

File No. 110401

Committee Item No. 4

Board Item No. 34

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 6/23/11

Board of Supervisors Meeting

Date 7/12/11

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- Subcontract Budget
- Contract/Agreement
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- Application
- Public Correspondence

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(Use back side if additional space is needed)

- Charter Amendment
- _____
- _____
- _____
- _____

Completed by: Linda Wong

Date 6/17/11

Completed by: L.W.

Date 7/6/11

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

[Charter Amendment – Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]

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 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2011, a proposal to amend the Charter of the City and County by amending Section 14.101 to read as follows:

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

Section 1. Findings.

1. For years, members of the Board of Supervisors and the Mayor have placed initiative ordinances and declarations of policy ("initiatives") on the ballot for the voters' consideration.
2. In addition, private individuals may draft and qualify initiatives for placement on the ballot without any substantive involvement from the City.
3. These initiatives often address some of the most complex policy issues facing the City.
4. Collectively, these processes regularly place numerous initiatives before the voters in City elections.
5. Unless a voter-approved initiative provides otherwise, only the voters may repeal or make any changes to it. This cumbersome system only encourages more and more initiatives to address technical glitches, unforeseen consequences, and changed circumstances that clearly

warrant amendments. This process also prevents the repeal of initiatives that may have long outlived their original aims and purposes.

Section 2. The San Francisco Charter is hereby amended by amending Section 14.101 to read as follows:

SEC. 14.101. INITIATIVES; AMENDMENT AND REPEAL.

(a) Voter-proposed initiative ordinances and declarations of policy ("voter-proposed initiatives"). The voters may propose ~~An~~ initiative ~~may be proposed~~ by presenting to the Director of Elections an initiative petition containing ~~the signatures of voters initiative and signed by voters in a number equal in number~~ to at least five percent of the votes cast for all candidates for ~~m~~Mayor in the last preceding general municipal election for Mayor. Upon certification of the sufficiency of a petition's signatures, the Director of Elections shall submit ~~Such~~ initiative ~~shall be submitted to the voters by the Director of Elections upon certification of the sufficiency of the petition's signatures.~~

A vote on such initiative shall occur at the next general municipal or statewide election occurring at any time after 90 days from the date of the Director of Elections executes the certificate of sufficiency ~~executed by the Director of Elections~~, unless the Board of Supervisors directs that the initiative be voted upon at a special municipal election.

If the initiative petition contains ~~ing~~ signatures of voters the initiative is signed by voters ~~in a number equal in number~~ to at least ten percent of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor, and contains a request that the initiative be submitted forthwith to voters at a special municipal election, the Director of Elections shall promptly call such a special municipal election on the initiative. Such election shall be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the initiative shall be submitted at such general municipal or statewide election.

(b) Amendment or repeal of voter-proposed initiatives. No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide. Voter-proposed initiatives approved by the voters shall not be subject to veto, or to amendment or repeal except by the voters, unless such initiatives shall otherwise provide.

(c) Amendment or repeal of legislative initiatives. Under Sections 2.113 and 3.100(16), either a majority of the Board of Supervisors, four members of the Board of Supervisors or the Mayor may propose initiative ordinances or declarations of policy to the voters ("legislative initiatives"). Legislative initiatives approved by the voters shall not be subject to veto.

Legislative initiatives approved by the voters before January 1, 2012 shall not be subject to amendment or repeal except by the voters, unless such initiatives shall otherwise provide. Legislative initiatives approved by the voters on or after January 1, 2012 shall be subject to amendment or repeal by the voters. Legislative initiatives approved by the voters on or after January 1, 2012 shall also be subject to amendment or repeal by the Board of Supervisors and the Mayor as follows:

(1) If the legislative initiative explicitly provides that it is subject to amendment or repeal in a more permissive manner than the procedure set forth in Subsection (2) below, it will be subject to amendment or repeal as provided.

(2) All legislative initiatives not described in Subsection (1) will be subject to amendment or repeal as follows:

(i) For three years after the initiative's effective date, the initiative shall not be subject to amendment or repeal except by the voters.

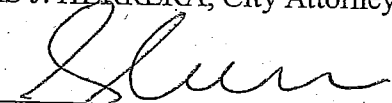
(ii) Thereafter, until seven years have elapsed after the initiative's effective date, the Board of Supervisors and the Mayor may amend or repeal the initiative by ordinance, provided that the Board of Supervisors must approve the amendment or repeal by a two-thirds vote of all of its members.

(iii) After seven years have elapsed from the initiative's effective date, the Board of Supervisors and the Mayor may amend or repeal the initiative by ordinance.

(iv) Any amendments made under subsection (ii) or (iii) must further the purposes of the initiative, and any ordinance amending an initiative shall include findings identifying those purposes and stating how the amendments further the purposes of the initiative.

