File No. 100633

Committee Item No. 4
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules **Date** July 12, 2010

Board of Supervisors Meeting **Date** _____

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Completed by: Linda Wong **Date** July 9, 2010
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

FILE NO. 100633 (THIRD DRAFT)

[Split appointments to the Recreation and Park Commission.]

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 amending Section 4.113, to split the power to make appointments to the Recreation and Park Commission between the Mayor and the Board of Supervisors, and amending Section 15.105 to provide that the appropriate appointing authority may initiate removal of Recreation and Park Commissioners.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2010, a proposal to amend the Charter of the City and County by amending Sections 4.113 and 15.105 to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~.

SEC. 4.113. RECREATION AND PARK COMMISSION.

~~*The Recreation and Park Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.*~~

The Recreation and Park Commission shall consist of seven members, who shall each serve a four-year term. The Mayor shall appoint three members, not subject to the approval or rejection by the Board of Supervisors; the Rules Committee of the Board of Supervisors, or any successor committee thereto, shall nominate three members subject to approval by the Board of Supervisors; and the Mayor and the President of the Board of Supervisors shall jointly appoint one member.

Members may be removed by the appointing authority pursuant to Section 15.105.

The respective terms of office of members of the Recreation and Park Commission who hold office on February 1, 2011, shall expire at noon on that date, and the members appointed pursuant to the amendments to this Section approved at the November 2010 election shall succeed to said office at that time. To stagger the terms of the seven members, of the three members nominated by the Mayor, one member shall serve a term of two years, one member shall serve a term of three years, and one member shall serve a term of four years; of the three members nominated by the Rules Committee, one member shall serve a term of two years, one member shall serve a term of three years, and one member shall serve a term of four years; and the member nominated jointly by the Mayor and the President of the Board of Supervisors shall serve a term of four years. The Clerk of the Board of Supervisors shall designate such initial terms by lot. All subsequent appointments to the Commission shall be for four-year terms.

Pursuant to the policies and directives set by the Commission and under the direction and supervision of the General Manager, the Recreation and Park Department shall manage and direct all parks, playgrounds, recreation centers and all other recreation facilities, avenues and grounds under the Commission's control or placed under its jurisdiction thereafter, unless otherwise specifically provided in this Charter.

The Department shall promote and foster a program providing for organized public recreation of the highest standard.

The Department shall issue permits for the use of all property under the Commission's control, pursuant to the policies established by the Commission.

As directed by the Commission, the Department shall administer the Park, Recreation and Open Space Fund pursuant to Section 16.107 of this Charter.

The Department shall have the power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, square, avenues and grounds, except as follows:

1. No building or structure, except for nurseries, equipment storage facilities and comfort stations, shall be erected, enlarged or expanded in Golden Gate Park or Union Square Park unless such action has been approved by a vote of two-thirds of the Board of Supervisors;

2. No park land may be sold or leased for non-recreational purposes, nor shall any structure on park property be built, maintained or used for non-recreational purposes, unless approved by a vote of the electors. However, with permission of the Commission and approval by the Board of Supervisors, subsurface space under any public park, square or playground may be used for the operation of a public automobile parking station under the authority of the Department of Parking and Traffic, provided that the Commission determines that such a use would not be, in any material respect or degree, detrimental to the original purpose for which a park, square or playground was dedicated or in contravention of the conditions of any grant under which a park, square or playground might have been received. The revenues derived from any such use, less the expenses incurred by the Department of Parking and Traffic in operating these facilities, shall be credited to Recreation and Park Department funds.

3. The Commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

SEC. 15.105. SUSPENSION AND REMOVAL.

(a) ELECTIVE AND CERTAIN APPOINTED OFFICERS. Any elective officer, and any member of the Airport Commission, Asian Art Commission, Civil Service Commission, Commission on the Status of Women, Golden Gate Concourse Authority Board of Directors, Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal Transportation Agency Board of Directors, Port Commission, Public Utilities Commission, ~~*Recreation and Park Commission,*~~ Fine Arts Museums Board of Trustees, Taxi Commission, War Memorial and Performing Art Center Board of Trustees, Board of Education or Community

College Board is subject to suspension and removal for official misconduct as provided in this section. Such officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. Upon such suspension, the Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their next regular meetings following such suspension, and shall immediately furnish a copy of the same to such officer, who shall have the right to appear with counsel before the Ethics Commission in his or her defense. The Ethics Commission shall hold a hearing not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall thereby be reinstated.

