

From: Commissioner Jerdonek, BOPEC Chair
Date: December 9, 2023

Subject: Report on December 7, 2023 BOPEC Meeting

This memo is being provided for agenda item #6 (“Committee Reports”) of the Commission’s December 12, 2023 meeting. This memo is to report to the Commission the actions taken at the December 7, 2023 BOPEC meeting. The actions below are listed in the order they were voted on at the meeting.

1. Agenda item #3: Minutes of April 10, 2023 BOPEC meeting

Minutes of the previous BOPEC meeting, held on April 10, 2023, were approved.

Note: Minutes of the August 10, 2022 and January 31, 2023 meetings still need to be approved. Draft minutes for those meetings can be found in the agenda packet of the April 10 meeting BOPEC meeting.¹

2. Agenda item #4: Letter to appointing authority whenever a vacancy occurs

During agenda item #4, BOPEC discussed a racial equity related Commission policy regarding writing a letter to the appointing authority whenever a Commission vacancy occurs, to help ensure the Commission is as diverse and broadly representative as possible.

BOPEC voted unanimously (3-0) to recommend to the full Commission that the Commission adopt the attached letter template going forward for this purpose (moved by Commissioner Hayden Crowley, seconded by Commissioner LiVolsi).

The underlines and strikeouts show the edits that were made during the BOPEC meeting. The yellow highlighted parts show the parts of the template that need to be edited / filled in prior to sending the letter.

3. Agenda item #6: Process for annual evaluation of the Commission Secretary

(This item was heard before agenda item #5.)

During agenda item #6, BOPEC discussed a proposed process to conduct the annual performance evaluation of the Commission Secretary.

¹ April 10, 2023 BOPEC meeting agenda: <https://sf.gov/meeting/april-10-2023/bopec-elections-commission-regular-meeting>

After agreeing on making one addition, BOPEC voted unanimously (3-0) to forward the attached process and evaluation forms to the full Commission with a recommendation to approve, pending a review / approval by the DCA (moved by Commissioner LiVolsi, seconded by Commissioner Hayden Crowley). In the attached document, the addition BOPEC made during the meeting is highlighted in yellow.

On Saturday, December 9, I forwarded the document to DCA's Flores and Huling Delaye so they could start reviewing it.

4. Agenda item #5: Process for annual evaluation of the Director of Elections

During agenda item #5, BOPEC discussed a proposed process to conduct the annual performance evaluation of the Director of Elections. The proposed process and discussion built on the discussion BOPEC had on this topic at its April 10 meeting and the action it took.

After agreeing on some changes and clarifications, BOPEC voted unanimously (3-0) to forward the attached process and evaluation forms to the full Commission with a recommendation to approve, pending a review / approval by the DCA (moved by Commissioner Hayden Crowley, seconded by Commissioner LiVolsi). In the attached document, the changes BOPEC made during the meeting to what was originally proposed are highlighted in yellow.

As with the document above, I also forwarded this document to DCA's Flores and Huling Delaye on Saturday, December 9, so they could start reviewing it.

Elections Commission
City & County of San Francisco

Robin Stone, President
Christopher Jerdonek, Vice President
Lucy Bernholz
Cynthia Dai
Nancy Hayden Crowley
Renita LiVolsi
Michelle Parker



John Arntz, Director of Elections

Marisa Davis, Secretary

VIA EMAIL:

December 6, 2023

RE: Elections Commission Vacancy and Appointment

Dear Mayor London Breed:

We are writing as the Members of the San Francisco Elections Commission ("Commission"). The Commission has seven seats. However, as of today only six of those seats are occupied. One of the empty seats is yours to appoint in your role as Mayor of San Francisco.

On behalf of the people of San Francisco, we urge you to make an appointment to fill this seat as soon as possible. In choosing your appointee, we urge you to ~~consider the diversity of San Francisco and~~ help ensure that the Commission reflects the diversity of San Francisco and is as broadly representative of the population as possible.

The Commission oversees the Department of Elections in running free, fair and functional elections. We are eager to be operating again as a full Commission.

Thank you for your quick response and we look forward to welcoming your appointee to the Commission.

