

Request for Reconsideration Received August 6, 2008, from José Luis  
Moscovich, Executive Director, San Francisco County Transportation Authority

August 6, 2008

Dear Ms. Carr,

I am writing to request the Ballot Simplification Committee's reconsideration of the recommended language for the ballot initiative "San Francisco Transportation Authority." I was not informed that the Proposition would be discussed by the Committee on July 30. Given that the Proposition is entirely about the Transportation Authority, I would have certainly attended the meeting to provide feedback at that time. I appreciate the Committee's willingness to consider this request and hope that you will see the necessity of making the changes I am requesting, in order to ensure that the electorate has accurate information at the time of voting.

From our review of the Committee-recommended language, we conclude that there is a need for edits. First, the name of the Authority is incorrect in the title, we are the San Francisco County Transportation Authority. Secondly, the SFMTA is wrongly referred to as the Municipal Transportation Authority, but it is the Municipal Transportation Agency. It would not be acceptable to have to local transportation entities listed as the Authority, since it would certainly lead to confusion. In addition, some of the phrasing reflects an interpretation of the intent of the measure rather than stating actual fact. Specifically, there is no evidence to substantiate that the proposed advisory actions regarding staff, budget review, and public records laws would actually result in any efficiencies. Therefore, the description should be limited to the proposed actions, not provide an interpretation of potential results, such as efficiency, which would be entirely speculative. Also, the last paragraph of the "Proposal" section needs to clarify that the proposed actions, beyond the change in Authority governance, are advisory rather than mandatory.

Our requested language is slightly shorter than the wording proposed by the Committee and it provides an accurate description of the Authority and its functions as well as of the proposition itself.

I provide below each paragraph as recommended by the Committee, followed by our requested language:

**Committee Language:**

San Francisco Transportation Authority

**THE WAY IT IS NOW:**

The City charges a one-half cent sales tax to help pay for transportation projects described in a

spending plan approved by the voters in 2003. The San Francisco Transportation Authority

(Authority) directs use of the sales tax money.

**Our requested language:**

San Francisco County Transportation Authority Governance Change

THE WAY IT IS NOW:

The San Francisco County Transportation Authority is a State agency which collects, distributes and oversees the proper use, by City and regional agencies, of a half cent local sales tax for transportation projects in San Francisco. The Authority is separate from the San Francisco Municipal Transportation Agency (formerly MUNI).

**Committee Language:**

The Transportation Authority is a State agency separate from the San Francisco Municipal Transportation Authority. State law allows San Francisco to determine the membership of the Authority's governing board (Authority Board), so long as all of its members are local elected officials. Since 1989, the Authority Board has consisted of the eleven members of the Board of Supervisors.

**Our requested language:**

The Authority's governing board are the 11 members of the Board of Supervisors sitting as commissioners of the Authority, as mandated by the voters in the 1989 and 2003 Expenditure Plans. State law allows San Francisco to determine the membership of the Authority Board but all members must be elected officials.

**Committee Language:**

The Authority may use City agencies or outside contractors to perform staff functions. It is not required to obtain expert review of its budgets. It is subject to State ethics and public records laws but is not obligated to adopt those of the City.

**Our requested language:**

The Authority may contract for staff services with other public agencies or private consultants. It is subject to State laws applicable to budget review, ethics and public records, but not obligated to adopt those of the City, but its financial statements are subject to City review.

**Committee Language:**

Proposition \_\_\_ is an ordinance that would change the size and composition of the Authority Board. The new membership of the Authority Board would be:

- The Mayor;
- The President of the Board of Supervisors;
- The Treasurer;
- One elected City official selected by the Mayor; and
- One elected City official selected by the President of the Board of Supervisors.

**Our requested language:**

**THE PROPOSAL:**

Proposition \_\_\_ is an ordinance that would change the size and composition of the Authority Board. The new membership of the Authority Board would be:

- The Mayor;
- The President of the Board of Supervisors;
- The Treasurer;
- Two elected City officials selected (one each) by the Mayor and the President of the Board of Supervisors.

**Committee Language:**

The Mayor, the President of the Board of Supervisors, and the Treasurer would each be able to designate another elected City official to serve as his or her alternate. New members of the Authority Board would take office on February 1, 2009, when the terms of the members of the previous Authority Board would expire.

**Our requested language:**

The Mayor, the President of the Board of Supervisors, and the Treasurer could designate other elected City officials as their respective alternates. The new Authority Board would take office on February 1, 2009.

**Committee Language:**

Under Proposition \_\_\_, it would be City policy that the Authority should maximize efficiency by having City agencies and departments perform staff functions for the Authority Board, should obtain expert financial review before adopting Authority budgets, and should adopt the same ethics and public records laws that apply to City agencies.

**Our requested language:**

Under Proposition \_\_\_, the voters would urge, but cannot mandate, that the Authority contract with City agencies to perform staff functions, and that the Authority adopt the budget review, ethics and public record laws of the City.

**Committee Language:**

A “YES” VOTE MEANS: If you vote "yes," you want to change the membership of the Transportation Authority Board and encourage greater efficiency and financial reviews.

**Our requested language:**

A “Yes” vote means: You want to change the membership of the Authority Board; and encourage the Authority to have City agencies perform its staff functions and adopt the City’s budget review, ethics and public records laws.

**Committee Language:**

A “NO” VOTE MEANS: If you vote “no,” you do not want to make these changes.

No changes requested to this last paragraph.

**Committee's word count: 343**

**Word count with Requested Language: 341**

I thank you and the Committee in advance for your favorable consideration of these needed changes, and please feel free to contact me directly with any questions. I am best reachable at my cell phone: 306-4509.

José Luis Moscovich  
Executive Director  
**San Francisco County Transportation Authority**