

From: [Kanishka Cheng](#)
To: [REG - BSC Clerk](#)
Subject: Comments for Item #1: Charter Amendment (Creating a Task Force to Recommend Changing, Eliminating or Combining City Commissions)
Date: Tuesday, July 23, 2024 6:12:38 PM

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Hello,

On behalf of TogetherSF Action, we greatly appreciate your commitment to public service and the democratic process in crafting an easy-to-understand explanation of challenging policy measures, particularly the proposed charter amendment addressing.

We respectfully request your consideration of some key points as you make final recommendations to the language that will be presented to voters in November:

Point #1 - Commissions created by Ordinance

Clarify the following sentence *“The City created many commissions by ordinance, most of which do not have the authority to make City decisions and instead serve to advise City departments and officials”*

Analysis of Point #1

From this sentence it’s unclear if it means that most commissions created by ordinance are advisory only or all commissions are advisory only.

Furthermore, the sentence is structured in a way to suggest/give off the impression that commissions created by ordinance do not have decision-making powers.

Per the most recent [City Attorney’s List](#), 58 commissions are classified as decision-making and 71 are classified as advisory. It should be noted that of those 58 decision-making commissions, some are created via ordinance and exist in the admin code such as the Film Commission, Assessment Appeals Board, Refuse Rate Board, Residential Rent Stabilization and Arbitration Board etc.

Per the recent [Civil Grand Jury report](#), the Jury came up with a list of 115 commissions, of which 52 are decision-making and 63 are advisory. Of the 52 decision-making commissions, some are created by ordinance including Assessment Appeals Boards, Refuse Rate Board, Residential Rent Stabilization and Arbitration Board, Film Commission, Access Appeals Commission, Relocation Appeals Board etc.

Given this information, we respectfully request the below clarification of the sentence.

Requested Amendments of Point #1

The City created many commissions by ordinance, most of which do not have the authority to

make City decisions and instead **many of which** serve to advise City departments and officials **and others that have decision-making powers.**

Point #2 - Task Force Designees

Clarify that task force designees from City Administrator, Controller, and City Attorney from the sentence *“The Task Force would include five members: the City Administrator, the Controller and the City Attorney, or their designees”* must be City employees of their respective appointing authority.

Analysis of Point #2

Per the legislative text of the charter amendment, designees must be City employees under their appointing authority. From pages 5-6 (section (b) of Sec 4.100.1) of the [legislative text](#):

“Seat 1 shall be held by the City Administrator or the City Administrator’s designee, who must be an employee of the Office of the City Administrator.”

“Seat 2 shall be held by the Controller or the Controller’s designee, who must be an employee of the Office of the Controller.”

“Seat 3 shall be held by the City Attorney or the City Attorney’s designee, who must be an employee of the Office of the City Attorney.”

Given this information, we respectfully request the below clarification of the sentence.

Requested Amendments of Point #2

*“The Task Force would include five members: the City Administrator, the Controller and the City Attorney, or their designees **who must be City employees in the department of their appointing authority**”*

Point #3 - Task Force Adds New Commissions

Clarify that the task force can legally create new commissions

Analysis of Point #3

There is nothing in the measure’s language that legally explicitly prevents the task force from adding new commissions.

Furthermore, per sections (a) and (e) of Sec 4.100.1 in the legislative text, the task force has the power to introduce ordinances to effectuate its recommendations related to commissions created by ordinance (except those established/approved by voter-adopted ordinances), meaning legally, the task force could introduce legislation adding a new commission.

Given this information, we respectfully request the below clarifications.

Requested Amendments of Point #3

The Proposal: Proposition __ is a Charter amendment that would create a Commission Streamlining Task Force (“Task Force”) to review the structure of the City’s commissions and make recommendations to the Mayor and the Board by February 1, 2026, on ways the City could change, eliminate, or combine, **or add** commissions...