Sincerely,

Robin Stone, President
Christopher Jerdonek, Vice President
Lucy Bernholz
Cynthia Dai
Nancy Hayden Crowley
Renita LiVolsi
Michelle Parker

Annual Evaluation Process of the Commission Secretary

(as recommended 3-0 at the 12/7/2023 BOPEC meeting, pending DCA approval)

(Changes made at the BOPEC meeting are highlighted in yellow.)

1. The Elections Commission (“Commission”) shall conduct its annual evaluation of the Commission Secretary (“Secretary”) starting at or around the Commission’s December meeting of each year. This is partly to coincide with the end of the Commission President’s (“President”) term since, per the Commission Bylaws, the Secretary serves as Executive Assistant to the President and the President is responsible for assigning duties to the Secretary throughout the year.
2. During the meeting two months before the Commission first discusses the evaluation (e.g. the October meeting), the President will ask the Secretary to fill out their self-evaluation on the following page before the next month’s meeting.
3. During the meeting one month before the meeting the Commission first discusses the evaluation (e.g. the November meeting), the President will ask all Commissioners to fill out the evaluation form on the following page for completion at least one week before the next month’s meeting. The President will email the Secretary’s self-evaluation to all Commissioners before or immediately after the meeting one month before so the Commissioners can read the self-evaluation when completing their evaluation.
4. By at least one week before the meeting at which the evaluation is discussed, Commissioners should send their completed form to the President. The one week is to give Commissioners enough time to read and review each other’s forms before the meeting. Once the President has received all the Commissioner evaluations, the President will confidentially send the completed forms to all Commissioners for review.
5. Also before the meeting, the President will ask the Secretary if they would like an opportunity to speak with the Commission about their performance evaluation during the meeting closed session. It’s not necessary for the Secretary to do this.
6. At the meeting, the Commission will discuss the Secretary’s performance and all the completed forms. The Commission will come up with and vote to approve a single completed evaluation form that reflects the evaluation of the Commission as a whole. If necessary, the Commission can take more than one meeting to do this.
7. After the meeting at which the Commission approves an evaluation form coming from the Commission as a whole, the President will share the completed form with the Secretary, either in person or by emailing it to the Secretary and copying the Vice President. If the President chooses to share it in person first, afterwards the President should email it to the Secretary, copying the Vice President, to provide a written record that the evaluation was sent. The President will then forward the email thread to the rest of the Commission so other Commissioners can have for future reference a record of what was sent. The President should also file the final form with the Department of Elections and/or the appropriate contact persons at the Department of Human Resources (DHR).

Commission Secretary Self-Evaluation Form

1. So the Commission can better understand how your time is spent, describe which tasks take up most of your time and how many hours you spend on them each week on average (working on minutes, preparing for meetings, etc.).
2. In what areas do you think you have been excelling at most in your role?
3. Are there any areas where you feel you need to or are hoping to grow, learn, or improve?
4. Are there any challenges you are currently having in your role? Is there anything the Commission or the President can do to help you carry out your responsibilities more effectively?
5. Are there any other thoughts, suggestions, or questions you would like to share with the Commission?

Commission Secretary Evaluation Form

The Commission President should fill out all questions below. The rest of the Commission should fill out only the second group of questions.

Questions for the President to answer:

1. As the one who manages the Secretary from week to week and so the Commission can have a better understanding, describe at a high level the responsibilities and duties you have been assigning to the Secretary that you have been giving the highest priority.
2. How well has the Secretary been managing their time in completing their responsibilities?
3. How well has the Secretary been responding to feedback?

Questions for all Commissioners to answer:

4. In your observation, what are some things the Secretary has been doing especially well?
5. In your observation, are there any areas where you think the Secretary needs to improve?
6. On a scale of 1 to 5 (1=unsatisfactory, 2=needs improvement, 3=average, 4=above average, 5=superior), how would you rate the Secretary's overall performance, and why?
7. Do you have any other comments to share?

Annual Evaluation Process of the Director of Elections

(as recommended 3-0 at the 12/7/2023 BOPEC meeting, pending DCA approval)

(Changes made at the BOPEC meeting are highlighted in yellow.)

