

[Imposing term limits and a new residency requirement for members of City boards and commissions; limiting hold-over appointments.]

## CHARTER AMENDMENT

### PROPOSITION \_\_\_\_

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 4.101.5 to impose term limits and a new residency requirement for members of City boards and commissions and to limit hold-over appointments.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2005, a proposal to amend the Charter of the City and County by adding Section 4.101.5 to read as follows:

Note: Additions are *single-underline italics Times New Roman*.  
Deletions are ~~*strikethrough italics Times New Roman*~~.

#### **SEC. 4.101.5. TERM LIMITS FOR COMMISSIONERS; RESIDENCY.**

*(a) Application. Unless otherwise provided in this Charter or required by law, the requirements of this Section shall apply to the members of each appointive board, commission, or other unit of government of the executive branch of the City and County or otherwise created in the Charter ("Charter Commission").*

*(b) Term Limits. No person appointed as a member of a Charter Commission may serve as a member of that same Charter Commission for more than two successive four-year terms. Any person appointed to a Charter Commission to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive four-year terms may serve as a member of that same Charter Commission, until at least four years after the expiration of the second successive term in office.*

Any member of a Charter Commission who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term. Any member of a Charter Commission who is appointed to serve less than two full years remaining in a four-year term shall be deemed, for the purposes of this section, not to have served a full four-year term.

Terms served prior to the effective date of this amendment shall be included in determining compliance. Where a Charter Commission has other than a four-year term, Commission members shall be limited to two successive terms of such duration as provided by law, consistent with the general principles and intent of this Subsection. A member who serves a portion of a term greater than one-half of the term provided by law shall be deemed to have served a full term for purposes of this Subsection.

The provisions of this Subsection (b) shall not apply to the Ethics Commission or the Elections Commission or to Commissions created in Article V of this Charter.

(c) **Residency.** No person appointed as a member of a Charter Commission may be absent from the City for a cumulative total of more than 90 days in any calendar year. A person appointed as a member of a Charter Commission who is absent from the City for a cumulative total of more than 90 days in any calendar year shall no longer be qualified to hold that office. The Ethics Commission shall investigate and resolve complaints that a member of a Charter Commission has violated this subsection.

The provisions of this Subsection (c) shall not apply to Commissions created in Article V of this Charter.

(d) **Hold-Over Appointments.** Except as otherwise provided in this Charter, the tenure of a member of any Charter Commission shall terminate no later than 120 days after the expiration of the member's term, unless the member is re-appointed. A member may not serve as a hold-over member of a Charter Commission for more than 120 days after the expiration of his

or her term. The tenure of any person sitting as a hold-over member on the effective date of this amendment shall terminate no later than 120 days after the effective date.

The provisions of this Subsection (d) shall not apply to the Ethics Commission or the Elections Commission or to Commissions created in Article V of this Charter.

(e) **Incumbent Commissioners.** The tenure of members of Charter Commissions holding office on the effective date of this charter amendment who have already served in excess of the term limit imposed by this Section shall terminate by operation of law on that date and the member shall automatically be removed from office. A member who is removed from office pursuant to this provision shall not be eligible for appointment or re-appointment to the same Charter Commission until a full four-year period has passed since the effective date of this amendment, or such other period as constitutes a full term of office for the Charter Commission in question.

This subsection shall expire by operation of law five years after the effective date of this charter amendment and the City Attorney shall cause the subsection to be removed from future editions of the Charter.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
THOMAS J. OWEN  
Deputy City Attorney