

City and County of
San Francisco



Board of Supervisors,
President

AARON PESKIN
市參事 佩斯金

July 28, 2024

Ballot Simplification Committee
c/o Karlie O'Toole, Elections Division Manager
City Hall, Room 48 [via email BSC.Clerk@sfgov.org]
Re: Request for Reconsideration of Draft Digest for City Commissions and Mayoral Authority

Dear Chair Packard and Members of the Ballot Simplification Committee,

I want to thank you for your diligent work on this Charter amendment.

In the interest of your time, I have provided you with a full edited summary of the draft digest produced by your committee on July 26, 2024 rather than just listing individual items, attached. I trust this will make it easier to see how all of the comments might fit together into a cohesive, understandable document for the voters.

The most important point is worth repeating:

It is incredibly significant to take a commission out of the Charter. Over at least 60 years, voters have put these charter commissions one by one into the City Charter. These past charter amendments have gone through extensive City processes and public campaigns. For example, Library Commission documents go back to at least 1960. The Health Commission was added to the Charter in 1985. As each amendment was made, careful consideration was given to the powers and duties of each commission. They typically included the authority to adopt and recommend budgets, approve contracts and set departmental policies. These responsibilities can only be changed by a vote of the people.

The amendment before you will take 24 of these commissions out of the charter and remove any protection from amendment or deletion by the Board. Even if they are reinstated by the proposed task force, they will lose the ability to make decisions since anything added back can only be advisory.

It is imperative that you make clear to the voters the extent of the removal and the fact that this reduction in authority cannot be fixed or added back by the task force. This is the most consequential action a voter is enabling by voting for this measure.

I also noted that the Committee struggled trying to come up with easily understood categories to tell voters why some commissions were retained and some were removed from the Charter. There are no categories that work. One suggestion was "Enterprise Departments" or "income-generating" departments were retained. Not only may these terms be difficult for a voter to understand, they do not describe most of the commissions that were retained. Of the 20 Charter commissions that were retained, only 4 are Enterprise Funds. The majority of

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commissions retained (e.g. Police, Fire, Recreation and Park, Disability and Aging, Ethics, Museums, etc.) do not fall into any recognizable category. Likewise, the commissions that were removed from the charter (Health, Library, Human Rights, Small Business) are in no particularly recognizable grouping. To give any sense to the voters of what is proposed there is no shortcut to simply listing some examples or all of the changes. When giving examples or numbers of commission effected, it is important to name or number not just what is retained but also what is removed, since removal of commission, especially from the charter, is the key change enabled by the measure.

Please take a close look at the full edited digest attached, with edits in underline.

In **“The Way It Is Now”**, my suggested edits describe what distinguishes a Charter commission from a commission created by ordinance.

In **“The Proposal”**, my edits shorten the list of retained commissions so that is in balance with the short list of commissions to be removed from the charter. This also fits the order of operations because these commissions would be removed from the charter immediately. Then my edits offer some minor factual changes to the task force and reauthorization bullets.

In **“A Yes Vote Means”**, my suggested edits add the removal of 24 commissions from the charter, which is the clearest and consequential outcome of voting for this measure, and should therefore appear here.

I greatly appreciate your thoughtful consideration, and your efforts to make this complex and lengthy measure understandable to our voters.

Sincerely,

A handwritten signature in black ink that reads "Aaron Peskin".

Aaron Peskin

Board President Aaron Peskin

Suggested Edits to City Commissions and Mayoral Authority Draft Digest, 7/28/24

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 only be changed by the voters. The rest of the Some commissions are created by ordinance and some are established by Charter amendment typically may be amended or deleted by act of the 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 of Supervisors (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 202 commissions in the charter including Police, Fire, Recreation and Park, Municipal Transportation Agency, Public Utilities, Ethics and the boards overseeing employee health benefits and retirement. 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.

- Remove from the charter 24 commissions including ~~Dissolve all other commissions, including Public Health, Library, Human Rights, Human Services, Arts, Environment, Small Business and Juvenile Probation 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.~~ The Board could later reestablish these bodies as advisory commissions by ordinance.
- Limit the City to a total of 65 Commissions.
- Establish a five-member task force which 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.
- The Board could by ordinance reauthorize or restructure those commissions within the a 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.
- 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 remove 24 commissions from the charter, limit the total number of commissions the City may have to 65, establish a task force to recommend to the Board which commissions would be reauthorized, restructured or dissolved, 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.