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

By:



ANDREW SHEN
Deputy City Attorney

LEGISLATIVE DIGEST
(Third Draft, dated June 16, 2011)

[Charter Amendment – Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]

A proposal to amend the Charter of the City and County of San Francisco at an election to be held on November 8, 2011, by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy proposed by the Board of Supervisors or the Mayor.

Existing Law

The Charter permits either the voters, the Board of Supervisors ("Board") or the Mayor to place an initiative ordinance or declaration of policy on the ballot. The voters may do so by collecting a sufficient number of signatures from voters registered in the City and County of San Francisco. Charter § 14.101. Board members may place an initiative ordinance or declaration of policy on the ballot by either a majority vote of the Board or with the approval of four of its members. Charter § 2.113(a). The Mayor may also independently place initiative ordinances and declarations of policy on the ballot. Charter § 3.100(16).

Once the voters have approved a measure, neither the Board nor the Mayor may amend or repeal it, unless the measure itself explicitly grants that authority. Charter § 14.101.

Amendments to Current Law

The proposal makes minor, non-substantive amendments to the Charter's provisions regarding initiatives placed on the ballot through the circulation of signature petitions. The proposal does not alter existing law; if the voters approve those measures, neither the Board nor the Mayor may later change or repeal them.

With respect to initiatives placed on the ballot by the Board or the Mayor, and approved by the voters on or after January 1, 2012, the proposed Charter Amendment would authorize the Board and the Mayor to amend or repeal them as follows:

- within three years of the initiative's effective date, the Board and Mayor may not amend or repeal the measure;
- after the first three years, and until seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend or repeal the measure by ordinance, but the Board must first approve the amendments or the repeal by a two-thirds vote of the Board (*i.e.*, at least eight votes) before submitting the ordinance to the Mayor for the Mayor's approval; and
- after seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend or repeal the measure by ordinance, but the amendments or

repeal require a majority vote of the Board (*i.e.*, at least six votes) before submitting the ordinance to the Mayor for the Mayor's approval.

To amend any initiative under this scheme, the Board would be required to include in the ordinance findings establishing how the changes further the purposes of the initiative.

Background

The First Draft of this Charter Amendment would have allowed the Board and Mayor to amend measures placed on the ballot by signature petitions. The Second Draft removed that authority from this proposal.

The Second Draft would have allowed the Board and Mayor to amend or repeal ordinances and declarations of policy previously approved by the voters, including those adopted before November 8, 2011. The Third Draft only allows the Board and Mayor to amend or repeal those initiatives on a prospective basis, *i.e.*, with respect to measures approved by the voters on or after January 1, 2012.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

✓ Rules Committee
File 110401

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
MAY 17 PM 1:22
BY [Signature]

May 17, 2011

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

RE: File 11041 – Charter amendment allowing the Board of Supervisors to amend and repeal ballot measures, subject to time limits and other conditions

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would not in and of itself affect the cost of government.

However, the amendment would provide the Board of Supervisors with the authority to change certain City programs that currently cannot be changed without voter approval. In general, this authority could help reduce City costs by allowing the Board of Supervisors to consolidate functions, change cost and fee structures, and generally remove limits to administrative efficiency. Such changes would be subject to the normal budget and fiscal policies of the Charter.

Current program costs that would be subject to this changed authority are unknown but certainly substantial, more than \$25 million. Current revenues that would be subject to this changed authority are also substantial, however most such revenues are general taxes that are now separately subject to a required vote of the people under State law and could not be affected by this amendment.

The amendment gives authority to the Board of Supervisors to amend and repeal ballot measures approved by the voters. This authority would be subject to certain limits including that no amendments could be made until at least three years after the passage of a measure. Currently, voter-approved ballot measures generally may not be amended or repealed except by another ballot measure.

Sincerely,

[Signature]
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.



File 110401: Urging Opposition to Rules Committee Item #4 Charter
Amendment - Allowing Amendments to or Repeals of Initiative Ordinances
and Declarations of Policy (file #110401)
Board of Supervisors to: Linda Wong

06/20/2011 02:07 PM

From: AEBOKEN Boken <aeboken@msn.com>
To: <board.of.supervisors@sfgov.org>, <carmen.chu@sfgov.org>, <david.campos@sfgov.org>, <david.chiu@sfgov.org>, <eric.l.mar@sfgov.org>, <jane.kim@sfgov.org>, <john.avalos@sfgov.org>, <malia.cohen@sfgov.org>, <mark.farrell@sfgov.org>, <rick.caldeira@sfgov.org>, <ross.mirkarimi@sfgov.org>, <sean.elsbernd@sfgov.org>
Cc: <scott.weiner@sfgov.org>
Date: 06/20/2011 02:02 AM
Subject: Urging Opposition to Rules Committee Item #4 Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy (file #110401)

Dear Board of Supervisors members,

I am urging you to oppose this charter amendment proposal.

