# LEGISLATIVE PROCESS HANDBOOK (For City Departments)



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

# **INTRODUCTION**

This Handbook is designed to provide the City departments with a guide and/or reference tool. While this Handbook provides general information, it may be necessary to consult with the Legislative Division of the Clerk of the Board of Supervisors Office.

**Angela Calvillo**Clerk of the Board

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### SAN FRANCISCO'S LEGISLATIVE PROCESS

### LEGISLATIVE ACTIONS

Legislation consists of ordinances (municipal regulations or laws), resolutions (formal expression of intention, opinion, or will), and occasionally formal motions (a proposal for action). Six votes are required to pass ordinances, resolutions and motions unless a greater number is required by State law, Charter provision, Ordinance or Board Rule. The Rules of Order contain an index to votes required on various matters. A majority of those present is required to amend proposed measures and to approve most parliamentary motions.

**Ordinances** are prepared by the City Attorney and approved as to form by the City Attorney. A Supervisor may request a draft of an ordinance by submitting a request on an "Introduction" Form to the Clerk, who then requests the City Attorney to prepare the ordinance. The Supervisor may also make the request directly to the City Attorney (format and sample are found in the Common Folder under Shared Forms and Templates).

**Resolutions** are usually prepared by the office of the sponsoring Supervisor or prepared by staff within a City department (format and sample are found in the Common Folder under Shared Forms and Templates).

**Motions** are usually prepared by the office of the sponsoring Supervisor or prepared by staff within a City department (format and sample are found in the Common Folder under shared forms and templates)

#### LEGISLATIVE DIGEST

The Board requests the City Attorney's office to provide, as a routine practice, a brief digest of each proposed ordinance of more than two pages, preferably so that it is available at the time of ordinance introduction. The Board asks that each digest be brief and explain in as simple English as possible the effects of the ordinance on existing law. A cover letter from a department head may summarize the legislation.

#### INTRODUCED LEGISLATION

An ordinance or resolution is introduced in writing by a member of the Board by presenting it to the Clerk, pursuant to Board rules, or by presenting it in a Board meeting. When a department head, or a commission established by the Charter, proposes an ordinance or resolution, it is normally brought to the Office of the Clerk of the Board prior to and considered introduced by the Board President at that time. Monday noon, listed at the rear of the Board agenda for the second following Tuesday's agenda.

### SUNSHINE ORDINANCE

The Sunshine Ordinance is a combination open meeting law and public record laws. A copy of the full text is provided to each Supervisor.

#### THE LEGISLATIVE PROCESS:

### FIRST STEP:

Write the legislation. Ordinances are normally prepared by the City Attorney at the request of a Supervisor, the Mayor, a department head, or a commission, based on a draft or other written request. The City Attorney must approve an ordinance as to form before its introduction. The City Attorney prepares a Legislative Digest of any ordinance of more than two pages.

Resolutions, if not bond related, are normally prepared by a Supervisor or by a department requesting the action. More complex resolutions are sometimes prepared by the City Attorney based on a draft submitted by a Supervisor or department. Citizens occasionally submit drafts of proposed resolutions to individual Supervisors. Resolutions authorizing grant expenditures must be accompanied by a Grant Information Sheet and by a "Disability Access Checklist," and before submittal be approved by the Mayor and by the Controller's Grants Division. Resolutions concerning interim zoning controls and bonds must first be approved by the City Attorney.

### **SECOND STEP:**

Have the legislation **introduced**. Supervisors, the Mayor, and department heads submit ordinances and resolutions to the Clerk for introduction. Supervisors may also introduce requests for committee hearings on a subject matter without having legislation. Upon introduction, the President of the Board refers legislation and subject matter hearing requests to one of the standing committees for public hearing.

### THIRD STEP:

Have the legislation placed on a **committee agenda**. Committee chairs have jurisdiction on whether and when to calendar matters for hearing. Legislation is advertised to be heard at a committee meeting. Committees may not consider matters that have not been advertised in the official newspaper. There are some items that require special notices prior to the hearing. Check with the Committee Clerk.

