

BOARD of SUPERVISORS



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MEMORANDUM

Date: July 1, 2024
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee *Victor Young*
Subject: Board of Supervisors Legislation Referral - File No. 240547
Charter Amendment - Commission Reform (Version 2)

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.

LEGISLATIVE DIGEST
(7/1/2024)

[Charter Amendment - Commission Reform]

Describing and setting forth a proposal to the voters at an election to be held on November 5, 2024, to amend the Charter of the City and County of San Francisco to establish the Commission Streamlining Task Force charged with making recommendations to the Mayor and the Board of Supervisors about ways to modify, eliminate, or combine the City’s appointive boards and commissions to improve the administration of City government; require the City Attorney to prepare a Charter Amendment to implement the Task Force’s recommendations relating to Charter commissions, for consideration by the Board of Supervisors; and authorize the Task Force to introduce an ordinance to effectuate its recommendations relating to appointive boards and commissions codified in the Municipal Code, which ordinance shall go into effect within 90 days unless rejected by a two-thirds vote of the Board of Supervisors.

Existing Law

Currently, there are over 100 appointive boards and commissions (hereinafter referred to collectively as “commissions”) that perform work on behalf of the City or provide non-binding guidance to City officials and departments. The Charter establishes most of the commissions in San Francisco government that exercise the City’s sovereign powers and have decisionmaking authority. But there also are several bodies created in the Charter that are purely advisory. Under state law, a locality’s Charter may only be amended by a vote of the electors. Therefore, Charter-created commissions may not be eliminated, revised, or consolidated with other bodies without voter approval.

The Board of Supervisors also has the authority, by ordinance, to create boards and commissions that exercise the City’s sovereign powers. There are a few boards and commissions created by ordinance that exercise the City’s sovereign powers. But it is more common for ordinances to create advisory bodies, which lack the authority to set policy for the City. Where a commission is created by ordinance, the Board of Supervisors has the authority to eliminate, revise, or consolidate it with other bodies by ordinance.

Under the Charter, only the Mayor, members of the Board of Supervisors, and City departments may introduce ordinances.

Amendments to Current Law

The proposed Charter Amendment would establish a Commission Streamlining Task Force (“Task Force”) charged with making recommendations to the Mayor and the Board of Supervisors about ways to modify, eliminate, or combine the City’s appointive boards and

commissions to improve the administration of City government. The Task Force, which would be convened by no later than February 1, 2025, would be comprised of five members, including the City Administrator, or their designee, the Controller, or their designee, the City Attorney, or their designee, a representative of organized labor, appointed by the President of the Board of Supervisors, and a person with expertise in open and accountable government, appointed by the Mayor.

The measure would require the Budget and Legislative Analyst to prepare a report by no later than September 1, 2025, analyzing the cost of the City's current system of boards and commissions, as well as the projected financial impact of eliminating or consolidating commissions.

The measure would require the Task Force to prepare and submit to the Mayor and the Board of Supervisors by no later than February 1, 2026, recommendations about ways to modify, eliminate, or combine the City's appointive boards and commissions to improve the administration of City government. The City Attorney would be required to prepare a Charter Amendment to implement the Task Force's recommendations relating to commissions established in the Charter. The Board of Supervisors would be required to hold a hearing by not later than April 1, 2026 on the Task Force's recommendations and the draft Charter Amendment.

The measure would also authorize the Task Force to introduce ordinances to effectuate its recommendations relating to appointive boards and commissions codified in the Municipal Code, other than those bodies that may only be rescinded or amended by the voters, which ordinances would go into effect within 90 days unless rejected by a two-thirds vote of the Board of Supervisors.

Background

This legislative digest was revised on May 30, 2024 to correct an error in the original digest by specifying that it is the President of the Board of Supervisors – and not the full Board – that will appoint one member to the Commission Streamlining Task Force.

1 [Charter Amendment - Commission Reform]

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3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **5, 2024, to amend the Charter of the City and County of San Francisco to establish the**
5 **Commission Streamlining Task Force charged with making recommendations to the**
6 **Mayor and the Board of Supervisors about ways to modify, eliminate, or combine the**
7 **City’s appointive boards and commissions to improve the administration of City**
8 **government; require the City Attorney to prepare a Charter Amendment to implement the**
9 **Task Force’s recommendations relating to Charter commissions, for consideration by the**
10 **Board of Supervisors; and authorize the Task Force to introduce an ordinance to effectuate**
11 **its recommendations relating to appointive boards and commissions codified in the**
12 **Municipal Code, which ordinance shall go into effect within 90 days unless rejected by a**
13 **two-thirds vote of the Board of Supervisors.**

14
15 **SECTION 1. FINDINGS.**

16 (a) The City and County of San Francisco has long been a place that values public
17 service, creativity, political activism, and civic engagement. And the City’s system of
18 participatory government reflects those values. San Francisco is led not only by elected officials
19 and professional City staff, but also by hundreds of City residents who volunteer their time to
20 serve on City boards and commissions (together referred to in this Section as “commissions”),
21 such as the Planning Commission, the Disability and Aging Services Commission, and the
22 Human Rights Commission.

23 (b) San Francisco’s commissions leverage the perspectives, lived experiences, and
24 expertise of the City’s residents, and ensure that important policy decisions are not made behind
25 closed doors by a powerful few, but through a public and participatory process that is informed
by the very people whom those decisions will impact.

1 (c) San Francisco's commissions have been in existence as long as the City has had a
2 Charter. The first commission – the Police Commission – was established in 1878, followed by
3 the Civil Service Commission in 1900, and the Public Utilities Commission in 1932. Since then,
4 the voters have amended the City Charter numerous times to establish policy and oversight
5 bodies that have helped shape city policies and programs.

6 (d) In addition to providing policy guidance, many commissions perform essential
7 government functions that are required by law. For example, the Historic Preservation
8 Commission acts as the City's local historic preservation review commission for the purposes of
9 the federal Certified Local Government Program; the Health Commission serves as the
10 governing body of General Hospital and Laguna Honda Hospital; the Board of Appeals affords
11 due process to permit applicants wishing to appeal a permit decision; and the Building Inspection
12 Commission helps to craft and enforce the safety standards of the Building Code. These and
13 other functions performed by commissions cannot be summarily eliminated without creating
14 significant uncertainty and disorder.

15 (e) Currently, there are over 100 commissions that perform work on behalf of the
16 City or provide non-binding guidance to City officials and departments. Many of these bodies
17 have existed for decades, without review or evaluation of their efficacy, or updates to maximize
18 their utility. Some commissions have fulfilled their original mandate; some have outlived their
19 useful purpose; and others perform work that duplicates the efforts of other City bodies. As the
20 City enters a period in which it will have to make difficult budget choices, it is time to undertake
21 a comprehensive, evidence-based review of the City's commissions to identify those bodies that
22 add value to the City, those that can be consolidated, streamlined, or improved, and those whose
23 time has passed.

24 (f) This measure establishes a clear pathway for that review, starting with a study
25 conducted by the Budget and Legislative Analyst of the annual financial cost of supporting the

1 City’s commissions. The measure will also establish a Task Force of experts in City
2 management and operations. This Task Force will not only have the authority to make
3 recommendations to the Mayor and Board of Supervisors about how to change the current
4 commission system, but will also have the power to introduce legislation to effectuate those
5 recommendations. Recommendations could include changes to the structure, staffing, and
6 meeting requirements of individual commissions, with the goal of improving the commissions’
7 efficacy.

8 (g) This measure’s creation of an expert Task Force to analyze and make
9 recommendations to optimize the number, functions, and structure of City commissions, is
10 consistent with recommendations from the 2023-2024 Civil Grand Jury Report, entitled
11 “Commission Impossible,” as well as the Rose Institute of State and Local Government’s “Re-
12 Assessing San Francisco’s Government Design,” which concluded it is not possible to determine
13 the optimal number of City commissions without an exhaustive review, and encouraged the City
14 to “[c]onsider a system-wide evaluation of the City’s commission system” as its main
15 recommendation.

16 (h) Making significant changes to a system of government is no easy feat. And it
17 cannot be done effectively by establishing arbitrary limits on the number of citizen-led
18 commissions. But it is time for San Francisco to make tough choices, which requires looking at
19 which parts of our current system of government work, and which don’t. This measure provides
20 a roadmap for that inquiry, and an expedited path to effective change.