Eileen Boken
District 4 resident



Item 4 on today's Rules agenda

Karen Babbitt

to:

Jane Kim, Mark Farrell, Sean Elsbernd

06/23/2011 09:27 AM

Cc:

linda.wong, April.Veneracion, Matthias.Mormino, Olivia.Scanlon, Alexander.Volberding, Catherine.Stefani, Margaux.Kelly, John Avalos, Eric Mar, David Chiu, Carmen Chu, Ross Mirkarimi, Scott Wiener, David Campos, Malia Cohen

Show Details

Good Morning Rules Committee Members:

I'm writing today to urge you to vote no on Supervisor Wiener's proposed charter amendment allowing "Amendments to or Repeals of Initiative Ordinances and Declarations of Policy." (Item #4 on today's special Rules Committee meeting agenda, file 110401).

While this seems like an improvement over the former version (in that it exempts ordinances passed by the voters even years ago), I still don't think this legislation is needed. I've yet to hear a compelling argument as to why we should give this and future boards the right to amend or repeal legislation approved by the voters.

At the risk of sounding like a broken record, the provision that future amendments "must further the purposes of the initiative" seems so open to interpretation that I feel the will of the voters could be subverted by future electeds.

Thanks for your time,
Karen Babbitt
1070 Church St. #315
SF, CA 94114

--- On Thu, 6/16/11, Karen Babbitt <karenbabbitt@yahoo.com> wrote:

From: Karen Babbitt <karenbabbitt@yahoo.com>
Subject: Item 5 on today's Rules agenda
To: Cc: Date: Thursday, June 16, 2011, 12:27 PM

Dear Members of the Rules Committee,

I'm writing today to urge you to vote no on Item 5 on the Rules Committee agenda today. It is the: Charter Amendment Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy.

As I stated two weeks ago, I appreciate that Supervisor Wiener is now exempting ordinances and policy statements put on the ballot by signature. However, I still don't think that voter-approved items should amended or repealed by this or future boards.

To repeat myself again from two weeks ago, the provision that future amendments "must further the purposes of the initiative" seems so open to interpretation that I feel the will of the voters could be subverted by future electeds.

Thanks for your time as always,
Karen Babbitt
1070 Church St. #315

SF, CA 94114

--- On Thu, 6/2/11, Karen Babbitt <karenbabbitt@yahoo.com> wrote:

From: Karen Babbitt <karenbabbitt@yahoo.com>
 Subject: Item 5 on today's Rules agenda
 To: "Jane Kim" <Jane.Kim@sfgov.org>, "Mark Farrell" <Mark.Farrell@sfgov.org>, "Sean Elsbernd" <Sean.Elsbernd@sfgov.org>
 Cc: linda.wong@sfgov.org, April.Veneracion@sfgov.org, Matthias.Mormino@sfgov.org, Olivia.Scanlon@sfgov.org, Alexander.Volberding@sfgov.org, Catherine.Stefani@sfgov.org, Margaux.Kelly@sfgov.org, "John Avalos" <John.Avalos@sfgov.org>, "Eric Mar" <Eric.L.Mar@sfgov.org>, "David Chiu" <David.Chiu@sfgov.org>, "Carmen Chu" <Carmen.Chu@sfgov.org>, "Ross Mirkarimi" <ross.mirkarimi@sfgov.org>, "Scott Wiener" <Scott.Wiener@sfgov.org>, "David Campos" <David.Campos@sfgov.org>, "Malia Cohen" <Malia.Cohen@sfgov.org>
 Date: Thursday, June 2, 2011, 1:31 PM

Dear Rules Committee Members,

I'm writing to urge you to please vote no on Item 5 on your agenda today:
 Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy

I truly appreciate that Supervisor Wiener now sounds open to exempting ordinances and statements of policy put on the ballot by voter petition. However, even with this change, I still don't think this item deserves your yes vote.

My main problem is this. Much as I agree that our system isn't perfect, I still haven't heard a strong enough argument for why this amendment is so crucial that I should put aside my concerns that ordinances I value may be at risk in the future. Paid Sick Leave (2006), for example, which was put on the ballot by supervisors.

The requirement that future amendments "must further the purposes of the initiative" isn't enough of a safeguard to me, as it seems so open to a variety of interpretations.

Thanks,
 Karen Babbitt
 1070 Church St. #315
 SF, CA 94114

--- On Thu, 5/19/11, Karen Babbitt <karenbabbitt@yahoo.com> wrote:

From: Karen Babbitt <karenbabbitt@yahoo.com>
 Subject: Item 6 on today's Rules agenda - yikes
 To: "Jane Kim" <Jane.Kim@sfgov.org>, "Mark Farrell" <Mark.Farrell@sfgov.org>, "Sean Elsbernd" <Sean.Elsbernd@sfgov.org>
 Cc: linda.wong@sfgov.org, April.Veneracion@sfgov.org,

Matthias.Mormino@sfgov.org, Olivia.Scanlon@sfgov.org,
Alexander.Volberding@sfgov.org, Catherine.Stefani@sfgov.org,
Margaux.Kelly@sfgov.org, "John Avalos" <John.Avalos@sfgov.org>
Date: Thursday, May 19, 2011, 1:17 PM

Hi Supervisors,

I'm writing to ask that you please vote no on Scott Wiener's proposed charter amendment (Item 6 on the Rules committee agenda): Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy.