(b) BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD OF APPEALS, ELECTIONS COMMISSION, ETHICS COMMISSION, *AND* ENTERTAINMENT COMMISSION, *AND RECREATION AND PARK COMMISSION*. Members of the Building Inspection Commission, the Planning Commission, the Board of Appeals, the Elections Commission, the Ethics Commission, ~~and~~ the Entertainment Commission, *and the Recreation and Park Commission* may be suspended and removed pursuant to the provisions of subsection (a) of this section except that the Mayor may initiate removal only of the Mayor's appointees and the appointing authority shall act in place of the Mayor for all other appointees.

(c) REMOVAL FOR CONVICTION OF A FELONY CRIME INVOLVING MORAL TURPITUDE.

(1) Officers Enumerated in Subsections (a) and (b).

(A) An appointing authority must immediately remove from office any official enumerated in subsections (a) or (b) upon:

(i) a court's final conviction of that official of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the official was convicted warrants removal.

(B) For the purposes of this subsection, the Mayor shall act as the appointing authority for any elective official.

(C) Removal under this subsection is not subject to the procedures in subsections (a) and (b) of this section.

(2) Other Officers and Employees.

(A) At will appointees. Officers and employees who hold their positions at the pleasure of their appointing authority must be removed upon:

(i) a final conviction of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal.

(B) For cause appointees. Officers and employees who by law may be removed only for cause must be removed upon:

(i) a final conviction of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal.

(3) Penalty for Failure to Remove. Failure to remove an appointee as required under this subsection shall be official misconduct.

(d) DISQUALIFICATION.

(1) (A) Any person who has been removed from any federal, state, County or City office or employment upon a final conviction of a felony crime involving moral turpitude shall be ineligible for election or appointment to City office or employment for a period of ten years after removal.

(B) Any person removed from any federal, state, County or City office or employment for official misconduct shall be ineligible for election or appointment to City office or employment for a period of five years after removal.

(2) (A) Any City department head, board, commission or other appointing authority that removes a City officer or employee from office or employment on the grounds of official misconduct must invoke the disqualification provision in subsection (d)(1)(B) and provide notice of such disqualification in writing to the City officer or employee.

(B) Upon the request of any former City officer or employee, the Ethics Commission may, after a public hearing, overturn the application of the disqualification provision of subsection (d)(1)(B) if: (i) the decision that the former officer or employee engaged in official misconduct was not made after a hearing by a court, the Board of Supervisors, the Ethics Commission, an administrative body, an administrative hearing officer, or a labor arbitrator; and (ii) if the officer or employee does not have the right to appeal his or her restriction on holding future office or employment to the San Francisco Civil Service Commission.

(e) OFFICIAL MISCONDUCT. Official misconduct means any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct that falls below the standard of decency, good faith and right action impliedly required of all public officers and including any violation of a specific conflict of interest or governmental ethics law. When any City law provides that a violation of the law constitutes or is deemed official misconduct, the conduct is covered by this definition and may subject the person to discipline and/or removal from office.

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

By: _____
VIRGINIA DARIO ELIZONDO
Deputy City Attorney

LEGISLATIVE DIGEST (REVISED)

[Split appointments to the Recreation and Park Commission.]

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 amending Section 4.113, to split the power to make appointments to the Recreation and Park Commission between the Mayor and the Board of Supervisors, and amending Section 15.105 to provide that the appropriate appointing authority may initiate removal of Recreation and Park Commissioners.

Existing Law

Currently, the Mayor makes all seven appointments the Recreation and Park Commission.

Suspension and removal commissioners is governed by Charter Section 15.105. Section 15.105(a) authorizes the Mayor to suspend commissioners for misconduct.

Amendments to Current Law

This Charter Amendment would split the authority for appointing Recreation and Park Commissioners between the Mayor and the Board of Supervisors. The Mayor would appoint three (3) Commissioners, which will not be subject to approval or disapproval of the Board of Supervisors. The Rules Committee of the Board of Supervisors would nominate three (3) Commissioners, which would be subject to approval by the Board of Supervisors; and the Mayor and the President would jointly appoint one (1) member.

