

Subject: Correspondence to re: Correspondence and suggested edits (Supervisor Peskin (PDF))

Dear Chair Packard and Members of the Ballot Simplification Committee,

We have reviewed the 5 recommendations proposed by Supervisor Aaron Peskin, who is the author of a competing measure on this topic.

As authors of the measure, we believe his recommendations 1-3 and recommendation 5 would be factually inaccurate, misleading to voters, and not substantiated in the text of the Charter Amendment itself.

Recommendation #1:

Peskin's Edit #1 below:

- The Mayor and Board may remove ~~members from some commissions~~ most commissioners "at will," while a small number of commissioners may only be removed for official misconduct.

Supervisor Peskin alters the meaning of the original sentence, which is already factually accurate and originally stated "*The Mayor and Board may remove members from some commissions only for official misconduct.*"

Furthermore, he does not actually provide any factual evidence for his edit that most commissioners serve at will.

Peskin's Edit #2 below:

- The City pays some commissioners and provides ~~them~~ some commissioners healthcare benefits.

Regarding his edit for the 2nd bullet point, the current sentence reads fine as is and is factually true. Commissioners are paid by the City and the City does provide commissioners with healthcare benefits.

Peskin's Edit #3 below:

- The Police Commission and the Chief of Police adopts rules governing police officers' conduct.

Regarding his edit for the 3rd bullet point, the [Police Commission charter section](#) clearly states, “the Police Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department”

Additionally, the [SFPD website](#) on department general orders states, “*Department General Orders (DGOs) are the Department’s most authoritative and permanent directives, established, revised and adopted by the Police Commission after a public hearing for the overall administration and management of the Department and the general conduct of all members.*”

Recommendation #2:

Peskin’s Edit Below:

Eliminate 25 commissions from the Charter, including Human Rights, Health, Human Services, Entertainment, Environment, Status of Women, Building Inspection, Youth, Homelessness Oversight, Small Business, Historic Preservation, Sheriff’s Department Oversight, Sanitation and Streets, Public Works, Arts, Juvenile Probation, Library, MTA Citizens Advisory Committee, PUC Citizens Advisory Committee, PUC Rate Fairness Board, Parks, Recreation & Open Space Advisory Committee, Children, Youth and Families Advisory Committee, Our Children Our Families Council, Office of Early Childhood Education Citizens Advisory Committee , and Dignity Fund Oversight Committee.

The measure does not actually eliminate any specific commissions - the operative date for “removing” these listed commissions in our legislative text is the same as the 16-month dissolution date for all commissions that is already referred to in the draft digest.

Supervisor Peskin’s edit misleadingly suggests that we are eliminating these specific commissions when we in fact are not.

It is up to the task force whether or not these commissions should be recommended to be retained by the Board of Supervisors via ordinance past the 16-month dissolution date. If this measure passes, these commissions would still exist and would continue to exist past the 16-month dissolution date if re-authorized by ordinance per the Board of Supervisors per the task force’s recommendations.

Recommendation #3:

Peskin's Edit Below:

- **Recommendation # 3: If the word limit prevents the digest from listing all of the commissions that will be retained and all that will be removed, substitute a balanced list of the most important commissions in each category.**

Modify the second bullet point in "The proposal" section with the following:

~~The Charter has 46 commissions. This amendment would remove from the charter 24 of those commissions including Public Health, Library, Human rights, Human Services, Arts, Environment, Small Business and Juvenile Probation. The amendment would retain 22 commissions, including Police, Fire, Recreation and Park, Municipal Transportation Agency, Public Utilities, Ethics and boards overseeing employee health benefits and retirement 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.~~

Along with the points from above, Supervisor Peskin's edit here is also extremely wordy and likely to confuse readers.

For brevity the original sentence starting, with "Retain 22 commissions..." captured the same meaning in a much more concise and easy to understand manner for the average readers. By saying retain 22 commissions, it's already implied that other commissions outside that 22 would be subject to review by the task force for streamlining.

Also, Supervisor Peskin in his edit recommends listing the "most important" commissions in each "category." But this suggested edit is subjective.

"Most important" for whom? People could reasonably have different commissions that are most important to them. It's actually not clear at all if he's using an objective framework for determining which commissions are "most important" for his suggested edit.

Furthermore, it's not clear what he means by "each category" and it's unclear from his edits what categories he's actually using when listing out the commissions. Therefore, we recommend that you do not change this section as requested by Supervisor Peskin.

Recommendation #5

Peskin's edit below:

A "YES" Vote Means: If you vote "yes," you want to limit the total number of commissions the City may have to 65 by eliminating 65 commissions, removing 25 and retaining 22 decision-making 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.

Supervisor Peskin's edits are factually incorrect. The legislative text does not remove 25 commissions. The legislative text creates a task force that can recommend to the Board of Supervisors and Mayor which commissions should be re-authorized past the 16-month dissolution date.

Additionally, the measure is not purely "eliminating" 65 commissions. This edit makes it sound like the measure is getting rid of these commissions and their functions entirely, which is not the case. As outlined in the measure text, the task force can determine:

"(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),"

Using the word eliminate is not accurate because those other 65 commissions could be combined or consolidated together.

Thank you again for volunteering your time to do this critical work for the City of San Francisco. We hope you take into consideration our above points.