Among other things, I don't believe that increased "flexibility" is worth subverting the will of the voters.

<http://www.sfexaminer.com/local/2011/04/proposal-would-let-supes-repeal-ballot-measures>

Thanks,
Karen Babbitt
1070 Church St. #315
SF, CA 94114



Item 5 on today's Rules agenda

Karen Babbitt

to:

Jane Kim, Mark Farrell, Sean Elsbernd

06/16/2011 12:27 PM

Cc:

linda.wong, April.Veneracion, Matthias.Mormino, Olivia.Scanlon, Alexander.Volberding, Catherine.Stefani, Margaux.Kelly, John Avalos, Eric Mar, David Chiu, Carmen Chu, Ross Mirkarimi, Scott Wiener, David Campos, Malia Cohen

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To repeat myself again from two weeks ago, the provision that future amendments "must further the purposes of the initiative" seems so open to interpretation that I feel the will of the voters could be subverted by future electeds.

Thanks for your time as always,

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Cc: linda.wong@sfgov.org, April.Veneracion@sfgov.org, Matthias.Mormino@sfgov.org, Olivia.Scanlon@sfgov.org, Alexander.Volberding@sfgov.org, Catherine.Stefani@sfgov.org, Margaux.Kelly@sfgov.org, "John Avalos" <John.Avalos@sfgov.org>, "Eric Mar" <Eric.L.Mar@sfgov.org>, "David Chiu" <David.Chiu@sfgov.org>, "Carmen Chu" <Carmen.Chu@sfgov.org>, "Ross Mirkarimi" <ross.mirkarimi@sfgov.org>, "Scott Wiener" <Scott.Wiener@sfgov.org>, "David Campos" <David.Campos@sfgov.org>, "Malia Cohen" <Malia.Cohen@sfgov.org>

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Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy

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My main problem is this. Much as I agree that our system isn't perfect, I still haven't heard a strong enough argument for why this amendment is so crucial that I should put aside my concerns that ordinances I value may be at risk in the future. Paid Sick Leave (2006), for example, which was put on the ballot by supervisors.

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Thanks,
Karen Babbitt
1070 Church St. #315
SF, CA 94114

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Subject: Item 6 on today's Rules agenda - yikes
To: "Jane Kim" <Jane.Kim@sfgov.org>, "Mark Farrell" <Mark.Farrell@sfgov.org>, "Sean Elsbernd" <Sean.Elsbernd@sfgov.org>
Cc: linda.wong@sfgov.org, April.Veneracion@sfgov.org, Matthias.Mormino@sfgov.org, Olivia.Scanlon@sfgov.org, Alexander.Volberding@sfgov.org, Catherine.Stefani@sfgov.org, Margaux.Kelly@sfgov.org, "John Avalos" <John.Avalos@sfgov.org>
Date: Thursday, May 19, 2011, 1:17 PM

Hi Supervisors,

I'm writing to ask that you please vote no on Scott Wiener's proposed charter amendment (Item 6 on the Rules committee agenda): Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy.

Among other things, I don't believe that increased "flexibility" is worth subverting the will of the voters.

<http://www.sfexaminer.com/local/2011/04/proposal-would-let-supes-repeal-ballot-measures>

Thanks,
Karen Babbitt
1070 Church St. #315
SF, CA 94114



File 110401 Urging you to OPPOSE proposed Charter amendment (File #110401)

Board of Supervisors to: Linda Wong

06/16/2011 12:47 PM

From: Jack Barry <jack@barryhillrealtors.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Cc: Judy Berkowitz <sfjberk@mac.com>
Date: 06/16/2011 11:28 AM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)
Sent by: jackbarry99@gmail.com

Supervisors,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

I appreciate Supervisor Wiener's solicitude for saving the voters from too much work in voting on things..... but, more so, I appreciate his sense of humor.

jack barry in the Sunset..



File 110401: Sup. Wiener's Legislation 110401

Board of Supervisors to: Carmen Chu, David Campos, David Chiu, Eric L Mar, John Avalos, Ross Mirkarimi, Sean Elsbernd, Malia Cohen,

06/16/2011 12:47 PM

From: Ted Loewenberg <tedlsf@sbcglobal.net>
To: Board.of.Supervisors@sfgov.org, mayoredwinlee@sfgov.org
Date: 06/16/2011 11:01 AM
Subject: Sup. Wiener's Legislation 110401

Supervisors,

I urge you to pass Sup. Wiener's legislation to act on certain initiatives after three to seven years, as the measure specifies. It makes the city more manageable by the persons (YOU) that we elect to manage public affairs.

