

City Commissions and Mayoral Authority*

Digest by the Ballot Simplification Committee

Status: Final Digest
On: Monday, July 29, 2024
Members: Packard, Anderson, Wong, Troy, Wang

The Way It Is Now: The City currently has about 130 appointed boards, commissions and advisory bodies (commissions). Of the 130 commissions, 44 are established in the Charter and can be changed only by the voters. The rest of the commissions are created by ordinance and typically may be amended or deleted by act of the Board of Supervisors (Board). Under current law:

- There is no limit on how many commissions the City may have.
- Many commissions have decision-making authority. Others are merely advisory. Some decide appeals and other administrative proceedings.
- Some commissions oversee and set policy for City departments. These commissions generally nominate candidates to serve as department head. The Mayor has authority to appoint the department head solely from the candidates the commission nominates. Generally, only the commission has authority to remove the department head.
- For many commissions, the Mayor appoints at least a majority of its members and the Board appoints the rest. The Mayor's appointments are generally subject to Board confirmation or rejection.
- The Mayor and Board may remove members from some commissions only for official misconduct.
- The City pays members of some commissions.
- The City provides members of some commissions with health care benefits.
- The Police Commission adopts rules governing police officers' conduct.

The Proposal: The proposed measure would make these changes to the City Charter:

- Limit the City to a total of 65 commissions.
- Retain 20 Charter commissions, including Police, Fire, Recreation and Park, Municipal Transportation Agency, Public Utilities and Ethics, and those overseeing employee health benefits and retirement. The measure would also allow the City to retain commissions that are required by federal or state law.
- Remove 24 Charter commissions, including Public Health, Library, Human Rights, Human Services, Arts, Environment, Small Business and Juvenile Probation, subject to the City reauthorizing or restructuring them within the 65-commission limit. The Board could later reestablish these bodies as advisory commissions by ordinance.
- Establish a five-member task force that would recommend within nine months which commissions should be reauthorized or restructured or dissolved to stay within the 65-commission limit. This task force would be appointed by the Mayor, the President of the Board, the Controller, the City Administrator and the City Attorney.

**Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.*

- The Board could by ordinance reauthorize or restructure those commissions within the 16-month period after the measure's effective date to prevent them from being dissolved. The Board could later reestablish and create new commissions, subject to the 65-commission limit.
- Require that any commissions the Board reauthorizes, restructures or creates could only advise the Board and Mayor, and have no decision-making authority except as mandated by state or federal law. Decision-making authority would transfer from commissioners to department heads. Authority to decide appeals and other proceedings would transfer to hearing officers.
- Allow the Mayor to appoint, without Board review, at least two-thirds of the members of reauthorized, restructured or new commissions, and some retained commissions. The Board would have authority to appoint up to one-third of the members of those commissions. The Board and Mayor could each remove the members they appoint for any lawful reason.

Proposition __ also would:

- Prohibit the City from paying commissioners or providing them with health care benefits.
- Give the Mayor sole authority to appoint and remove most City department heads.
- Give the Police Chief sole authority to adopt rules governing police officers' conduct. The Police Commission would retain authority to discipline police officers and retain oversight over the Department of Police Accountability.

If Proposition ___ passes with more votes than Proposition ____, then Proposition __ would have no legal effect.

A "YES" Vote Means: If you vote "yes," you want to limit the total number of commissions the City may have to 65, give the Mayor sole authority to appoint and remove City department heads, and give the Police Chief sole authority to adopt rules governing police officers' conduct.

A "NO" Vote Means: If you vote "no," you do not want to make these changes.