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DATE: April 1, 2020

TO: Valerie Rosenson, Legislative Officer of the Board of Representatives

FROM: Kathryn Emmett, Director of Legal Affairs and Corporation Counsel
Michael Toma, Assistant Corporation Counsel

RE: Review of Proposed Change to Rules of Order re: Election of Acting President

In response to a request for an opinion from our office, we have reviewed the proposal to add a new Paragraph 7 to Section A of Article II of the Board's Rules of Order, and we have considered whether it would conflict with the Charter. The proposal provides that an "Acting President" shall exercise the powers of the Mayor in the event of absence or disability of both the Mayor and the President of the Board. Section C3-10-4 of the Charter expressly authorizes the Board to designate one of its members to act as Acting Mayor in the absence or disability of both the Mayor and the Board's President. Therefore, to the extent the new proposal provides a mechanism for designating the person who will perform the Mayoral function under such a scenario, the proposal is not inconsistent with the Charter.

This proposal also would enable the Board to elect an "Acting President" to exercise the powers and assume the duties of the President in the event of absence of the President. The Charter expressly provides for the position of President and provides that the Board of Representatives is the sole authority enabled to elect a President (C2-10-10) and to remove a President from office (C2-10-11). The Charter also sets forth various functions that the President performs. In our view, it is not inconsistent with the framework of the Charter for an Acting President to be designated by the Board in order for these various Presidential functions to continue to be performed in the event of absence of the President.

Cc: Benjamin Lee, Chair of Legislative and Rules Committee, Board of Representatives
Jonathan Jacobson, Member of Legislative and Rules Committee, Board of Representatives