#### FOURTH STEP:

Obtain a **recommendation** from the committee. The public is invited to attend and to speak on any matter before the committee. In order to be sent to the full Board, legislation needs the votes of two of the three members of a committee, as introduced or as amended by the committee. A committee may send legislation to the full Board "without recommendation" or with recommendation of "do not pass." Other

common committee actions are to "continue for one month," "continue to the call of the chair," or "table." If a committee has not acted on an ordinance or resolution within 30 days after its referral to committee, any member of the Board may cause the matter to be "called from committee" and considered by the full Board at the next meeting (refer to the Rules of Order). The Board, by a two-thirds vote, may waive the 30-Day Rule (refer to Rules of Order regarding committee hearing on major policy Issues deferred for 30 Days).

### FIFTH STEP:

Obtain the majority **vote** (six members) of the Board. For ordinances, this must be done at two separate meetings. On some matters, such as overruling the Planning Commission, eight votes are required. A few urgent or very routine resolutions are adopted on the day they are introduced, without being referred to committee. Such matters require a unanimous vote of the Supervisors present.

### SIXTH STEP:

Obtain the **approval** of the Mayor. Legislation is sent to the Mayor no later than the day after approval by the Board. The Mayor then has 10 calendar days to approve or veto legislation. If the Mayor approves an ordinance, it normally goes into effect 30 days after that approval. If the Mayor approves a resolution it goes into effect immediately. If the Mayor vetoes legislation, it becomes effective only if eight members of the Board vote within 30 days to override the veto. If the Mayor neither approves nor vetoes, the legislation is deemed approved.

### ELECTRONIC COPY OF PROPOSED LEGISLATION

An electronic copy of the proposed resolution, ordinance, or motion must be transmitted to the Clerk of the Board "via email to BOS Legislation" by 12:00 noon on Monday, if being submitted by a department, or on the Board meeting day at which an item is being introduced by a Supervisor or the Mayor. (BOS Legislation)

### 30-DAY RULE

For major policy matters, the Board has a rule, which provides that legislation, which will create, or significantly change City policy may not be heard by the committee until 30 days after its introduction. Under the rule, the Clerk, subject to reversal by the Board President, determines whether the legislation meets the standard of the rule.

### EFFECTIVE DATE OF ORDINANCES

Most ordinances become effective on the 31st day after approval by the Mayor, to allow a 30-day period for voters to sign a referendum petition.

### EFFECTIVE DATE OF RESOLUTIONS

Most resolutions become effective upon signature by the Mayor.

All legislation submitted to the Clerk of the Board must be accompanied by a cover letter requesting passage, stating reasons, time factors, and the name and telephone number of a contact person.

### **COVER LETTER SAMPLE**

Department/Board/Commission Stationery

Date

Angela Calvillo, Clerk of the Board Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original and four copies of proposed resolution/ordinance/motion for Board of Supervisors approval, which (reason for legislation).

Cite any pertinent information; reference to applicable codes.

The following is a list of accompanying documents (five sets):

• List attachments.

Cite reason for special timeline.

The following person may be contacted regarding this matter: Name and telephone number of contact person.

Department/Board/Commission approval

# **Checklist for Motions.**

 The original and four copies of the Motion, and five complete sets of any background information, must be accompanied by a cover letter requesting passage, stating reasons, time factors, the name and telephone number of a contact person.
 The original paper copy must be on paper with red vertical lines and numbered lines. Page 1 must have "File No." in upper left and "Motion No." in upper right. Subsequent pages have red vertical lines and line numbers, but no reference to File number or Motion number at top. Note: If you use the BOS boilerplate, it will print the header and line numbers in the margin automatically but you must use the red line paper with no numbers (order paper from Reproduction and Mail Services)
 Short title: Single spaced, beginning on line 1, in brackets [], type a short subject phrase or a plain English description if the legal title is not clear and specific to alert a person of average intelligence and education. Be brief, concise and written in plain, easily understood English, consisting of no more than 250 characters/spaces.
 Insert two returns (equal to four line spacing).
 Long title: Double space the legal title in bold print (Arial, 12, bold).  Title is in bold using upper and lower sentence case, always starts with the word "Motion" followed by a word ending in "ING" (a gerund), and ends with a period (.). (i.e. Motion asking the Legislative Analyst to report on Assembly Bill 17.)
 Insert two returns between Title and Text. Text is double spaced, in normal print (Arial, 12).
 The word MOVED is in all caps, indented five spaces, followed by a comma, and the sentence begins with a capital letter.
 Insert two returns between Title and Text. Text is double spaced, in normal print (Arial, 12).
 If you need to cite some introductory statement of fact, use the Whereas format before you do the Moved clause.
 The word WHEREAS is in all caps, indented five spaces, followed by a comma, and the sentence begins with a capital letter.
 A Whereas clause, if followed by another whereas clause, ends "; and,"
 A Whereas clause, if followed by a "MOVED" clause, ends "; now, therefore, be it"
A Moved clause, if followed by another moved clause, ends ": and, be it"