1. The Elections Commission (“Commission”) shall conduct its annual evaluation of the Director of Elections (“Director”) during the Commission’s May meeting of each year, to be voted on in June. In years where the Director’s five-year term will be ending afterwards, the Commission should work backwards and aim to complete the evaluation at least six months before the deadline to make an appointment for a new five-year term. (Note that the deadline is one month before the expiration of the term.) The six months is to allow enough time for a competitive selection process, including an executive recruitment, to take place after the evaluation and be finished before the appointment deadline.
2. During a meeting at least three months before the Commission conducts the evaluation (e.g. during the February meeting), the Commission will have a meeting in open session to finalize any additional specifics of the evaluation process to be used that year. The three months is to allow enough time in case any of the specifics require additional meetings or time to compile or prepare. The Commission can also use this meeting to decide if it would like to have any additional information available when the Commission conducts the evaluation. For example, this can include things like—
 - a. A document listing the turnover among the Department’s non-temporary (e.g. Civil Service) employees in the past year (e.g. hirings, firings, departures, etc.). The Director would need time to compile this information for the Commission.
 - b. An anonymous survey of Department employees that the Commission can use to learn more about the Director’s management of the Department. The Commission would need to work with HR and decide on a survey format if it wanted to perform this step as part of the evaluation.
 - c. Statistics about EEO complaints from the previous year or years. This would need to be gathered and compiled from the appropriate location.
 - d. Performance evaluations from the previous year or years for comparison.
 - e. Inviting one or more employees that are Division heads to discuss the Director’s performance in closed session, as the Commission used to do—as spelled out in its evaluation guidelines as adopted at its March 16, 2016 meeting.
 - f. A 360 Review (if the budget allows it).
3. During a meeting at least two months before the Commission conducts the evaluation (e.g. during the March meeting), the President will ask the Director to fill out their self-evaluation on the following page, to be completed by the meeting one month before the Commission discusses the evaluation. The agenda packet of the meeting during which the Director is asked will include a copy of the evaluation to be filled out, with the Policy section of the evaluation filled in with the Commission’s current policy priorities. This will also serve as the evaluation the Commissioners need to fill out later. For

reference purposes, the Commission's current policy priorities should also be attached to this agenda packet.

4. During the meeting one month before the meeting the Commission **conducts** the evaluation (e.g. the **April** meeting), the President will ask all Commissioners to fill out the evaluation form on the following page, for completion at least one week before the next month's meeting. Before or immediately after the meeting one month before, the President will email the Director's self-evaluation to all Commissioners so the Commissioners can read the self-evaluation when completing their evaluation.
5. By at least one week before the meeting at which the evaluation is **conducted**, Commissioners should send their completed form to the President. The one week is to give Commissioners enough time to read and review each other's forms before the meeting. Once the President has received all the Commissioner evaluations, the President will confidentially send the completed forms to all Commissioners for review.
6. Also before the meeting, the President will ask the Director if they would like an opportunity to speak with the Commission about their performance evaluation during the meeting closed session. It's not necessary for the Director to do this.
7. **The annual evaluation will be conducted during a meeting (e.g. the May meeting) where the evaluation is the only item on the agenda (unless others are legally necessary).** At this meeting, the Commission will discuss the Director's performance and all the completed forms in closed session, **with the goal of enabling the President to create a single, synthesized evaluation** form that reflects the evaluation of the Commission as a whole. **After the meeting, the President will prepare a draft synthesized evaluation for confidential distribution to the Commission prior to the next month's meeting.**
8. **The next month's meeting (e.g. the June meeting) will have a closed session agenda item for the Commission to review and approve the President's synthesized evaluation, making changes if necessary.**
9. After the meeting at which the Commission approves an evaluation form coming from the Commission as a whole, the President will share the completed form with the Director, either in person or by emailing it to the Director and copying the Vice President. If the President chooses to share it in person first, afterwards the President should email it to the **Director**, copying the Vice President, to provide a written record that the evaluation was sent. The President will then forward the email thread to the rest of the Commission so other Commissioners can have for future reference a record of what was sent. **The President should also file the final form with the appropriate contact persons at the Department of Human Resources (DHR).**
10. After the evaluation process is complete, the Commission should start discussing policy priorities for the next year. The Commission can modify or keep the existing priorities, or replace some of them with new ones. While the Commission is discussing priorities for the next year, the existing policies should be assumed to continue, unless the Commission has decided that a policy has been completed.