Voters pass initiatives in the context of their time. The current system essentially freezes those policies in place forever, leading to a more and more Byzantine, archaic and convoluted set of City codes. The result is a patch-work quilt of often conflicting directions. At the very best, your options to manage different challenges in different times can only be result in minor adjustments to the direction of the city. With the power to review and overhaul legislation that has outlived its usefulness, your successors can deal with problems they face by making major adjustments to policies and streamline the codes to reduce the inhibition of old language that no longer serves the people of San Francisco.

It should also be noted that Mr. Wiener's measure does not prevent voters in the future from using the ballot box to pass legislation. This measure simply makes it possible to free future supervisors from the yoke of past, short sighted mistakes.

I urge you to pass BOS 110401.

Peace,
Ted Loewenberg

--

tedlsf@sbcglobal.net

"It's got to come from the heart, if you want it to work."



File 110401: Urge You To OPPOSE: File No. 110401 (Wiener) Legislation
Board of Supervisors to: Linda Wong

06/16/2011 12:48 PM

From: ".\)" <gumby5@att.net>
To: <Eric.L.Mar@sfgov.org>, <Mark.Farrell@sfgov.org>, <David.Chiu@sfgov.org>, <Carmen.Chu@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, <Jane.Kim@sfgov.org>, <Sean.Elsbernd@sfgov.org>, <Scott.Wiener@sfgov.org>, <David.Campos@sfgov.org>, <Malia.Cohen@sfgov.org>, <John.Avalos@sfgov.org>, <Board.of.Supervisors@sfgov.org>
Date: 06/16/2011 10:30 AM
Subject: Urge You To OPPOSE: File No. 110401 (Wiener) Legislation

Supervisor,
I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.
Rose Hillson
Member, Jordan Park Improvement Association



SFBOS File #110401 - against
Board of Supervisors to: Linda Wong

06/16/2011 01:07 PM

From: Aaron Goodman <amgodman@yahoo.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/16/2011 07:36 AM
Subject: SFBOS File #110401 - against

San Francisco Supervisors,

RE: BoS File #110401

Rules Committee Thursday June 16 1:30PM Room 263 City Hall

I strongly urge you to **oppose** Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters. I support the position of CSFN and SFT on this grave negative impacting legislation on community and neighborhood legislative decision making.

Sincerely

Aaron Goodman
25 Lisbon St. SF, CA 94112

Board Member SF Tommorrow
PmAC Parkmerced Action Coalition



Fole 110401 emails
Board of Supervisors to: Linda Wong

06/16/2011 01:08 PM

From: Thomas Maureen <maureenonliberty@earthlink.net>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/16/2011 07:06 AM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisors,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters. This amendment is not sufficiently clear in its purpose and may restrict San Francisco City government from enacting the will and vote of the residents.

Maureen and Victor Thomas
989 20th Street, #569
San Francisco, CA 94107
415-282-0731

From: Norman Kondy <nkondy@sbcglobal.net>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/16/2011 07:13 AM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

Norman Kondy
President
Lincoln Park Homeowners Association



File 110401 emails
Board of Supervisors to: Linda Wong

06/16/2011 01:12 PM

From: "Kathy Howard" <kathyhoward@earthlink.net>
To: <Board.of.Supervisors@sfgov.org>
Date: 06/15/2011 07:08 PM
Subject: Please Reject: BOS File #110401

Supervisor,

Please reject proposed Charter amendment (File #110401).

Katherine Howard

SF, CA

From: David Heller <david@beautynetwork.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/15/2011 07:09 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

.....
David Heller, President
Greater Geary Boulevard Merchants
and Property Owners Association
P.O. Box 210747
San Francisco, CA 94121
415.387.1477 Phone
415.387.1324 Fax
415.517.2573 Cell

david@beautynetwork.com

Click here to visit our website: www.gearyblvd.org

Click here to visit our website: www.savegearyblvd.com

CONFIDENTIALITY: This email contains proprietary information and may be confidential. If you are not the intended recipient of this email, any DISTRIBUTION OR COPYING OF THIS MESSAGE IS PROHIBITED. If you received this message in error, please delete it, along with any attachments,

From: Avrum Shepard <ashepard@well.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,

Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/15/2011 07:25 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

Avrum Shepard
1037 Portola Dr
San Francisco, CA 94127
(415) 661-9255

From: "Wolfgang Liebelt" <wolflieb@earthlink.net>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, "Carmen. Chu" <Carmen.Chu@sfgov.org>, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, "Sean. Elsbernd" <Sean.Elsbernd@sfgov.org>, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/15/2011 07:43 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

wolfgang liebelt

Wolfgang Liebelt

From: Kathy Devincenzi <krdevincenzi@gmail.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/15/2011 08:16 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