 Subsequent moved clause begins, indented five spaces, "FURTHER MOVED,"
 Nothing is stapled to the original copy of the motion.
 If reference is made to related material, use the language "on file with the Clerk of the Board of Supervisors in File No. (leave at least 15 blank spaces), which is hereby declared to be a part of this motion as if set forth fully herein. (Note: Related materials must be submitted at the time the motion is delivered.)
 The sponsor of the motion is listed in the footer, lower left corner of first page.
To insert sponsor name, click "View"; select "Header and Footer"; click the box to switch ooter and enter name of Supervisor or department.)

# **Checklist for Resolutions.**

The original and four copies of the resolution, and five complete sets of any background information, must be accompanied by a cover letter requesting passage, stating reasons, time factors, the name and telephone number of a contact person, and appropriate department/board/commission approvals.
The original paper copy must be on paper with red vertical lines and numbered lines. Page 1 must have "File No." in upper left and "Resolution No." printed in upper right. Subsequent pages have red vertical lines and line numbers, but no reference to File number or Resolution number at top. Note: If you use the BOS boilerplate, it will print the header and line numbers in the margin automatically but you must use the red line paper with no numbers (order paper from Reproduction and Mail Services).
 Short title: Single spaced, beginning on line 1, in brackets [], type a short subject phrase or a Plain English description if the legal title is not clear and specific to alert a person of average intelligence and education. Be brief, concise and written in plain, easily understood English, single spaced, consisting of no more than 250 characters/spaces. Insert two returns (equal to four line spacing).
 Long title: Double space the legal title of the resolution in bold print (Arial, 12, Bold). Title is in bold using upper and lower sentence case, always starts with the word "Resolution" followed by a word ending in "ING" (a gerund), and ends with a period (.) . (i.e. Resolution urging the State Legislature to adopt Assembly Bill 17 relating to)
 Insert two returns between Title and Text. Text is double spaced, in normal print (Arial, 12).
 The word WHEREAS is in all caps, indented five spaces, followed by a comma, and the sentence begins with a capital letter.
 A Whereas clause, if followed by another whereas clause, ends "; and,"
 A Whereas clause, if followed by a resolved clause, ends"; now, therefore, be it"
 A Resolved clause, if followed by another resolved clause, ends "; and, be it"
 Subsequent Resolved clauses, begins, indented five spaces "FURTHER RESOLVED,"
 Nothing is stapled to the resolution.
 If reference is made to related material, use the language "on file with the Clerk of the Board of Supervisors in File No. (leave at least 15 blank spaces), which is hereby

declared to be a part of this resolution as if set forth fully herein". (Note: Related materials must be submitted at the time the resolution is delivered.)
 If reference is made to voiding an earlier resolution it is called "rescinding" (not repealing).
 If resolution relates to a bond measure, it must be approved as to form by the City Attorney.
 If resolution approves a grant expenditure, the resolution must be approved by the Mayor and by the Controller's Grants Division, and be accompanied by required supporting data.
 If resolution is to be forwarded to Federal or State legislative or administrative officials, it should end with:
"FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs the Clerk of the Board to transmit copies to (e.g. the members of Congress from San Francisco and the United States Senators from California) with a request to take all action necessary to achieve the objectives of this resolution.
 If resolution is endorsing or opposing Federal or State legislation, acopy of the bill must be attached.
 The sponsor of tehr esolution is listed in the footer, lower left corner of first page.

