

Subject: Comments for Item #2: Charter Amendment (City Commissions and Mayoral Authority)

Hello Members of the Ballot Simplification Committee,

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 our commission reform measure, which we authored with input from an independent policy think tank and the hundreds of thousands of community members who make up our community.

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 - Police Commission

Clarify that the Police Commission will still retain authority to handle SFPD disciplinary cases and will retain oversight over the Department of Police Accountability.

Analysis of Point #1

The current draft digest does not make it clear that if passed, the measure would still allow the Police Commission to retain the authority to handle SFPD disciplinary cases and would still have the power to nominate the Head of the Department of Police Accountability, who would also serve at the pleasure of the Police Commission.

Specifically, our reform measure **does not alter** the following SF Charter sections which allow the Police Commission to handle SFPD disciplinary cases and allow the Police Commission to exert oversight over the Department of Police Accountability:

[A8.343 FINE, SUSPENSION AND DISMISSAL IN POLICE AND FIRE DEPARTMENTS](#)

[SEC. 4.136. DEPARTMENT OF POLICE ACCOUNTABILITY.](#)

Given the above information, we respectfully request that the Committee make the below clarifications.

Requested Amendments of Point #1

In the “The Proposal” section:

- Give the Police Chief sole authority to adopt rules governing police officers’ conduct. **The Police Commission would still retain authority to handle SFPD disciplinary cases and would retain oversight over the Department of Police Accountability.**

Point #2 - Clarify that Measure would require re-evaluation of all commissions every 10-years

Our measure has a provision that requires commissions be re-evaluated every 10-years. That is not highlighted in the current draft digest.

Analysis of Point #2

Our measure has the below provisions that require re-evaluation of commissions every 10-years:

“(g) (1) Any ordinance that creates, reorganizes, or restructures an appointive board or commission, including any ordinance adopted pursuant to subsection (e)(1), shall automatically sunset ten years from its effective date unless the Board of Supervisors specifies a shorter time by ordinance.”

“(2) Within one year preceding the sunset date specified in subsection (g)(1) or any earlier sunset date specified by ordinance, the Board of Supervisors may enact a new ordinance extending the sunset date for a period not to exceed ten additional years. This section shall not be interpreted to limit the number of times the Board may extend the sunset provision of an ordinance pursuant to this subsection.”

Given the above information, we respectfully request that the Committee make the below clarifications.

Requested Amendments of Point #2

In the “The Proposal” section add the following bullet point:

- **Commissions created/regorganized/restructured by ordinance will sunset every 10 years from their effective date subject to re-evaluation and extension by the Board of Supervisors**

Point #3 - Shorten “Retain 22 commissions...” sentence

The following sentence from the draft digest is rather long and wordy and we request that the Committee shorten the sentence for brevity:

“Retain 22 commissions, including those overseeing the Port, Public Utilities, Airport, Municipal Transportation Agency, Civil Service, Planning, Fire, Police, Recreation and Park, Disability and Aging Services, Ethics, Elections, Board of Appeals, War Memorial and Performing Arts Center, City museums, City employee retirement and health benefits, redistricting, residential rent

control, and garbage rates. The measure would also allow the City to retain commissions that federal or state law require.”

Analysis of Point #3

In the “SECTION 2. Findings & Conclusions.” of our measure, we have the following sentence to describe the retained commissions:

“(f) The measure would retain and require a handful of commissions in the Charter, primarily those related to the City’s enterprises (Airport, Port, Public Utilities, MTA) and those designed to oversee governmental ethics (Ethics, Elections, Civil Service, etc., as set forth in this measure).”

We would like to integrate this language into the draft digest to shorten the sentence.

Requested Amendments of Point #3

~~“Retain 22 commissions, including those overseeing the Port, Public Utilities, Airport, Municipal Transportation Agency, Civil Service, Planning, Fire, Police, Recreation and Park, Disability and Aging Services, Ethics, Elections, Board of Appeals, War Memorial and Performing Arts Center, City museums, City employee retirement and health benefits, redistricting, residential rent control, and garbage rates. **primarily those related to the City’s enterprises (Airport, Port, Public Utilities, MTA) and those designed to oversee governmental ethics (Ethics, Elections, Civil Service, etc., as set forth in this measure).**~~ The measure would also allow the City to retain commissions that federal or state law require.”

Point #4 - Restructuring 3rd Bullet Point in “The Proposal” section

The 3rd bullet point in the “The Proposal” section is confusingly worded and does not accurately order the timeline of events for the measure.

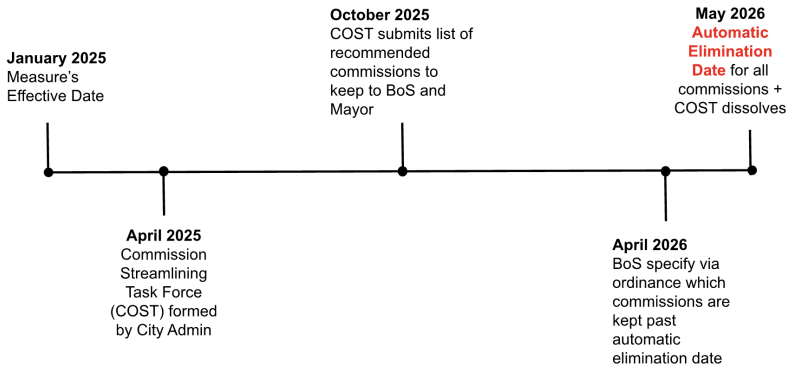
Analysis of Point #4

Our measure sets up a 16-month timeline for evaluating and reforming the commission reform system.