Kathryn Devincenzi
22 Iris Avenue
San Francisco, CA 94118

From: "Marston Nauman" <nauman25@sbcglobal.net>
To: <Eric.L.Mar@sfgov.org>, <Mark.Farrell@sfgov.org>, <David.Chiu@sfgov.org>, <Carmen.Chu@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, <Jane.Kim@sfgov.org>, <Sean.Elsbernd@sfgov.org>, <Scott.Wiener@sfgov.org>, <David.Campos@sfgov.org>, <Malia.Cohen@sfgov.org>, <John.Avalos@sfgov.org>, <Board.of.Supervisors@sfgov.org>
Date: 06/15/2011 08:45 PM
Subject: OPPOSE SUPERVISOR WIENER'S PROPOSED CHARTER AMENDMENT (FILE #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

Sandra and Marston Nauman
1050 Chestnut Street
San Francisco, CA 94109

From: "joannburke@att.net" <joannburke@att.net>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/15/2011 10:36 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

Thank you, JoAnn Burke, 2647 16th Ave. SF 94116

From: "info@hearrecords.com" <info@hearrecords.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/16/2011 01:08 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

Kathy Denny
Western Addition

info@hearrecords.com



File 110401

Board of Supervisors to: Linda Wong

06/16/2011 03:53 PM

From: Shari Steiner <shari@movedoc.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/16/2011 01:51 PM
Subject: Please OPPOSE proposed Charter amendment (File #110401)

Dear Supervisor,

My husband & I are long time San Francisco voters, and we strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

Shari & Clyde Steiner
Liberty Hill Neighborhood Association
zip 94110
contact shari@movedoc.com

From: Lina <linda@movedoc.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/16/2011 02:11 PM
Subject: OPPOSE Charter amendment (File #110401)

SF Supervisors,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would remove a valuable check and balance of power to amend / repeal ordinances already approved by the voters.

Linda Tan zip 94123
linda@movedoc.com



urging non-support of proposed charter amendment file # 110401

Carmen Chu, David Campos, David

Board of Supervisors to: Chiu, Eric L Mar, John Avalos, Ross
Mirkarimi, Sean Elsbernd, Malia Cohen,

06/02/2011 10:44 AM

From: Charles Head <charlesnhead@hotmail.com>
To: Sean Elsbernd <sean.elsbernd@sfgov.org>, <eric.l.mar@sfgov.org>, <mark.farrell@sfgov.org>, <david.chiu@sfgov.org>, <carmen.chu@sfgov.org>, <ross.mirkarimi@sfgov.org>, <jane.kim@sfgov.org>, <scott.wiener@sfgov.org>, <david.campos@sfgov.org>, <malia.cohen@sfgov.org>, <john.avalos@sfgov.org>, <board.of.supervisors@sfgov.org>
Date: 06/02/2011 10:44 AM
Subject: urging non-support of proposed charter amendment file # 110401

Dear Supervisor:

I strongly urge you to oppose Supervisor Wiener's proposed charter amendment, file # 110401.

Charles Head
Chairman, Government and Elections Committee, C.S.F.N.
President, S.H.A.R.P.



Urging you to OPPOSE proposed Charter amendment (File #110401)

Carmen Chu, David Campos, David
Board of Supervisors to: Chiu, Eric L Mar, John Avalos, Ross 06/02/2011 10:42 AM
Mirkarimi, Sean Elsbernd, Malia Cohen,

From: "Calla Winkler" <cwhappy@comcast.net>
To: "Eric L. Mar" <Eric.L.Mar@sfgov.org>, "Mark Farrell" <Mark.Farrell@sfgov.org>, "David Chiu" <David.Chiu@sfgov.org>, "Carmen Chu" <Carmen.Chu@sfgov.org>, "Ross Mirkarimi" <Ross.Mirkarimi@sfgov.org>, "Jane Kim" <Jane.Kim@sfgov.org>, "Sean Elsbernd" <Sean.Elsbernd@sfgov.org>, "Scott Wiener" <Scott.Wiener@sfgov.org>, "David Campos" <David.Campos@sfgov.org>, "Malia Cohen" <Malia.Cohen@sfgov.org>, "John Avalos" <John.Avalos@sfgov.org>, "Board of Supervisors" <Board.of.Supervisors@sfgov.org>
Date: 06/01/2011 04:33 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters.

Roger D. Miles
Property Owner, 59 Lupine Avenue
Member Laurel Heights Improvement Association
(415) 752-8610



**File 110401: Oppose Ammending voter passed initiatives Charter
Ammendment (file 110401)**

Carmen Chu, David Campos, David
Board of Supervisors to: Chiu, Eric L Mar, John Avalos, Ross
Mirkarimi, Sean Elsbernd, Malia Cohen,

06/02/2011 10:39 AM

From: Penelope Clark <penelopeclark@yahoo.com>
To: Mark.Farrell@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Eric.L.Mar@sfgov.org, David.Campos@sfgov.org,
Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/01/2011 07:26 PM
Subject: Oppose Ammending voter passed initiatives Charter Ammendment (file 110401)

Dear Supervisor:

Please oppose the Charter amendment (File #110401) proposed by Supervisor Wiener to limit the duration of voter approval.

