

[Port Commission: establishing minimum qualifications for Commission members, imposing term limits, increasing the number of Commission members from 5 to 7, and 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 amending Section 4.114 to establish minimum qualifications for members of the Port Commission, impose term limits, increase the number of Commission members from five to seven, and 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 June 6, 2006, a proposal to amend the Charter of the City and County by amending Section 4.114 to read as follows:

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

SEC. 4.114. PORT COMMISSION.

(a) Establishment. The Port Commission shall consist of ~~seven~~ five members who shall be appointed by the Mayor, subject to confirmation by a majority of the Board of Supervisors. Each of the members shall serve for a term of four years. They shall be subject to recall, suspension and removal in the same manner as an elected official.

(b) Qualifications. One member of the Commission shall have professional experience or background in the maritime industry (Seat 1). One member shall be a member of the general public with professional experience or background in environmental issues (Seat 2). One member shall occupy a position of leadership in the labor community, and one shall occupy a position of leadership in an established neighborhood association in San Francisco (Seats 3 and

4). One member shall be a resident of the Northeastern Waterfront, one a resident of the Central Waterfront, and one a resident of the South Bayshore, as those areas are defined in the City's General Plan (Seats 5, 6, and 7).

Members of the Commission must possess significant knowledge of, or professional experience in, the fields of maritime activities, labor relations, or the environment.

(c) Powers and Duties. The Commission shall have the composition and organization, and the powers, duties and responsibilities with respect to the Port that are set forth in the Burton Act, Statutes of 1968, Chapter 1333, as amended, and in the Agreement Relating to the Transfer of the Port of San Francisco from the State of California to the City and County, executed on the 24th day of January 1969.

The Commission shall be subject to the provisions of Sections 4.101 through 4.103 of this Charter, so far as those powers and duties are not inconsistent with the Burton Act and the Transfer Agreement as they are referred to in the above paragraph.

(d) The terms and tenures of all members sitting on the Commission as of the effective date of the amendments to this Section approved at the June 2006 election shall terminate at 12 noon on August 1, 2006. To stagger the terms of the seven members thereafter, four of the first seven members appointed by the Mayor shall serve terms of four years and the remaining three members shall serve terms of two years. All subsequent appointments to the Commission shall be for four-year terms.

(e) Term Limits. No person appointed to the Port Commission pursuant to subdivision (d) or thereafter may serve more than two consecutive terms as a member of the Port Commission. No person having served two consecutive terms may serve as a member of the Commission until at least four years after the expiration of the second term.

Any person appointed to the Commission to complete in excess of two years of a four-year term shall be deemed, for purposes of this Section, to have served a full term. Any member of the Commission who resigns with less than two full years remaining until the expiration of the

term shall be deemed, for purposes of this Section, to have served a full term. Any member of the Commission who is appointed to serve less than two full years remaining in a term shall be deemed, for purposes of this Section, not to have served a full term. A person appointed to a two-year term under subsection (d) for the purpose of establishing staggered terms shall not be deemed to have served a full term for purposes of the two- term limit.

(f) A member sitting on the Commission as of the effective date of the amendments to this Section approved at the June 2006 election who has completed more than two years of a second consecutive four-year term, or who has completed more than two full terms consecutive with his or her current term, may continue to serve as a hold-over member of the Commission until August 1, 2006, but such member shall not be eligible to be appointed to a new two- or four-year term under subsection (e) until at least four years after that date.

(g) **Hold-Over Appointments.** The tenure of a member of the Port 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 the Commission for more than 120 days after the expiration of his or her term.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney