

August 9, 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: Request for Reconsideration of Draft Digest for “Public Advocate” Charter Amendment and Opposition to Supervisor Campos’s Request for Reconsideration

Dear Members of the Ballot Simplification Committee:

Thank you for your time and consideration in approving the digest for the “Public Advocate” charter amendment at your August 8th meeting.

I write, however, to request that the Committee reconsider its decision to delete a sentence that was briefly included in the “The Proposal” section regarding the fact that the measure would authorize the Public Advocate to hire outside consultants (**changes reflected in red**).

REQUEST FOR RECONSIDERATION

“The Proposal,” last paragraph (additions in underline):

Proposition __ would also make it City policy to provide the Public Advocate with a support staff of at least 25 people. **The measure would also authorize the Public Advocate to hire outside experts. The hiring of outside experts would be exempt from most of the City’s contracting rules.**

Rationale regarding the first proposed sentence: At the hearing yesterday, the Committee incorporated this notion, but included it in the same sentence as the city policy of providing at least 25 staff. Mr. Shen then noted that the 25 staff would be a new city policy, but the hiring of outside experts would be directly authorized by the measure, so tying the two together in the same sentence would be inaccurate.

[CES6186.15]

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Members, Ballot Simplification Committee
August 9, 2016
Page 2 of 3

As I understood the discussion, the Committee then determined to divide the sentence into two—one regarding staff and one regarding experts—while at the same time rejecting our proposal to mention the fact that the Public Advocate would be exempt from normal contracting rules. However, in the process of incorporating a number of changes the discussion of outside experts was deleted altogether.

We would ask that you please reinstate this important point.

Rationale regarding the second proposed sentence: we would also renew our request that the Committee inform voters of this important exception from normal contracting rules that is conferred upon the Public Advocate.

The City has adopted extensive rules to ensure the fairness of contracting and to require conformity with other important public policies. A number of those policies were adopted directly by the voters themselves, including:

- Administrative Code, Chapter 12G (Prohibition on Use of Public Funds for Political Activity by Recipients of City Contracts, Grants, and Loans), added by Proposition Q, 11/5/2002.
- Administrative Code, Chapter 12M (Protection of Private Information), added by Proposition D, 11/7/2006.
- Administrative Code, Chapter 12R (“Minimum Wage Ordinance”), added by Proposition L, 11/4/2003, and amended by Proposition J, 11/4/2014; and
- Administrative Code, Chapter 12W (“Sick Leave Ordinance”), added by Proposition F, 11/7/2006.

In placing this charter amendment on the ballot, the proponents have exempted the Public Advocate from these requirements and others. We believe that voters should be aware that they are authorizing this exemption.

OPPOSITION TO SUPERVISOR CAMPOS’S REQUEST FOR RECONSIDERATION

We have also reviewed Supervisor Campos’s request for reconsideration, and we believe his proposed changes are unwarranted, especially Suggested Edits #s 2-5.

Members, Ballot Simplification Committee
August 9, 2016
Page 3 of 3

Regarding Suggested Edit #2, we believe it is appropriate to inform voters of the available resources in terms of constituent services from Supervisors' offices, which—as Ms. Fasick noted at yesterday's hearing—is often the first place many residents will go in dealing with the City. The fact that some Supervisors may allocate constituent services primarily to some of their staff does not change the fact that each office is entitled to three staff members who can serve that function as needed.

As for removing the City Attorney's office from the list on the theory that other offices are not identified, the Digest specifically states that the list provides "some examples," which makes it crystal clear that the list is not exclusive.

Regarding Suggested Edit #3, the Committee considered and rightly rejected deleting this sentence, which provides useful context to the voters. An eighth grade reader cannot reasonably be presumed to know that monitoring "the level and effectiveness of City services" is implied by stating merely by stating that the Controller is the City's chief "auditor."

Regarding Suggested Edits #4 and #5, Supervisor Campos's proposed language seeks to introduce an unnecessary level of complexity. We believe that the Committee's approved language adequately captures the proposed policy.

We also believe that Supervisor Campos's proposed language does not clearly inform voters that the 11 staff members for constituent services and the 11 staff members for investigations is in addition to the three civil-service-exempt positions that are required by the measure.

Thank you for your reconsideration of these important points.

Sincerely,



Christopher E. Skinnell