(Note: To insert sponsor name, click "View"; select "Header and Footer"; click the box to switch to the footer and enter name of Supervisor or Department.)

# **Checklist for Ordinances.**

 The original and four copies of the ordinance approved as to form by the City Attorney, and five complete sets of any background information, must be accompanied by a cover letter requesting passage, stating reasons, time factors, the name and telephone number of a contact person.
The original paper copy must be on paper with red vertical lines and numbered lines. Page 1 must have "File No." in upper left and "Ordinance No." in upper right. Subsequent pages have red vertical lines and line numbers, but no reference to File number or Ordinance number at top. Note: If you use the BOS boilerplate, it will print the header and line numbers in the margin automatically but you must use the red line paper with no numbers (order paper from Reproduction and Mail Services).
Short title: Single spaced, beginning on line 1, in brackets [], type a short subject phrase or a plain English description if the legal title is not clear and specific to alert a person of average intelligence and education. Be brief, concise and written in plain, easily understood English, single spaced, consisting of no more than 250 characters/spaces. Insert two returns (equal to four line spacing).
 Long title: Double space the legal title of the ordinance in bold print (Arial, 12, Bold). Title in bold, using upper and lower sentence case, always start with the word "Ordinance" followed by a word ending in "ING" (a gerund), and ends with a period (.)
 Insert two returns between Title and Text. Text, double spaced, in normal print, (Arial, 12).
 Nothing is stapled to the ordinance.
 If reference is made to related material, use the language "on file with the Clerk of the Board of Supervisors in File No. (leave at least 15 blank spaces), which is hereby declared to be a part of this ordinance as if set forth fully herein". (Note: Related materials must be submitted at the time the ordinance is delivered.)
 If longer than two pages, it must be accompanied by a brief Legislative Digest prepared by City Attorney.
 If appropriation ordinance, the Mayor must approve before submittal.
 If appropriation ordinance, the Controller must approve before submittal.
 If an emergency ordinance, the title ends with "; an emergency measure." and the text states the nature of the emergency.

	If amending a municipal code, name the specific code and section numbers in title.
	Contains no Whereas clauses, but may have a findings section.
	Must be approved as to form by City Attorney.
	Title explains purpose of change to existing law. If adding new chapter to any municipal codes, the new section numbers must also be cited in the title.
	Ordinance must be confined to one subject which is clearly expressed in the title.
	Ordinance starts "Be it ordained by the People of the City and County of San Francisco:"
	If the ordinance amends any Municipal Code, immediately following the title is
	NOTE: Additions are italic, Times New Roman, single underlined; deletions are strikethrough italic, Times New Roman Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.
	The sponsor of the Ordinance is listed in the footer, lower left corner of first page.
(Note: to the	To insert sponsor name, click "View"; select "Header and Footer"; click the box to switch footer)

File No.

## LEGISLATIVE DIGEST

[Insert Plain English Short Title --no longer than 250 characters]

Insert complete title of ordinance in bold using lower case letters.

### **Existing Law**

Insert summary of current provisions of law being amended

## Amendments to Current Law

Insert summary of amendments to current law being made by the ordinance

### **Background Information**

Insert background information to assist reader in understanding the legislative history or rationale for the legislation.

# REQUESTING SUPERVISOR TO INTRODUCE LEGISLATION DURING A BOARD MEETING BY A DEPARTMENT

On occasion a department may request that a member of the Board of Supervisors to sponsor and introduce legislation at an upcoming Board meeting.

The following procedures are established to ensure that the Clerk of the Board's office receives the electronic version of a matter to be sponsored and introduced by a Supervisor (at the request of Department) during Roll Call For Introductions at a Board Meeting.

### The department staff shall:

- Provide the sponsoring Supervisor the required original legislation and four copies, with supporting documents to be introduced by the Supervisor during Roll Call at the Board meeting.
- Provide the sponsoring Supervisor with the electronic version which will be transmitted to the Clerk's staff on the meeting date.

# INSTRUCTIONS FOR EMAILING PROPOSED LEGISLATION TO THE BOARD OF SUPERVISORS

All electronic copies of proposed legislation to be introduced to the Board of Supervisors are to be sent to the Board as an attachment(s) to an email message.

