

1 [Administrative Code - Resignations from City Boards and Commissions]

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3 **Ordinance amending the Administrative Code to establish a City policy against seeking**
4 **preemptive resignation letters from persons seeking or being considered for**
5 **appointment or reappointment to City boards and commissions and other City bodies.**

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

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

14 Section 1. Article IV-A of Chapter 16 of the Administrative Code is hereby amended by
15 revising the title of Article IV-A, and Sections 16.89-15 and 16.89-16, to read as follows:

16 **ARTICLE IV-A**

17 **RESIGNATIONS OF CITY OFFICERS AND OTHER APPOINTEES**

18 **SEC. 16.89-15. METHOD OF RESIGNATION.**

19 (a) For purposes of this Article IV-A, the term "officer" shall mean any member of a board
20 or commission or any department head listed in Campaign and Governmental Conduct Code Sections
21 3.1-103(a)(1) or (b)(1). The term "other appointed member" shall mean any other person appointed to
22 serve on a City body (such as an advisory body) established in the Charter or by ordinance.

23 (b) An officer or other appointed member may resign by submitting a written resignation,
24 Resignations shall be in writing, and made as follows:

25 ~~(a)~~ (1) By elected officers, to the Clerk of the Board of Supervisors; and

1 **(b)** ~~(2)~~ By appointed officers and other appointed members, to the body or officer that
2 appointed them.

3 (c) This Article IV-A does not in any way limit or modify those circumstances in which a
4 resignation occurs by operation of law.

5 (d) It shall be against City policy for an appointing authority to ask or require a person
6 seeking or being considered for appointment to a City office, or to any other City body (such as an
7 advisory body) established in the Charter or by ordinance, to prepare, submit, or sign a letter of
8 resignation before the appointment takes effect or as a condition of their reappointment. Once the
9 appointment takes effect, the decision whether to resign shall rest with the appointee in their sole
10 discretion, and the ability to resign under this Article IV-A may not be delegated or otherwise
11 reassigned back to the appointing authority. The foregoing sentence does not prohibit an appointing
12 authority from asking an appointee to resign at any point during the appointee's tenure, or from
13 removing or seeking to remove an appointee under the removal procedures set forth in the Charter.

14
15 **SEC. 16.89-16. EFFECTIVE DATE.**

16 ~~Such resignation shall become effective, u~~Unless otherwise stated in the written
17 resignation, a resignation shall take effect immediately at the time it is ~~at which they are~~ received:

18 (a) By the office of the Clerk of the Board of Supervisors, when submitted by an
19 elected officer; or

20 (b) By the office of the appointing authority, when submitted by an appointed officer
21 or other appointed member.

22
23 Section 2. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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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.

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11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13
14 By: /s/ _____
15 MANU PRADHAN
16 Deputy City Attorney

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City and County of San Francisco
**Tails
Ordinance**

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 221270

Date Passed: February 14, 2023

Ordinance amending the Administrative Code to establish a City policy against seeking preemptive resignation letters from persons seeking or being considered for appointment or reappointment to City boards and commissions and other City bodies.

January 30, 2023 Rules Committee - RECOMMENDED

February 07, 2023 Board of Supervisors - PASSED ON FIRST READING

Ayes: 8 - Chan, Dorsey, Engardio, Melgar, Peskin, Preston, Ronen and Safai

Noes: 2 - Mandelman and Stefani

Excused: 1 - Walton

February 14, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Chan, Dorsey, Engardio, Melgar, Peskin, Preston, Ronen, Safai and Walton

Noes: 2 - Mandelman and Stefani

File No. 221270

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on 2/14/2023 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

2/23/23

Date Approved