Director Evaluation Form

(This form will be used for both the evaluation and self-evaluation.)

Date:

Director Name:

Start and end date of current five-year Director term:

Commissioner Name (if not a self-evaluation):

For the questions below that ask for a rating between 1 and 5, the rating scale is:
1=unsatisfactory, 2=needs improvement, 3=average, 4=above average, 5=superior

I. Operations

A. ELECTIONS

1. Ensures free, fair, and functional elections with no or only non-material errors, and deals effectively with anomalies. *Criteria: (1) election plan fully implemented and materially adhered to; (2) No legal or administrative findings against Director Arntz or DOE for violation of law, codes, deadlines; (3) No errors that impact an accurate, timely outcome of any election contest.*
2. Demonstrates an understanding of and effectively implements election laws, codes, and deadlines. *Criteria: (1) Election plan takes into account all relevant laws, codes and deadlines for each election; (2) Is aware of, plans and implements changes to assure compliance with election law, codes and deadlines keeping the Commission fully informed during this cycle.*
3. Shows innovation and effectiveness in the elections process. *Criteria: (1) Plans and implements continuous improvement; (2) Leads innovation in developing and implementing new election processes and systems.*
4. Implements programs to effectively communicate with voters and educate them on election requirements, deadlines, and procedures. *Criteria: (1) Plans and implements continuous improvement to voter outreach, and education and awareness; (2) Voter communications and information is accurate and conveyed to voters per the election plan, and legal requirements according to the election calendar.*

Rating (1 – 5):

Comments/Reason for Rating:

B. COMMUNICATION

1. Effectively communicates the Department of Elections' mission, strategy, goals, and other essential information to the Commission including, but not limited to duties specified in City Charter Sec. 13.104. Department of Elections. *Criteria: (1) Communicates relevant information to the Commission at the earliest opportunity.*
2. Effectively communicates and interacts with the Commission. *Criteria: (1) Maintains openness to dialogue with and input from the Commission on policies effecting the DOE and conduct of elections.*

Rating (1 – 5):

Comments/Reason for Rating:

C. ADMINISTRATION

1. Builds and maintains an environment that fosters and contributes to the effective operation of the Department of Elections (DOE) including teamwork among DOE staff. *Criteria: (1) Commissioner observation and perception of the work environment and operation effectiveness.*
2. Effectively uses and manages DOE personnel. *Criteria: (1) Commissioner observation or perception of staffing of critical functions according to department strategic and election plans.*

Rating (1 – 5):

Comments/Reason for Rating:

D. RESOURCES

1. Effectively uses and manages DOE budget and resources. *Criteria: (1) Personnel costs are within budget; (2) On-going strategy considers strategies and approaches to meeting DOE goals that seek to minimize cost to San Francisco's taxpayers and optimize value to voters.*

Rating (1 – 5):

Comments/Reason for Rating:

E. OVERALL (OPERATIONS)

The overall rating for operations below should be an overall assessment (so not a computed average of the ratings above).

Rating (1 – 5):

Comments/Reason for Rating:

II. Commission Department Policies

For each of the Commission's current policy priorities for the Department listed below, rate the Director's progress on implementing the policy.

A. [INSERT CURRENT POLICY NAME]

Rating (1 – 5):

Comments/Reason for Rating:

B. [INSERT CURRENT POLICY NAME]

Rating (1 – 5):

Comments/Reason for Rating:

[INSERT MORE POLICIES AS NEEDED]

III. Overall

A. Without giving a numeric rating, what is your overall assessment of the Director's performance, spanning operations and implementing current policies?

B. What are the areas in which the Director can improve, and what steps can the Director take to improve in these areas?