21
22 **SECTION 2. CHARTER AMENDMENT.**

23 The Board of Supervisors hereby submits to the qualified voters of the City and County,
24 at an election to be held on November 5, 2024, a proposal to amend the Charter of the City and
25 County, to read as follows:

1 NOTE: **Unchanged Charter text is in plain font.**
2 **Additions are single-underline italics Times New Roman font.**
3 **Deletions are ~~strike-through italics Times New Roman font.~~**
4 **Asterisks (* * * *) indicate the omission of unchanged Charter**
5 **subsections.**

5 The Charter of the City and County of San Francisco is hereby amended by revising
6 Sections 2.105, 4.100, and adding new Section 4.100.1, to read as follows:

8 **SEC. 2.105. ORDINANCES AND RESOLUTIONS.**

9 The Board of Supervisors shall meet and transact its business according to rules which
10 it shall adopt.

11 The Board of Supervisors shall act only by written ordinance or resolution, except that
12 it may act by motion on matters over which the Board of Supervisors has exclusive jurisdiction.
13 All legislative acts shall be by ordinance. An ordinance or resolution may be introduced before
14 the Board of Supervisors by a member of the Board, a committee of the Board ~~or~~ the Mayor, or
15 the Commission Streamlining Task Force subject to the limitations set forth in Section 4.100.1,
16 and shall be referred to and reported upon by an appropriate committee of the Board. An
17 ordinance or resolution may be prepared in committee and reported out to the full Board for
18 action, consistent with the public notice laws of the City. Except as otherwise provided in this
19 Charter, passage of an ordinance or a resolution shall require the affirmative vote of a majority of
20 the members of the Board.

21 * * * *

23 **SEC. 4.100. GENERAL.**

24 In addition to the office of the Mayor, the executive branch of the City and County shall
25 be composed of departments, appointive boards, commissions~~2~~ and other units of government

1 that perform the sovereign powers of the City and County. To the extent law permits, each
2 appointive board, commission, or other unit of government of the City and County established by
3 State or Federal law shall be subject to the provisions of this Article IV and this Charter.

4
5 **SEC. 4.100.1. COMMISSION STREAMLINING TASK FORCE.**

6 **(a) Establishment of the Task Force.** By no later than February 1, 2025, a
7 Commission Streamlining Task Force (“Streamlining Task Force”) shall be convened for the
8 purpose of advising the Mayor and the Board of Supervisors on ways to eliminate, consolidate,
9 or limit the powers and duties of appointive boards and commissions for the more effective,
10 efficient, and economical administration of City and County government, and introducing one or
11 more ordinances to effectuate its recommendations. The Streamlining Task Force shall have the
12 powers and duties set forth herein, and shall expire by operation of law 24 months after its first
13 meeting.

14 The City Administrator shall provide administrative support to the Streamlining Task
15 Force. The Controller and the City Administrator shall provide professional and technical
16 assistance to the Streamlining Task Force. All City and County officials, departments, and other
17 agencies, and all appointive boards and commissions, shall cooperate with the Streamlining
18 Task Force as it performs its responsibilities under this Section 4.100.1.

19 For purposes of this Section 4.100.1, an “appointive board” or “commission” includes
20 any body that meets the definition of a “legislative body,” under California Government Code §
21 54952, whether denominated a “board,” “commission,” “council,” “committee,” “task force,”
22 “advisory body,” or otherwise.

23 **(b) Composition of the Streamlining Task Force.** The Streamlining Task Force
24 shall consist of five members. Seat 1 shall be held by the City Administrator or the City
25 Administrator’s designee, who must be an employee of the Office of the City Administrator. Seat

1 2 shall be held by the Controller or the Controller's designee, who must be an employee of the
2 Office of the Controller. Seat 3 shall be held by the City Attorney or the City Attorney's
3 designee, who must be an employee of the Office of the City Attorney. Seat 4 shall be held by a
4 representative of organized labor representing the public sector, appointed by the President of
5 the Board of Supervisors. Seat 5 shall be held by an individual with expertise in open and
6 accountable government, appointed by the Mayor. The Mayor's appointment shall not be
7 subject to rejection by the Board of Supervisors under Charter Section 3.100(18). Members in
8 seats 4 and 5 shall serve at the pleasure of their appointing authority.

