

LEGISLATIVE DIGEST
(Third Draft, dated June 16, 2011)

[Charter Amendment – Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]

A proposal to amend the Charter of the City and County of San Francisco at an election to be held on November 8, 2011, by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy proposed by the Board of Supervisors or the Mayor.

Existing Law

The Charter permits either the voters, the Board of Supervisors ("Board") or the Mayor to place an initiative ordinance or declaration of policy on the ballot. The voters may do so by collecting a sufficient number of signatures from voters registered in the City and County of San Francisco. Charter § 14.101. Board members may place an initiative ordinance or declaration of policy on the ballot by either a majority vote of the Board or with the approval of four of its members. Charter § 2.113(a). The Mayor may also independently place initiative ordinances and declarations of policy on the ballot. Charter § 3.100(16).

Once the voters have approved a measure, neither the Board nor the Mayor may amend or repeal it, unless the measure itself explicitly grants that authority. Charter § 14.101.

Amendments to Current Law

The proposal makes minor, non-substantive amendments to the Charter's provisions regarding initiatives placed on the ballot through the circulation of signature petitions. The proposal does not alter existing law; if the voters approve those measures, neither the Board nor the Mayor may later change or repeal them.

With respect to initiatives placed on the ballot by the Board or the Mayor, and approved by the voters on or after January 1, 2012, the proposed Charter Amendment would authorize the Board and the Mayor to amend or repeal them as follows:

- within three years of the initiative's effective date, the Board and Mayor may not amend or repeal the measure;
- after the first three years, and until seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend or repeal the measure by ordinance, but the Board must first approve the amendments or the repeal by a two-thirds vote of the Board (*i.e.*, at least eight votes) before submitting the ordinance to the Mayor for the Mayor's approval; and
- after seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend or repeal the measure by ordinance, but the amendments or

repeal require a majority vote of the Board (*i.e.*, at least six votes) before submitting the ordinance to the Mayor for the Mayor's approval.

To amend any initiative under this scheme, the Board would be required to include in the ordinance findings establishing how the changes further the purposes of the initiative.

Background

The First Draft of this Charter Amendment would have allowed the Board and Mayor to amend measures placed on the ballot by signature petitions. The Second Draft removed that authority from this proposal.

The Second Draft would have allowed the Board and Mayor to amend or repeal ordinances and declarations of policy previously approved by the voters, including those adopted before November 8, 2011. The Third Draft only allows the Board and Mayor to amend or repeal those initiatives on a prospective basis, *i.e.*, with respect to measures approved by the voters on or after January 1, 2012.