A "YES" Vote Means: If you vote "yes," you want to create a Task Force with authority to make recommendations by February 1, 2026 on ways the City could change, eliminate, or combine, **or add** commissions...”

Point #4 - Remove “Improve the Administration of City Government”

Remove the phrase “to improve the administration of City government.” from draft digest text.

Analysis of Point #4

There is no guarantee that the measure would actually improve the administration of the City government. There’s no guarantee that the changes recommended/effectuated by the task force would “improve” administration of City government.

Furthermore, “improve” itself is a subjective term and there’s no clear sense what this “improvement” would actually be or look like. “Improvement” could be perceived differently by different groups of people.

Additionally, “improve” is a biased term - it implies that the measure will be positive or have a positive result. The draft digest language should be unbiased.

Given this information, we respectfully request the below clarifications.

Requested Amendments of Point #4

The Proposal: Proposition __ is a Charter amendment that would create a Commission Streamlining Task Force (“Task Force”) to review the structure of the City’s commissions and make recommendations to the Mayor and the Board by February 1, 2026, on ways the City could change, eliminate or combine commissions. to improve the administration of City government

A "YES" Vote Means: If you vote "yes," you want to create a Task Force with authority to make recommendations by February 1, 2026 on ways the City could change, eliminate or combine commissions to improve the administration of City government ; require the Budget and Legislative Analyst to prepare a financial report on the City’s commissions; and give the Task Force authority to introduce ordinances to implement its recommendations and if required provide for the City Attorney to draft any Charter amendment to submit to the voters at a future election to implement its other recommendations.

Point #5 - Clarify title of charter amendment

Clarify in the measure's title that the task force has the ability to make laws effectuating its recommendations related to commissions.

Analysis of Point #5

As it's currently written, the title of the measure, "Creating a Task Force to Recommend Changing, Eliminating or Combining City Commissions" implies that the task force can only make non-binding recommendations about commissions.

However, per sections (a) and (e) of Sec 4.100.1 of the legislative text, the task force has the power to introduce ordinances to effectuate its recommendations. These task-force introduced ordinances go into effect 90-days after introduction unless before the 90-day expiration period $\frac{2}{3}$ of all members of the Board of Supervisors vote to disapprove the ordinance.

The task force then has the power to make binding laws to effectuate its recommendations.

Given this information, we respectfully request the below clarification.

Requested Amendments of Point #5

Creating a Task Force to Recommend **and Make Laws** Changing, Eliminating or Combining City Commissions*

Point #6 - Consolidated Commissions have revised/expanded powers

Clarify that charter amendment task force can legally create consolidated commissions with revised and/or expanded powers.

Analysis of Point #6

In the current draft digest, it's not indicated that the task force has the ability to create new consolidated commissions that possess new revised/expanded powers.

Per the measure's legislative text in section (d) of Sec 4.100.1, the task force may make recommendations "*...as to which existing appointive boards and commissions, if any, should be eliminated in their entirety, consolidated, revised to limit their powers and/or duties, or revised to expand their powers and/or duties as a result of a consolidation.*"

Furthermore, in section (e) the legislative text gives the task force the power to introduce ordinances to effectuate its recommendations regarding the "...revision of any appointive board or commission established by ordinance,"

The task force then has the power to create new consolidated commissions with new revised and expanded powers, and this should be made clear in the draft digest.

Given this information, we respectfully request the below clarification.

Requested Amendments of Point #6

The Proposal: Proposition __ is a Charter amendment that would create a Commission Streamlining Task Force ("Task Force") to review the structure of the City's commissions and make recommendations to the Mayor and the Board by February 1, 2026, on ways the City

could change, eliminate or combine **consolidate** commissions, **which can have new revised/expanded powers if needed...**

A "YES" Vote Means: If you vote "yes," you want to create a Task Force with authority to make recommendations by February 1, 2026 on ways the City could change, eliminate or combine **consolidate** commissions, **which can have new revised/expanded powers if needed.**

Thank you,
Kanishka Cheng
CEO, TogetherSF Action