



City and County of San Francisco
SHELTER MONITORING COMMITTEE

Memorandum

To : Committee Members
From : Jeff Simbe & Howard Chen, Committee Staff
Date : Friday, August 11, 2017
Re : Voting by members who are DSHS Employees

Committee Members:

This memorandum was prepared after consultations with the City Attorney's office. Its intent is to provide clarity under which circumstances DSHS employees serving on the Committee must or may refrain from voting, as their abstentions can make it difficult for the Committee to reach a quorum.

Sec 1.29 of the Administrative Code provides that each member of a commission, committee, task force, council, or other body created by legislative action who is present at a meeting of such body when a question is put to a vote shall vote "yes" or "no" on the question, unless the member is excused from voting by a motion adopted by a majority of the members present or unless voting on the question would constitute a violation of applicable provisions of City or State law pertaining to conflict of interest.¹

Committee members present at a meeting must cast a vote on items that requires such a vote unless: 1) voting would violate applicable conflict of interest laws; or 2) they are excused from voting by a majority of the members who are present.

Legal Conflict of Interest

A legal conflict of interest exists when the person who is voting has a financial interest in the outcome of the vote. For example, a committee member would have a legal conflict of interest if she is asked to vote on whether a contract should be awarded to a company in which she holds an ownership interest. If a committee member has a legal conflict of interest, he or she may not vote and does not need to seek approval from the majority to abstain.

Abstaining from voting

Committee members who feel that he or she cannot be impartial when voting, or feels that the way in which they vote would affect their work conditions may a motion be made allowing him or her to be abstained from voting. He or she would need to vote on that

¹ (Added by Ord. 478-81, App. 9/21/81; amended by Ord. 98-99, File No. 990407, App. 4/30/99)

motion. Alternatively, the DSHS employee could leave the meeting during the vote of that specific item.

Committee members must vote “yes or “no” on the agenda item placed forward for a vote unless (a) they have a legal conflict of interest (b) Such voting will constitute a violation of applicable provisions of City or State law pertaining to conflict of interest (c) a motion approved by the majority of the committee present permits them to abstain from voting.