

August 4, 2016

Members, Ballot Simplification Committee
Department of Elections
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102

VIA PDF E-MAIL

Re: Comments on Draft Digest for “MTA Appointments and Budget” Charter Amendment

Dear Members of the Ballot Simplification Committee:

We have had the opportunity to review the draft digest prepared for your consideration at tomorrow’s meeting for the “MTA Appointments and Budget” Charter Amendment. We respectfully request that you consider the following five changes to the digest.

1. “The Way It Is Now,” second paragraph.
(Additions in underline)

Pursuant to Proposition E, adopted by the voters in 1999, SFMTA is run by a seven-member Board of Directors. The Mayor appoints all seven directors. The Board of Supervisors must confirm or reject the Mayor’s appointments. Members serve four-year terms, and no person may serve more than three terms.

Rationale: As to the first change, we believe that this additional language provides valuable context for the voters to know how the SFMTA’s current structure came to be.

The second proposed change is to clarify, for people who may not be familiar with the appointment process that the Supervisors have the option of rejecting a Mayoral appointment; they are not obliged to confirm the nominee.

[CES6186.13]

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2. **“The Proposal,” first paragraph.**
(Additions in underline; deletions in ~~strikethrough~~)

Proposition __ is a Charter Amendment that would split the power to appoint SFMTA Directors between the Mayor and the Board of Supervisors. The Mayor would nominate four members to the Board of Directors, subject to confirmation or rejection by the full Board of Supervisors. The Board of Supervisors would ~~nominate~~appoint three members. The members appointed by the Board of Supervisors would not require confirmation by any other official.

Rationale: The first proposed change tracks the suggestion above, to clarify the Supervisors’ authority to reject a Mayoral nomination.

The second change (substituting “appoint” for “nominate”) tracks the language of the measure’s text itself (page 1, lines 24-25), which says, “The Mayor shall **nominate** four members to the Board of Directors. The Board of Supervisors shall **appoint** the other three members of the Board of Directors.”

Both proposed changes reflect the fact that while the Mayor’s preferred Directors require confirmation by the Board, the Board’s preferred Directors do not require confirmation by anyone else.

3. **“The Proposal,” second paragraph.**
(Additions in underline)

Proposition __ would also reduce from seven to six the number of votes needed for the Board of Supervisors to reject the SFMTA’s proposed budget and require the SFMTA, when it resubmits a budget following rejection by the Supervisors, to respond to findings adopted by the Supervisors.

Rationale: This requirement is contained in Section (c)(3) of the charter amendment (page 5, lines 13-14), and is significant because it constrains the SFMTA’s budget authority, conferred by the voters through Proposition E.

4. **“A ‘YES’ Vote Means,” first bullet point.**
(Additions in underline; deletions in ~~striketrough~~)

allow the Mayor to nominate only four members of the SFMTA Board of Directors, subject to confirmation or rejection by the Board of Supervisors, and transfer authority from the Mayor to the Board of Supervisors to ~~nominate~~ appoint the other three members, without requiring confirmation of those appointments by any other official; and

Rationale: These changes parallel the changes to first paragraph of “The Proposal” suggested above, and they emphasize what the change that would be adopted by the proposal actually is.

5. **“A ‘YES’ Vote Means,” second bullet point.**
(Additions in underline; deletions in ~~strikethrough~~)

reduce from seven to six the number of votes needed for the Board of Supervisors to reject the SFMTA’s proposed budget and require the MTA to respond to findings by the Supervisors when the SFMTA resubmits its budget following rejection by the Supervisors.

Rationale: These changes parallel the changes to the second paragraph of “The Proposal” suggested above, and again they emphasize the alteration in the relationship between the Supervisors and SFMTA that is proposed by the charter amendment.

We look forward to discussing these comments with you at tomorrow’s meeting.

Sincerely,



Christopher E. Skinnell