In our democratic society, any voter approved initiative deemed to be in need of revision should be brought b

Penelope Clark, resident of Russian Hill
First Vice President, Coalition for San Francisco Neighborhoods



Urging you to OPPOSE proposed Charter amendment (File #110401)
Board of Supervisors to: Linda Wong

06/02/2011 03:54 PM

From: Paul Maestre <paul.maestre@gmail.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/02/2011 01:54 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters.

Paul Maestre
Voter & Homeowner
2735 Sutter St.
415-614-2531



File 110401: Urging you to OPPOSE proposed Charter amendment (File #110401)

Board of Supervisors to: Carmen Chu, David Campos, David Chiu, Eric L Mar, John Avalos, Ross Mirkarimi, Sean Elsbernd, Malia Cohen,

06/02/2011 10:34 AM

From: Thao Heng Soukvilay <soukvila@pacbell.net>
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 06/01/2011 09:39 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters.

Thao Heng Soukvilay
172 Ewing Terrace
San Francisco, CA 94118
email: soukvila@pacbell.net



Comments on Charter Amendment allowing the BOS to Repeal
Voter-Approved Initiatives is attached
Board of Supervisors to: Linda Wong

06/02/2011 10:08 AM

From: David Tornheim <DavidTornheim@hotmail.com>
To: "Jane Kim (D6 Supervisor)" <Jane.Kim@sfgov.org>, Scott Wiener <Scott.Wiener@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>
Cc: Scott Wiener <Scott.Wiener@sfgov.org>, Sean Elsbernd <Sean.Elsbernd@sfgov.org>, "Jane Kim (D6 Supervisor)" <Jane.Kim@sfgov.org>, Malia Cohen <Malia.Cohen@sfgov.org>, Carmen Chu <Carmen.Chu@sfgov.org>, Clerk BoardofSupervisors <board.of.supervisors@sfgov.org>, David Campos <David.Campos@sfgov.org>, David Chiu <David.Chiu@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>, John Avalos <John.Avalos@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>, Ross Mirkarimi <Ross.Mirkarimi@sfgov.org>
Date: 06/02/2011 01:16 AM
Subject: Comments on Charter Amendment allowing the BOS to Repeal Voter-Approved Initiatives is attached
Sent by: <dat_room@hotmail.com>

Attached is the letter from Mary Miles of the Coalition for Adequate Review dated and received by the Board on 5/18/11, which I was reading from at the hearing two weeks ago regarding Supervisors Wiener's plan to allow the modification and repeal of voter-approved initiatives. This letter explains why it is unconstitutional.



5-18-11 BOS WIENER COMMENT-FILED.pdf 5-18-11 BOS WIENER COMMENT-FILED.pdf

FROM:
Mary Miles (SB #230395)
Attorney at Law
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:
Angela Calvillo, Clerk, President David Chiu, and
Members of the San Francisco Board of Supervisors
City Hall, #1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

DATE: May 18, 2011

BY HAND DELIVERY and by e-mail to: board.of.supervisors@sfgov.org; John.Avalos@sfgov.org; David.Campos@sfgov.org; David.Chiu@sfgov.org; Carmen.Chu@sfgov.org; Malia.Cohen@sfgov.org; Sean.Elsbernd@sfgov.org; Mark.Farrell@sfgov.org; Jane.Kim@sfgov.org; Eric.L.Mar@sfgov.org; Ross.Mirkarimi@sfgov.org; scott.wiener@sfgov.org; angela.calvillo@sfgov.org
and Attn: Rules Committee Members, Sean Elsbernd, Mark Farrell, and Jane Kim

Re: BOARD OF SUPERVISORS File No. 110401 [Charter Amendment – Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy] Rules Committee Agenda of May 19, 2011, Item No. 6

PUBLIC COMMENT

This is public comment on the proposed Charter amendment allowing the Board of Supervisors and/or Mayor to amend or repeal initiative ordinances and declarations of policy passed by voters. The proposed Charter Amendment is scheduled for hearing before the Rules Committee on May 19, 2011, Item No. 6.

The proposed Charter amendment claims that the constitutional right to voter initiatives is a “cumbersome system” that only “encourages more and more initiatives” and should be removed from the voters by enabling the Board of Supervisors and/or Mayor to repeal and amend voter-approved initiatives and to legislate expiration dates for voter-approved initiative measures.

The proposed amendment violates the spirit and letter of the California Constitution, which states: “All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.” (Cal. Const. art. II, §1) This power is not a right *granted* to the people, but is a “power *reserved by them.*” (*DeVita v. County of Napa* [“*DeVita*”] (1995) 9 Cal.4th 763,775-776, emphasis added; and *see*, United States Constitution, Preamble) Courts liberally construe this power to protect the right of the people to local initiative or referendum. (*DeVita, supra*, 9 Cal.4th at p. 776)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAY 18 PM 12:11
PC

No authority permits the Board of Supervisors and/or the Mayor to repeal, amend, or place time-based expirations on ballot initiatives passed by the voters. To do so would negate the powers vested in the people by the Constitution.

