

LEGISLATIVE DIGEST

Revised 07/09/20

[Charter Amendment - Public Advocate]

Describing and setting forth a proposal to the voters, at an election to be held on November 3, 2020, to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs and services, including programs for transmitting information to the public and departments' customer service plans, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) authorize the Public Advocate to receive and investigate specified whistleblower complaints; and 5) provide for the Public Advocate's election, removal, and salary.

Existing Law

The City currently does not have a particular official or central office responsible for overseeing how City departments interact with the public. The Controller reviews some City programs and services and runs the City's whistleblower program. The District Attorney, City Attorney, and Ethics Commission each plays a role under the Charter in investigating and enforcing misconduct by City officials.

Amendments to Current Law

The proposed Charter amendment that would create the Office of the Public Advocate. The Public Advocate would review the administration of City programs, including the distribution of programs and services throughout the City, the effectiveness of the public information and service complaint programs of City agencies, and the responsiveness of City agencies to requests for data or information. The Public Advocate would also review the management and employment practices of City officers and departments, including City policies and practices that promote or impede the effective and efficient operation of City government, and would review the City's contracting procedures and practices. And the Public Advocate would investigate and attempt to resolve complaints from members of the public concerning City services and programs. The proposal would eliminate some corresponding functions of the Controller.

The Public Advocate could also introduce legislation at the Board of Supervisors, with some limitations.

The proposal would authorize the Public Advocate to receive and investigate confidential whistleblower complaints concerning: incorrect, unreasonable, or unfair decisions

of City officers or agencies; inconsistent enforcement, or failure to enforce, laws, rules or regulations; poor or inadequate service delivery or treatment; poor communication, including unreasonably long response or wait times and unreasonable response delays; or inequitable or inefficient provision of City services. The Controller would continue to receive and investigate confidential whistleblower complaints concerning: the misuse of City funds by officers or employees; the use of City equipment or time for personal purposes; the purchase of unneeded supplies or equipment; nonperformance, or inadequate performance of, contractually-required services; or, improper or wasteful activities by City officers or employees.

The Public Advocate would be elected at a Citywide election, using ranked-choice voting, and serve a four-year term. The first Public Advocate would be elected in November 2022, and would serve a shortened two-year term beginning in January 2023. Then, beginning with the general municipal election in 2024, the Public Advocate would be elected every four years. No person could serve as Public Advocate for more than two successive terms, not including the initial two-year term beginning in January 2023. The Public Advocate could not contribute to, or publicly endorse or oppose, a candidate for City elective office, or be an officer, director, or employee of an organization that makes political endorsements regarding candidates for City elective office.

The Mayor could file written charges of official misconduct against the Public Advocate and those charges would be heard and acted on by the Ethics Commission and the Board of Supervisors in the same manner as other charges of official misconduct, but the Mayor would have no power to suspend the Public Advocate prior to the determination of those charges by the Board of Supervisors.

The Civil Service Commission would set the salary of the Public Advocate every five years based on a salary survey of comparable offices, including the salary of the Executive Director of the Ethics Commission, or using such other methodology as the Commission deemed appropriate.

The proposal would also make conforming changes in other Charter sections and correct and update additional provisions.

The provisions relating to the election of the Public Advocate would become operative on the effective date of the Charter amendment. All other provisions would become operative at the date and time that the first Public Advocate takes office.