't Code §§ 87100 et. seq.)

7. The motion to appoint should be amended to include the selected nominee and is voted on by the Board as amended.

8. An appointment is not final until there is a vacancy, and the Board must ratify any prospective appointment when the vacancy arises. (*S.F. Charter § 13.101.5(b); Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections*)

9. The appointment cannot be reconsidered after it is final unless the nominee declines to serve. (*S.F. Charter § 13.101.5(b); Robert's Rules of Order Newly Revised (10th ed.) Art. XIV §46 Nominations and Elections*)

E. Appointment of Successor Mayor

1. After successful Call of the Roll to appoint a successor mayor,

a) if the appointment is prospective, it will become effective when a vacancy occurs and after ratification by the Board.

b) if the vacancy has occurred, two members of the Board shall escort the new Mayor to the Chamber where the oath of office will be administered by the Presiding Judge. (*Journals of Proceedings, 1978 Dianne Feinstein appointed Mayor of San Francisco*)

c) thereafter, the new Mayor may express appreciation to the Board Members for entrusting him/her the responsibility of Mayor. (*Journals of Proceedings, 1978 Dianne Feinstein appointed Mayor of San Francisco*)

F. Other Considerations

The President or President Pro Tempore

The President presides over the hearing unless or until he/she is nominated. If nominated, the President shall appoint a President Pro Tempore and withdraw from the meeting pursuant to *Board Rule 6.11* and the *Political Reform Act Cal. Gov't Code §§87100 et seq.* The appointment shall not extend beyond adjournment of the meeting.

Quorum

Pursuant to restrictions imposed by the *Political Reform Act (Cal. Gov't Code §87100 et. seq.)* discussion and voting shall be limited to Board Members who have not been nominated for consideration for appointment to the successor mayor position.

If quorum cannot be sustained due to the number of Board Members recused from participation, the following procedure will be engaged.

The Clerk of the Board will administer a drawing by lot from among the recused Board Members, selecting a sufficient number of Board Members to restore quorum. Under no circumstances will the voting body exceed quorum (six). Those Member(s) randomly selected by lot will be permitted to participate in the discussion and voting process and the motion to appoint a successor mayor. (*Cal. Gov't Code § 87101; 2 C.C.R. 18708*)