



DENNIS J. HERRERA
City Attorney

MEMORANDUM

TO: MEMBERS,
San Francisco Elections Commission

FROM: DENNIS J. HERRERA *DJH*
City Attorney

DATE: April 26, 2002

RE: Administration of the Department of Elections

This Office previously advised the Elections Commission orally on the scope of its administrative powers, and the respective powers and duties of a commission and its department staff. This Office also provided you with a copy of City Attorney Opinion No. 90-01, which - though it dealt with the Parking and Traffic Commission - discussed general principles regarding the relationship between the Commission and a Director over administration of the department. The purpose of this memorandum is to reiterate this general advice regarding the proper functioning of the Department of Elections in the absence of a permanent Director of Elections.

As we previously advised, members of the Elections Commission have no powers as individuals over the day-to-day administration of the Department of Elections. The San Francisco Charter prohibits individual members of boards and commissions from dictating, suggesting, or interfering with appointments, promotions, compensation, disciplinary actions, contracts, requisitions for purchases, or other administrative recommendations or actions of the chief executive officer of the department. (S.F. Charter §§ 4.102, 2.114.) Members of the Commission may exercise their powers to manage and control the Department only through participation in deliberations and votes of the Commission. Except for the purposes of inquiry, the Commission must deal with administrative affairs exclusively through the permanent *or acting* chief executive officer of the Department.

Please let us know if you have any questions regarding this advice.