Please use the email format underneath the double underlines below these messages. You must use it EXACTLY as shown (i.e., complete the fields, copy the entire area under the double underlines, start a new email, and then paste the copy into the message area).

**NOTE**: All typeface is in Courier 12 pt so that, when copied/pasted, it will translate correctly in message area, line up correctly, etc. Do not convert to any other typeface. Do not change tabs or spacing. Do NOT copy the double underlines.

Please use the email format underneath the double underlines below these messages.

ADDITIONAL VITAL NOTE: New proposed Legislation <u>MUST</u> be emailed to BOS Legislation <u>no later than 12:00 noon Monday in order to be included on the second following Tuesday's agenda for referral to Committee.</u>

**Remember to ADD THE ATTACHMENT(S) to the email** before you send it to BOS Legislation.

CITY & COUNTY OF SAN FRANCISCO

CITY ATTORNEY'S OFFICE

### **BOARD OF SUPERVISOR LEGISLATION**

To: BOS Legislation Date: May 22, 2009

RE:

Attached is proposed legislation concerning

The attachments are listed below.

Attachments

# File Name Description (motion, res, ord)

1.

List Exhibits/documents not included in electronic form (i.e., confidential letters) but delivered in hard copy instead.

2.

Contacts: Name, Deputy City Attorney Phone:

Name, Secretary Phone:

# Office of Clerk of the Board Legislation Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
*	Departments may submit by 12:00 noon electronic version BOS Legislation with 1 original and 4 copies of legislation to appear on the back of the second following Tuesday's agenda for referral to committee.  If Department misses above deadline, may ask a Supervisor to introduce the matter at the next Board meeting (Tuesday).	Supervisors must electronically submit to the Clerk of the Board BOS Legislation items to be introduced on Roll Call at the Board Meeting 2p.m. Board Meeting Supervisor verbally introduces matters during Roll Call for Introduction at a Board meeting On his/her own behalf or as a Sponsor for departments.	### Title ### Ti	Legislation Introduced available. Submit ads for publication of next Tuesday's Agenda, Summary of Actions and Legislation Introduced.  3:00 p.m. Agendas sent to IT Division for posting on Web  5:00 p.m. Tuesday's Agenda packet distributed to Board members and staff.		Publication Of agendas (or Sunday depending upon official newspaper schedule)

<sup>\*</sup>This deadline day moves to Friday when Monday is a holiday.

## **Changes to the Legislation**

If the Department discovers an error in the legislation, the following policies are established regarding submitting a corrected version to the Clerk of the Board.

Because the electronic copy cannot be modified once it is attached as part of the official Board file, any change to the legislation requires (1) a new version be prepared as a separate document; (2) the revised legislation with cover letter be submitted for processing; (3) the revised electronic copy be provided; (4) the official file record is updated and another version is attached.

The following policies are established.

Policy The Clerk of the Board's staff will not process any file if the exhibits or

attachments mentioned in the body of the legislation are missing. The documents will be returned to the department to resubmit with its exhibits and attachments.

Policy: The electronic documents received will be processed "as is" by the Clerk of the

Board's staff.

Policy: Changes, whether clerical or not, can only be done as follows:

- By submitting a substitute legislation to the Board of Supervisors to be processed all over again (electronic copy by 9:00 a.m. and paper copy by noon Monday) and the official file will be updated with a new version attached.
- Amended at a Committee meeting.
- Amended at a Board meeting.

Policy: Adding Sponsor names to the electronic copy of the legislation can only be done at the following stages:

- During a Board or Committee meeting.
- When first introduced by a Supervisor.
- When the legislation is amended.
- When a Supervisor makes the request in writing.

You must check the Legislative file record history for a complete list of sponsors as the electronic copy of the legislation attachment may not list all of the names.

### For Clerk's Office Only

This is the process the Clerk of the Board's staff will follow when minor amendments are adopted by the Committee.