The amendment to Charter Section 15.105 would make Recreation and Park Commissioners subject to suspension for misconduct by their respective appointing authorities.

Changes from Second Draft

The Third Draft of this proposed Charter Amendment:

- Makes the Mayor's appointments to the Commission, unilateral, in other words, there will be no review of the Mayor's appointments by the Board of Supervisors.
- Makes Recreation and Park Commissioners subject to suspension for misconduct by their respective appointing authorities, rather than only the Mayor.
- Eliminates the appeal of a denial for an entertainment-related permit or license to the Board of Appeals.

Background Information

Many of the Commissions established in the City Charter have all of their members nominated by the Mayor. But in recent years, voters approved a number of reorganizations of Charter Commissions to split the appointments between the Mayor and the Board of Supervisors, and several newly created Commissions have split appointments. Commissions where both the Mayor and Board of Supervisors make appointments include the Police Commission, the Planning Commission, the Board of Appeals, the Entertainment Commission, the Building Inspection Commission, and the Youth Commission.

orig: Rules Clerk BOS-11
COB, CA, Leg Dep

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

June 17, 2010

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

RE: File 100633 – Charter amendment dividing the power to nominate members of the Recreation and Park Commission between the Mayor and the Board of Supervisors, making Recreation and Park Department event permits and licenses subject to appeal

Dear Ms. Calvillo,

Should the proposed charter amendment be approved by the voters, in my opinion, there would be a minimal impact on the cost of government.

The proposed amendment would specify that certain special event permits and licenses issued by the Recreation and Park Department could be appealed to the Board of Appeals. Currently, the decisions of the Recreation and Park Commission on event permits and licenses are final. Typically the City's costs for hearings and other appeal processes are covered in part by fees and surcharges collected from applicants. The Recreation and Parks Departments issues approximately 5,800 significant permits annually for special events that range widely in size, complexity, cost, revenue and impacts. The Department also has approximately 60 licenses for operator concessions and other functions. The types of permits and licenses to be affected by the proposed amendment would be defined later by ordinance.

The Recreation and Park Commission currently consists of seven members appointed by the Mayor. The amendment would provide instead that three members of the Commission be appointed by the Mayor, three by the Board of Supervisors, and one jointly by the Mayor and Board President, with all members subject to certain qualification requirements and to confirmation by the Board of Supervisors.

Sincerely,

Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532

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YOUTH COMMISSION

MEMORANDUM

TO: Linda Wong, Clerk, Rules Committee, Board of Supervisors

FROM: Julia Sabory, Director, Youth Commission

DATE: July 7, 2010

RE: Youth Commission support of proposed charter amendment file no.100633 [Split Appointments to the Recreation and Parks Commission and Special Events Permit and License Process]

At our regular meeting of Monday, June 7, 2010, the Youth Commission voted to support this proposed charter amendment.

orig: Rules Clerk

City and County of San [illegible]ncisco **[illegible]ard of Appeals**

c: Rules Members COB, Cpage

Gavin Newsom
Mayor

Cynthia G. Goldstein
Executive Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JUL -2 PM 3:11
BY PN

June 30, 2010

Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94012

Re: File No. 100633; Proposed Charter Amendment

Dear Ms. Calvillo:

These comments are submitted in response to the revised proposal to amend Charter Section 4.106 (File No. 100633, revision date 6/21/10). This proposal would give the Board of Appeals jurisdiction to hear appeals of "Entertainment-related" permits or licenses *denied* by the Recreation and Park Commission or Department, and further, would require that "Entertainment-related" permits and licenses be defined by ordinance.

We appreciate that the proposal calls for companion legislation to define "Entertainment-related" permits and licenses. We urge you to craft this legislation with specificity so as to avoid establishing a system where the Board of Appeals would be called upon to make a case-by-case determination of whether a particular permit or license qualifies as "entertainment-related" within the meaning of the ordinance. Such case-by-case determinations would not only be administratively burdensome for Board staff, it could lead to lengthy delays in the appeals process. Would-be appellants whose appeal requests are rejected by Board staff on the basis that the permit is not "entertainment-related" would then be able to submit Jurisdiction Requests that must be heard by the full Board of Appeals. These delays could render moot the entire appeal process in situations where the opportunity to hold an "entertainment-related" event passes before the Board is able to hear and decide the appeal on the merits.