9 (c) **Budget and Legislative Analyst Report.** The Streamlining Task Force shall
10 undertake a comprehensive review of the City and County's appointive boards and commissions,
11 including those created by voter-approved ordinance. To inform that review, by no later than
12 September 1, 2025, the Budget and Legislative Analyst shall prepare and submit to the
13 Streamlining Task Force, the Mayor, and the Clerk of the Board of Supervisors a report that
14 assesses for each appointive board or commission established in the Charter (1) the annual
15 financial cost to the City to operate the body, including but not limited to the costs of City staff
16 time spent to support, brief, meet with, develop materials for, or otherwise enable the functioning
17 of the body; and (2) the projected financial impact of eliminating the appointive board or
18 commission, or consolidating it with another body. The report shall also include an estimate of
19 the average annual financial cost to the City of operating an appointive board or commission
20 that is established by ordinance for the purpose of providing non-binding advice to City officials
21 on a given topic.

22 (d) **Streamlining Task Force Report and Recommendations.** By no later than
23 February 1, 2026, the Streamlining Task Force shall prepare and submit to the Mayor and the
24 Clerk of the Board of Supervisors a report containing the Streamlining Task Force's
25 recommendations as to which existing appointive boards and commissions, if any, should be

1 eliminated in their entirety, consolidated, revised to limit their powers and/or duties, or revised
2 to expand their powers and/or duties as a result of a consolidation.

3 For each recommendation made pursuant to this subsection (d), the Streamlining Task
4 Force shall provide a rationale; analyze whether any function(s) performed by the appointive
5 board or commission that is recommended to be eliminated, consolidated, or revised are
6 required by law or essential to the effective operation of City and County government; and
7 identify the City and County officers, departments, or other units of government that could
8 assume responsibility for any legally required or essential function(s).

9 (e) **Effectuation of Recommendations.**

10 By no later than March 1, 2026, the City Attorney shall prepare a draft Charter
11 Amendment to implement the Streamlining Task Force's recommendations relating to
12 commissions established in the Charter, and shall submit such draft to the Clerk of the Board of
13 Supervisors. By no later than April 1, 2026, the Streamlining Task Force's report and
14 recommendations and the draft Charter Amendment shall be the subject of a hearing before the
15 Board of Supervisors. Any Supervisors(s) wishing to seek voter approval of the draft Charter
16 Amendment, or a modified version thereof, shall be required to introduce the Charter
17 Amendment for consideration by the Board of Supervisors, consistent with the process and
18 deadlines set forth in the Municipal Elections Code and the Board's Rules of Order at that time.

19 During its tenure, the Streamlining Task Force shall have the authority to introduce one
20 or more ordinances to effectuate its recommendations relating to the elimination, consolidation,
21 or revision of any appointive board or commission established by ordinance, other than any
22 appointive board or commission that was established or amended by the adoption of an
23 ordinance approved by the voters and cannot be amended or rescinded without voter approval.
24 Such ordinance(s) shall go into effect 90 days after the date of introduction unless before the
25

1 expiration of the 90-day period two-thirds of all members of the Board of Supervisors vote to
2 disapprove the ordinance.

3 (f) **Expiration.** This Section 4.100.1 shall expire by operation of law on January 31,
4 2027, and the City Attorney shall cause it to be removed the Charter thereafter.

5
6 **SECTION 3. SEVERABILITY.**

7 If any provision of this measure, or part thereof is for any reason held to be invalid or
8 unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and
9 effect, and to this end the provisions of this measure are severable. The voters declare that this
10 measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would
11 have been adopted or passed irrespective of the fact that any one or more sections, sub-sections,
12 sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this
13 measure is held invalid as applied to any person or circumstance, such invalidity does not affect
14 any application of this measure that can be given effect without the invalid application.

15
16 **SECTION 4. CONFLICTING BALLOT MEASURES.**

17 This measure is intended as the voters' only decision in this election on the composition
18 of City appointive boards and commissions. In the event that this measure and another measure
19 or measures relating to the structure and powers of appointive commissions and advisory bodies
20 shall appear on the same municipal election ballot, the provisions of such other measures shall be
21 deemed to be in conflict with this measure. In the event that this measure shall receive a greater
22 number of affirmative votes, the provisions of this measure shall prevail in their entirety, and
23 each and every provision of the other measure or measures that conflict, in whole or in part, with
24 this measure shall be null and void in their entirety. In the event that the other measure or
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1 measures shall receive a greater number of affirmative votes than this measure, the provisions of
2 this measure shall take effect to the maximum extent permitted by law.

3
4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: _____/s/_____
7 ANNE PEARSON
8 Deputy City Attorney

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