



DAVID CHIU  
City Attorney

BRADLEY A. RUSSI  
Deputy City Attorney

Direct Dial: (415) 554-4645  
Email: brad.russi@sfcityattorney.org

## MEMORANDUM

TO: Hon. Mayor Daniel Lurie  
Hon. Members of the Board of Supervisors

CC: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Bradley Russi  
Deputy City Attorney

DATE: October 20, 2025

RE: Unscheduled Questions During Mayor's Appearance at the Board of Supervisors

We write to advise you of the legal requirements concerning unscheduled questions that Supervisors may pose to the Mayor during the Mayor's monthly appearance at a meeting of the Board of Supervisors and to make recommendations regarding the process. This memorandum updates and supersedes a public memorandum from our Office dated May 20, 2016.

### Legal Framework

Charter Section 3.100(7) requires the Mayor to appear in person "at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board." The Charter does not prescribe a process for these formal policy discussions, but requires the Board, in consultation with the Mayor, to "provide by ordinance for rules and guidelines governing the conduct of appearances by the Mayor under Section 3.100(7)." S.F. Charter § 2.103.

In 2011, the Board of Supervisors adopted such an ordinance, creating Administrative Code Section 2.11, and later amended Section 2.11 twice. That section sets a schedule for the Mayor's monthly appearance and provides that Supervisors are eligible to ask questions on a rotating basis in three groups with Districts One, Two, Three, and Four together, Districts Five, Six, Seven, and Eight together, and Districts Nine, Ten, and Eleven together. Each eligible Supervisor may submit a general topic for a question in writing by noon on the Wednesday prior to the Mayor's appearance. The Clerk forwards each topic to the City Attorney to determine if it provides adequate legal notice under open meeting laws. If the City Attorney determines the topic is legally adequate, the Clerk publishes the topic on the Board's agenda, and the eligible Supervisor may ask a question on the topic they submitted.

During the Mayor's appearance at the Board, the Mayor initially may address the Board for up to five minutes. After the Mayor's initial statement, an eligible Supervisor may ask a question on the topic they submitted in advance, and the Mayor must answer the question. The Supervisor may ask a follow-up question directly related to the initial question or the Mayor's response, and the Mayor must answer. Under the same format, the Mayor may then ask a question and a follow-up question pertaining to the same topic to any Supervisor, and the Supervisor must answer. The Mayor and the Supervisor may each use up two minutes for each question and answer. By a vote of at least eight Supervisors, the Board may strike for good cause any question asked by a Supervisor or the Mayor, and the responding party is not required to answer.

**MEMORANDUM**

TO: Hon. Mayor Daniel Lurie  
Hon. Members of the Board of Supervisors  
DATE: October 20, 2025  
PAGE: 2  
RE: Unscheduled Questions During Mayor's Appearance at the Board of Supervisors

---

The ordinance also allows Supervisors to ask unscheduled questions in certain circumstances. Specifically:

The Board may, by oral motion approved by affirmative vote of at least eight members, allow an eligible Board member to ask a question that is not related to a topic submitted by noon on a Wednesday where that question relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy questions that the Supervisor could not have anticipated prior to the noon Wednesday deadline and that cannot be adequately addressed at the next scheduled question time. An eligible Supervisor who asks such a question following approval of a motion shall not have the opportunity to ask any additional questions, even if the Supervisor submitted a question topic to the Clerk under subsection (b)(2).

Under this process, only an eligible Supervisor – that is, a Supervisor who could have submitted a topic in advance – may make a motion to ask an unscheduled question. The motion requires a second and eight votes to pass. The Administrative Code does not require the Supervisor making the motion to announce the question in advance or to make any particular statements to support the motion. But to allow an unscheduled question, the Board must make four factual findings: (1) there has been a sudden or unexpected incident or occurrence; (2) members of the Board could not have anticipated that incident at noon the previous Wednesday; (3) the incident or occurrence raises formal, time-sensitive policy questions within the subject matter jurisdiction of the Mayor or the Board; and (4) the question cannot be adequately addressed at the Mayor's next scheduled appearance. If a Supervisor's motion to ask an unscheduled question fails, the Mayor is not required to answer. If the motion passes, the Supervisor may ask the question, and the Mayor must answer. The Supervisor is not entitled to ask a follow-up question or any other question, even if they submitted a topic in advance and the Clerk published it on the Board's agenda.

Section 2.11 provides two additional restrictions on all questions, whether scheduled or unscheduled. First, the questions must "be limited to formal policy matters . . . within the subject matter jurisdiction of the Mayor or the Board." And second, the Mayor and Board may not discuss matters that have already been considered in committee and that are on the Board's agenda for that day's meeting.

Neither the Charter nor the Administrative Code define the terms "sudden or unexpected incident or occurrence," "formal policy matters," or "time-sensitive." Rule 4.12 of the Board's Rules of Order summarizes the ordinance but does not add additional requirements or restrictions.

**Recommendations**

- (1) To ensure a full record and to assist all Supervisors in deciding whether to allow the question, we recommend that an eligible Supervisor take each of the following steps when announcing a motion to ask an unscheduled question:
  - Describe the sudden or unexpected incident or occurrence, and explain how it was sudden or unexpected.

**MEMORANDUM**

TO: Hon. Mayor Daniel Lurie  
Hon. Members of the Board of Supervisors  
DATE: October 20, 2025  
PAGE: 3  
RE: Unscheduled Questions During Mayor's Appearance at the Board of Supervisors

---

- Explain why the Supervisor could not have anticipated the incident or occurrence before noon the previous Wednesday.
- Explain why the incident or occurrence raises formal policy questions within the subject matter of the Mayor or the Board.
- Read the question that the Supervisor plans to ask the Mayor.
- Explain why the question is time-sensitive and cannot be adequately addressed at the Mayor's next scheduled appearance.

After the Supervisor makes each of these statements, the Board may debate whether to allow the question, and the President should then call for a vote on the matter.

- (2) The Administrative Code does not require Supervisors to provide the Mayor notice of any unscheduled questions, but providing advance notice may foster a more meaningful discussion and facilitate the process described above.
- (3) The Board may amend the ordinance at any time, in consultation with the Mayor, to define the undefined terms or to change the process. Any Supervisor who is interested in sponsoring an ordinance should contact this Office. The Board cannot change the process by amending the Board's Rules of Order because the Charter specifies that the "rules and guidelines" must be approved by ordinance.