### Minor amendments adopted by Committee/Board, prepared by the Clerk.

\*Note: Committee/Board amendment additions are double underlined Committee/Board amendment deletions are strikethrough normal

Committee/Board Clerk Retrieve the Legistar attachment; save as new document with new

name in a different folder; make minor amendments

Committee/Board Clerk Verify the amendment with Deputy City Attorney, if necessary

Email the new version to Deputy City Attorney with return receipt.

Legistar history record.

### <u>Instructions to add or delete text made by the Committee/Board:</u>

Highlight the text you want to add or delete;

Go to Format; Font; make your selection as follows:

Underline: Select Double (to add text)

Effects: Select Strikethrough (to indicate text to be deleted)

Reminder: Standard Font: Arial

Font Style: Regular

Size: 12

### For Clerk's Office Only

This is the process the Clerk of the Board's staff will follow when major amendments are adopted by Committee.

### Complicated (substantive) amendments requiring City Attorney's assistance.

\*Note: Board amendment additions are double underlined Board amendment deletions are strikethrough normal

Committee/Board Clerk If necessary, email notes of changes requested by

Committee/Board and ask City Attorney to prepare the legislation;

return receipt.

City Attorney To prepare amended version, using the double underline and

strikethrough normal notation) and email to Committee/Board Clerk as soon as possible, especially if there is a change in title and the matter has been recommended to the Board for the upcoming

agenda; return receipt.

Print and sign paper copy, if appropriate, and deliver to Clerk.

Legistar history record.

### **Instructions to add or delete text made by the Committee/Board:**

Highlight the text you want to add or delete;

Go to Format; Font; make your selection as follows:

Underline: Select Double (to add text)

Effects: Select Strikethrough (to indicate text to be deleted)

Reminder: Standard Font: Arial

Font Style: Regular

Size: 12

# **Quick Reference**

Ordinance	Must be approved as to form by the City Attorney	
	Must be sent to Committee	
Resolution	Resolutions do not require City Attorney's signature, except for bonds and certain Redevelopment and land use matters.	
	Resolutions may contain department head and or commission signatures obtained before delivery to the Clerk of the Board.	
Resolution Grant Application Package Information and Instructions	The resolution must have the Mayor's and Controller's signatures before delivery to the Clerk of the Board. NOTE: Acceptance and expenditure of any grant money that would result in creation of new positions must be approved by Ordinance and an appropriate amendment to the ASO. (Ord. 230-06)	
Resolution sponsor	The department's name must appear at the footer (except when asking a Supervisor to sponsor the measure, the Supervisor's name should be filled in).	
Background material	The legislation package must include all documents referenced in the body of the proposed legislation before delivery to the Clerk of the Board.	
Legislation Package to contain the following documents	<ul> <li>Original legislation and four copies with required signatures • Letter on department stationery</li> <li>Legislative digest</li> <li>• Supporting documents; such as, agreement, contract, State or Federal bill, environmental impact, lease, memorandum of understanding, reports, etc.</li> </ul>	
Deadline for electronic copy and paper packet to be delivered to Clerk of the Board	Monday Noon for referral on the second following Tuesday's agenda.  Email address: BOS-Legislative Services	

# WHO TO CALL IN THE LEGISLATIVE DIVISION

# LEGISLATIVE DIVISION

Rick Caldeira, Legislative Deputy Clerk	(415) 554-7711
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Committee Clerks	Phone Number
Gail Johnson, Budget & Finance Committee	554-4445
Victor Young, City Operations and Neighborhood Services	554-7723
Alisa Somera, Government Audit & Oversight & Public Safety Committees	554-4447
Linda Laws, Land Use and Economic Development & City & School District Committees	554-4441
Linda Wong, Rules Committee and LAFCO	554-7719

Legislative Support Staff	Phone Number
Joy Lamug –Create legislative files introduced from Board and departments, process all planning, EIR, and Negative Declaration appeals and prepare final maps	554-7712
Annette Lonich -Creates the weekly Board agendas, and tasks associated with the preparation, create legislative files for without reference to committee, Office of Economic Analysis information, prepare legislation introduced file for Budget Analyst.	554-7706
Renee Craig -Process and distribute approved legislation, maintain and update of files with Board actions and processing of amendments from Board meetings, distribute Draft Minutes and Legislation Introduced	554-7701