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MEMORANDUM

TO: London Breed, President of the Board of Supervisors and Acting Mayor
MEMBERS, San Francisco Board of Supervisors

FROM: DENNIS J. HERRERA *DJH*
City Attorney

COPIES: Members, Elections Commission
Members, Ethics Commission
John Arntz, Director of Elections
Angela Calvillo, Clerk of the Board of Supervisors
Jason Elliott, Chief of Staff, Office of the Mayor
Naomi Kelly, City Administrator
LeeAnn Pelham, Executive Director, Ethics Commission
Ben Rosenfield, Controller

DATE: December 12, 2017

RE: Mayoral Succession

We are deeply saddened about the sudden and unexpected passing of Mayor Edwin M. Lee. We write to explain the transition and succession in the office of the Mayor.

Under Charter section 13.101.5(b) the President of the Board of Supervisors becomes the Acting Mayor by operation of law and serves in that capacity until a successor is selected. During this period the Board President serves in two capacities as both the Board President and the Acting Mayor. Because the Board President serves as Acting Mayor by virtue of her tenure as Board President, she does not take an oath of office to enter on execution of the Office of Acting Mayor. The Acting Mayor has the full powers and must discharge all the duties of the Office of Mayor.

Charter section 13.101.5(b) empowers the Board of Supervisors to appoint a successor to the deceased Mayor to serve until an election, as described below, to choose a person to complete current Mayoral term. That term ends on January 8, 2020. If the Board of Supervisors does not act to appoint a successor, then the Board President continues as Acting Mayor until the election. The Board of Supervisors may, but does not have to, appoint a successor to serve as Mayor until the election. In appointing a successor the Board of Supervisors acts by motion, which requires at least six votes to pass. Any disqualification of Board members based on a conflict of interest, such as seeking appointment as Mayor, would not affect the six vote requirement.

Under the Charter, the Board of Supervisors' chosen successor, or the Acting Mayor, serves until the next election occurring not less than 120 days after the occurrence of the vacancy. That election will occur on June 5, 2018. At that election the voters will elect a person to serve the time remaining on Mayor Lee's term. The person elected to serve the balance of that term as Mayor would be eligible to serve two additional consecutive four-year terms, if elected to do so, unless that same person is appointed and assumes office before noon January 8, 2018.

We are prepared to assist the Board of Supervisors with any issues that may arise during this transition.