Accordingly, we suggest this companion legislation establish a category of Recreation and Park permits and licenses that, *by definition,* includes only those permits and licenses subject to Board of Appeals review. Thus, all Recreation and Park permits and licenses that may be appealed to the Board of Appeals would be labeled as "Entertainment-related," and those permits and licenses that are not subject to appeal would be issued under a different label.

In addition to the above concerns, we note that the proposal is silent on whether an appellant must first exhaust appeal opportunities available within the Recreation and Park Department and Commission before looking to the Board of Appeals for relief. It is common for departmental determinations to go through the full internal review process before being appealable to the Board of Appeals, but it is not always mandated. Clarification of this point would help the Board understand when a Recreation and Park decision is ripe for appeal.

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Finally, a technical clarification is recommended in the first line of proposed new paragraph (c). Currently, it reads "...the Board shall hear and determine appeals from a denial of a license or permit under the jurisdiction of the Recreation and Park Commission or Department, if the license or permit is an *entertainment-related permit*." (Emphasis added.) Our recommendation is to revise the last clause of this sentence to read either "is ~~an~~ entertainment-related ~~permit~~" or "is an entertainment-related permit or license." Either revision would more clearly articulate that both permits and licenses are contemplated.

Thank you for your consideration of these concerns.

Sincerely,

Cynthia G. Goldstein
Executive Director

cc: Supervisor Ross Mirkarimi
Linda Wong, Clerk, Board of Supervisors Rules Committee
Phil Ginsberg, General Manager, Recreation and Parks Department

City and County of San F ncisco **E ard of Appeals**

Gavin Newsom
Mayor

Cynthia G. Goldstein
Executive Director

C: Supvrs. Mirkarimi, Campos, Ma-Dalay and Avalos

May 27, 2010

Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94012

Re: File No. 100633; Proposed Charter Amendment

Dear Ms. Calvillo:

Thank you for providing my office with an opportunity to comment on the draft proposal to revise Charter Section 4.106 to allow certain special event permits and licenses issued by the Recreation and Park Commission or Department to be appealed to the Board of Appeals.

Under the proposal, the Board of Appeals would have jurisdiction to hear these appeals "if the special event permit or license significantly impacts Recreation and Park property or the surrounding neighborhood." I am concerned that, as currently written, the proposed Charter language fails to define or provide any guidance as to the scope of "significant impact." Absent clarification, the Board of Appeals would be left to make a case-by-case determination of whether a particular permit would or would not have a "significant impact" on the surrounding neighborhood without any guiding standards.

I recognize that the proposal calls for separate legislation to define the terms "special event permit" and "special event license." Ideally, these definitions would be drafted so that it would not be necessary for the Board to make a determination of "significant impact;" in other words, that all special event permits and licenses, *by definition*, significantly impact Recreation and Park property or the surrounding neighborhood, and those permits and licenses that don't have a significant impact are given a different name. If that is what is envisioned, then I urge the Board of Supervisors to remove the "significant impact" language from this proposed Charter amendment.

In the alternative, if the intent is to give the Board of Appeals jurisdiction to decide when a permit or license has significant impact, it would be helpful for the Board, and the public, to be provided with establish parameters either in the Charter itself, or in the required ordinance. Currently, when a member of the public seeks to file an appeal, Board staff makes a determination as to whether or not the appeal falls within the Board's jurisdiction. If staff determines there is no jurisdiction, the would-be appellant may file a Jurisdiction Request, which elevates the question of jurisdiction to the appointed Board. The Jurisdiction Request then must be briefed, argued and decided. If the Board grants jurisdiction, only then may an appeal actually be filed. This process can take several weeks, if not months.

Without a bright-line demarcation of which special event permits and licenses have the requisite significant impact, the Board would likely be subjected to a deluge of Jurisdiction Requests from potential appellants whose requests to file an appeal are rejected by Board staff. This not only would

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consume the Board's limited resources, it would add delay to the Board's final determination in those cases warranting its review. Since the proposed Charter amendment doesn't suspend permits and licenses during the pendency of the appeal process, the contested event could take place before the Board was able to hear and decide the appeal, thereby rendering moot the appeal process.