However, the way that the current 3rd bullet point sentence is structured, instead of stating the events that occur in the timeline linearly i.e. creation of task force, submission of report to BoS and Mayor etc, the sentence begins with the very last event on our timeline, which is the automatic elimination date.

For further clarification on the timeline, please refer to the below graphic:

Pro Forma Timeline



Given the above information, we respectfully request the below clarification.

Requested Amendments of Point #4

~~Dissolve all other commissions 16 months after the measure's effective date, subject to a process for the City to consider reauthorizing or restructuring them within the 65 commission limit. A five-member task force appointed by City officials would recommend within nine months of the measure's effective date which commissions the City should reauthorize or restructure. The Board could by ordinance reauthorize or restructure those commissions within the 16-month period to prevent them from dissolving. The Board could later reestablish commissions and create new commissions, subject to the 65 commission limit.~~

Establish a five-member task force appointed by City officials to recommend within nine months after the measure's effective date which commissions the City should reauthorize or restructure. All commissions outside of the retained 22 will be dissolved 16 months after the measure's effective date if the Board fails to act. The Board could by ordinance reauthorize or restructure the recommended commissions to prevent them from dissolving. The Board could later create new commissions subject to the 65 commission limit.

Point #5 - Alter the "A "YES" Vote Means" section to mention the creation of a task force and public process for determining which commissions are recommended to stay and go past 16-months timeline

Currently, the "A "YES" Vote Means" section does not mention the creation of a task force at all and does not detail the commission review process.

Analysis of Point #5

The current text of the “A “YES” Vote Means” section does not mention the creation of a task force at all despite that being a major feature of our measure.

It is the task force that will conduct a comprehensive review of the commission system and determine which commissions should be dissolved/consolidated/revised/kept as is past the 16-month commission dissolution deadline.

Additionally, the task force will provide advice to the Board of Supervisors as the Board considers implementing the task force’s recommendations via ordinance.

Below is the leg text from our measure on the task force’s important function:

“(d) (1) The Commission Streamlining Task Force shall conduct a comprehensive review of the existing appointive boards and commissions within the City and County, and no later than nine months following the effective date of this subsection pursuant to California Government Code section 34459 and 34460 it shall prepare and submit to the Board of Supervisors and the Mayor a report containing the Commission’s recommendations as to: (i) which of the existing appointive boards and commissions should be dissolved, consolidated, or otherwise restructured to comply with the limitation in subsection (b)(1), (ii) whether any new appointive boards or commissions should be created within that limit, and (iii) whether any functions should be transferred from an one appointive board or commission to another. The City Attorney shall prepare draft legislation that would implement the recommendations of the Commission Streamlining Task Force to accompany the Task Force’s report. The Commission Streamlining Task Force shall cease to exist as of the date specified in subsection (b)(1). In the interim between the submission of its report pursuant to this subsection and its dissolution, the Task Force may provide advisory services to the Board of Supervisors or the Mayor, at their request, relating to matters within the Task Force’s purview.”

Given the critical role the task force plays in our measure, we respectfully request the following change

Requested Amendments of Point #5

“A “YES” Vote Means: : If you vote “yes,” you want to limit the total number of commissions the City may have to 65, retain 22 decision-making commissions, **establish a task force to recommend via public process which commissions the Board of Supervisors should reauthorize or restructure past a 16-month dissolution date for commissions outside of the 22-retained commissions** ~~dissolve other commissions after 16 months unless the City chooses to retain or reauthorize them as advisory bodies~~, change how some commissioners are appointed, give the Mayor sole authority to appoint and remove City department heads, prohibit the City from providing commissioners compensation and health benefits ~~and give the Police Chief sole authority to adopt rules governing police officers’ conduct.”~~

For above, we also request the striking of the point about the Police Chief for both brevity and since that is covered in a bullet point in “The Proposal” section. As mentioned above however in Point #1, we do have a requested revision for that Police Chief bullet point.

Point #6 - Clarify that Mayor does not appoint at least $\frac{2}{3}$ of appointments for all reauthorized, restructured, or new commissions

Per our measure’s leg text, the Mayor does not actually appoint at least $\frac{2}{3}$ of appointments for all reauthorized, restructured, or new commissions.

This fact however is not indicated by the 5th bullet point in the “The Proposal” section.

Analysis of Point #6

There are in fact multiple commissions that would not require at least $\frac{2}{3}$ Mayoral appointments following this measure’s passage. Here are just a few examples of commissions not affected by this:

- Ethics Commission
- Elections Commission
- Health Service Board
- Retirement Board
- Retiree Health Care Trust Fund Board
- Redistricting Task Force
- Residential Rent Stabilization and Arbitration Board
- Refuse Rate Board
- Real Estate Fraud Prosecution Trust Fund Committee
- Children and Families Commission
- Assessment Appeals Board #1
- Assessment Appeals Board #2
- Assessment Appeals Board #3
- Child Care Planning and Advisory Council
- Community Corrections Partnership
- Commission on Aging Advisory Council
- Juvenile Justice Coordinating Council
- In-Home Supportive Services Public Authority
- Treasury Oversight Committee

Given the above information, we respectfully request the following clarification

Requested Amendments of Point #6

~~“Allow the Mayor to appoint at least two thirds of the members of reauthorized, restructured, or new commissions and some retained commissions, without Board review. The Board would~~

~~have authority to appoint up to one-third of the members of those commissions.~~ Generally, the Board and Mayor could each remove the members they appoint for any lawful reason.”

Thank you for your consideration.

Best,
Kanishka Cheng
CEO, TogetherSF Action