In sum, leaving the determination of significant impact for the Board of Appeals to decide on a case by case basis, without providing guidance on the standards to apply in making this assessment, would not only make this new appeal process challenging to administer, but could jeopardize the very value of the appeal opportunity itself.

Thank you for your consideration of these concerns. Please let me know if you would like to discuss this matter further.

Sincerely,

Cynthia G. Goldstein
Executive Director

cc: Linda Wong, Rules Committee Clerk
Phil Ginsberg, General Manager, Recreation and Parks Department

BOS-11
COB
File 100633
Leg Dep. CA

Office of the Mayor
City & County of San Francisco

Gavin Newsom

June 16, 2010

Members, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94012

Dear Supervisors,

I oppose the Charter Amendment (File Number 100633) revising Charter Section 4.106 to alter the appointment structure for the Recreation and Park Commission and to allow certain special event permits issued by the Commission or the Recreation and Park Department to be appealed to the Board of Appeals.

At best, this proposal is a solution in search of a problem.

Currently, I make the appointments to the Recreation and Parks Department, and the Board has the authority – under the Charter – to reject those appointments. This structure is well balanced, which is supported by the fact that the Board has not rejected a single one of the 13 appointments and reappointments my administration has made over the last six years. In changing this structure, the Board is shifting the balance such that the Board will gain additional control over this process.

The Charter Amendment also proposes to change the appeals process for special events permits or licenses such that Department and Commission decisions are no longer binding, but can be appealed to the Board of Appeals. Currently, the General Manager holds open hours every month, and every biweekly Commission meeting includes at least 30 minutes of dedicated public comment time. When the community expresses an issue with a permitting decision, the Commission takes up a discussion and makes a final determination. Subjecting the Department's thousands of annual permits to full hearings would clog the process and prevent the Board of Appeals from performing its other critical functions. In addition, the Executive Director of the Board of Appeals has already stated her concern that the proposal gives too much discretion to the Board of Appeals without enough guidance on how it would determine what appeals should be heard. In summary, more complicated government is not better government.

The components of this proposal prompt me to ask if the Board of Supervisors believes that it does not have sufficient checks and balances over the Recreation and Park Department and Commission? In addition to the Board's ability to reject my Commission appointments, the Board has approval authority over the Department's budget, approves all fees under the Park Code, holds the power of inquiry, and has the ability to hold hearings. This year alone, the Department will present their budget to the Board at least five times.

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

Office of the Mayor
City & County of San Francisco

Gavin Newsom

This proposal also sends the message that the Board of Supervisors feels that the Recreation and Park Department and the Commission are not providing positive results for the citizens of San Francisco. This message is patently false. The Department has accelerated the construction timeline of the 2000 Neighborhood Parks Bond: since 2004, the projects completed include 23 playgrounds, two fields, four pools, eight recreation center, nine clubhouses, 25 parks, one acquisition, and three park master plans. In 2008, the Department worked hard to get the Parks Bond passed with 72% of voter support – yet anther sign that public confidence in the agency is strong. In the past year, the Department has completed more than 160 capital projects and renovated seven soccer complexes through the CityFields partnership – adding 40,000 hours of play time to our system. This summer alone, the Department tripled summer offerings and worked with the Municipal Transportation Agency to provide 500 fast passes for children to travel to these programs, and provided $100,000 worth of free programming to public housing families.

The Department recently initiated a complete restructuring of its budget and reorganization of its service delivery model. I am extremely proud of how well the Department has worked with organized labor, park advocates, and the philanthropic community in these difficult budget times. They have crafted a budget that prioritizes revenue over cuts, minimizes service cuts and maintains our capital investment in our parks and facilities. This is no small feat, given the budget challenges facing the City in this economy.

Additionally, I have recently taken steps to revitalize the Commission and help lead the Department toward financial sustainability by appointing Mark Buell, a committed citizen with deep ties to the both the park and philanthropic community in San Francisco. President Buell has 30 years of experience in government and is the President of the Golden Gate National Parks Conservancy Board.

As this Charter Amendment lacks a compelling rationale for reform, I urge the Board of Supervisors to table this proposal.

Sincerely,

Gavin Newsom
Mayor

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Mayor Gavin Newsom
Philip A. Ginsburg, General Manager

June 18, 2010

Members, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Dear Supervisors,

I oppose the Charter Amendment (File Number 100633) revising Charter Section 4.106 to alter the appointment structure for the Recreation and Parks Commission and to allow certain special event permits issued by the Commission or the Recreation and Park Department to be appealed to the Board of Appeals.

This year our Department was required to reduce its level of general fund support by $12.4 million. These drastic cuts provided us with a choice: stop providing free and low cost public recreation, neglect the maintenance of our parks and recreation centers, or reinvent they way we work. I am proud that, in collaboration with SEIU 1021, the Laborers Local 261 and the Neighborhood Parks Council, we have crafted a budget that prioritizes revenue over service cuts. Seventy-five percent of our budget reduction is met by new revenue in the form of new amenities, concessions, events and philanthropy in our parks. We have survived this year's awful budget woes, but barely, and not without some impact on park users. We are already quite fearful of how to confront next year's projected $700 million General Fund problem.

The Recreation and Park Department has now suffered from consecutive years of drastic budget cuts. By national standards our department is short over 200 gardeners, 60 custodians, and 30 park patrol officers. We have been forced to reengineer our recreation service delivery model in order to compensate for our shortage of recreation staff. We have over $1 billion in unmet deferred maintenance needs in our system. Our three thousand dollar annual material and supply budget for each of our 25 recreation centers should be an embarrassment to all of us.

At a time of such drastic need, I fail to understand how shifting control over commission appointments from the Mayor to the Board of Supervisors will benefit our parks or our park users. A divisive political fight over power and control will not staff our parks with gardeners nor our gyms and fields with coaches. It will not maintain our pools or build new trails in our natural areas. This is "inside baseball" for the vast majority of San Franciscans who care little about the battles between the executive and legislative branches of government, but simply crave clean, safe and fun open spaces and opportunities to recreate. The Board of Supervisors already exercises significant authority, control and influence over the Recreation and Park Department. The Board appropriates our budget, rejects or approves all of our fees, has the authority to call for hearings and audits and has complete appointment power over PROSAC (Parks, Recreation, Open Space Advisory Committee), the Department's citizen oversight body.

I further fail to understand how the proposed changes to our permit system -- which add layers of bureaucracy to an already convoluted process -- make our parks better. The Recreation and Park Department processes nearly 57,000 permits each year. The Department considers 6000 of these to be "significant." These events activate our parks, bring the community together and make San Francisco unique. Adding complexity, delays, cost and uncertainty to our permit process will negatively impact many of San Francisco's most special park events. Under the proposed changes, a single person could effectively halt some of our most beloved events such as the Aids Walk, Gay Pride and Juneteenth and Hardly Strictly Bluegrass.

The Commission and the Department take very seriously our charge to be good neighbors and stewards of our parks. We welcome input on all our permits and work hard to address any concerns raised. Under the direction of our permit office, event sponsors must conduct outreach for new, large events. Our pending permits are listed on our website and in the Commissioner packets at each meeting. I am available by phone, email and through my community open door meetings to discuss concerns about and modifications to any permit. Our Commission is available via email, for meetings and takes extensive public comment at all of our meetings. Our permitting process is open, fair and responsive. When a contentious permit reaches an impasse, our Commission frequently directs staff, the event sponsor and concerned citizens to continue to discuss modifications and concessions and return to them with a consensus agreement. Such a process is not begging for an additional layer of government intervention.

I am grateful for the leadership provide by the Recreation and Park Commission this year. Even in this horrible budget climate, we are opening new facilities, keeping our parks cleaner than ever, adding more low cost and no cost recreational programming and working creatively to help the Mayor and the Board of Supervisors solve the City's budget woes with new sources of revenue in our parks from amenities, concessions, events and philanthropy.

The Recreation and Park Department is in financial peril. We will not be able to continue to provide the level of service that San Franciscans need and expect without achieving a healthier degree of financial sustainability. Park supporters, led by our elected family, must work together between now and November 2011 to convince voters that more financial support for our parks is warranted. Please do not risk our parks' chances for a better tomorrow by picking a divisive and unnecessary political fight that will neither improve our parks nor fund them more adequately. I urge you to oppose this measure.

Sincerely,

Philip A. Ginsburg
General Manager