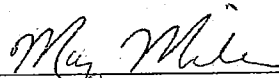
In fact, the California Elections Code section 9125 expressly provides that no initiative measure can be repealed "except by a vote of the people, unless provision is otherwise made in the original [initiative] ordinance." In affirming the force of this provision, the California Supreme Court has explained that Elections Code section 9125 "has its roots in the constitutional right of the electorate to initiative, ensuring that successful initiatives will not be undone by subsequent hostile boards of supervisors." (*DeVita, supra*, 9 Cal. 4th at p. 788, 797) The Court emphatically declined to place limitations on the right to voter initiative, even though "all initiatives place limits on a government body's capacity to legislate in areas that are otherwise statutorily authorized, some of those limitations quite severe." (*Id.*, emphasis in original)

The proposed Charter Amendment is also preempted under the California Constitution article XI section 7, since it conflicts with state law, the California Constitution, and the United States Constitution. Both proposing this Charter Amendment and voting for it are violations of ethical duties that subject a public official to discipline and/or removal from office for willful misconduct, including failure to perform duties in compliance with the law. (SF Charter §15.105)

The Board should decisively reject the proposed Charter amendment as an unprincipled attempt to usurp the fundamental rights of the electorate that are the foundation of democratic government.

Please place a copy of this Comment in all applicable files.

DATED: May 18, 2011



Mary Miles

FROM:
Mary Miles (SB #230395)
Attorney at Law
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:
Angela Calvillo, Clerk, President David Chiu, and
Members of the San Francisco Board of Supervisors
City Hall, #1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

DATE: May 18, 2011

BY HAND DELIVERY and by e-mail to: board.of.supervisors@sfgov.org; ;
John.Avalos@sfgov.org; David.Campos@sfgov.org; David.Chiu@sfgov.org;
Carmen.Chu@sfgov.org; Malia.Cohen@sfgov.org; Sean.Elsbernd@sfgov.org;
Mark.Farrell@sfgov.org; Jane.Kim@sfgov.org; Eric.L.Mar@sfgov.org;
Ross.Mirkarimi@sfgov.org; scott.wiener@sfgov.org; angela.calvillo@sfgov.org
and Attn: Rules Committee Members, Sean Elsbernd, Mark Farrell, and Jane Kim

Re: BOARD OF SUPERVISORS File No. 110401 [Charter Amendment – Allowing
Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]
Rules Committee Agenda of May 19, 2011, Item No. 6

PUBLIC COMMENT

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The proposed amendment violates the spirit and letter of the California Constitution, which states: “All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.” (Cal. Const. art. II, §1) This power is not a right *granted* to the people, but is a “power *reserved by them.*” (*DeVita v. County of Napa* [*“DeVita.”*] (1995) 9 Cal.4th 763,775-776, emphasis added; and *see*, United States Constitution, Preamble) Courts liberally construe this power to protect the right of the people to local initiative or referendum. (*DeVita, supra*, 9 Cal.4th at p. 776)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAY 18 PM 12:11
PC

No authority permits the Board of Supervisors and/or the Mayor to repeal, amend, or place time-based expirations on ballot initiatives passed by the voters. To do so would negate the powers vested in the people by the Constitution.


In fact, the California Elections Code section 9125 expressly provides that no initiative measure can be repealed "except by a vote of the people, unless provision is otherwise made in the original [initiative] ordinance." In affirming the force of this provision, the California Supreme Court has explained that Elections Code section 9125 "has its roots in the constitutional right of the electorate to initiative, ensuring that successful initiatives will not be undone by subsequent hostile boards of supervisors." (*DeVita, supra*, 9 Cal. 4th at p. 788, 797) The Court emphatically declined to place limitations on the right to voter initiative, even though "all initiatives place limits on a government body's capacity to legislate in areas that are otherwise statutorily authorized, some of those limitations quite severe." (*Id.*, emphasis in original)

The proposed Charter Amendment is also preempted under the California Constitution article XI section 7, since it conflicts with state law, the California Constitution, and the United States Constitution. Both proposing this Charter Amendment and voting for it are violations of ethical duties that subject a public official to discipline and/or removal from office for willful misconduct, including failure to perform duties in compliance with the law. (SF Charter §15.105)

The Board should decisively reject the proposed Charter amendment as an unprincipled attempt to usurp the fundamental rights of the electorate that are the foundation of democratic government.

Please place a copy of this Comment in all applicable files.

DATED: May 18, 2011



Mary Miles



File 110401: repeal of initiative ordinance and declaration of policy

Carmen Chu, David Campos, David

Board of Supervisors to: Chiu, Eric L Mar, John Avalos, Ross

06/01/2011 04:29 PM

Mirkarimi, Sean Elsbernd, Malia Cohen,

From: yellied@aol.com
To: board.of.supervisors@sfgov.org
Date: 06/01/2011 10:20 AM
Subject: repeal of initiative ordinance and declaration of policy

i am against you having the right to repeal anything that is voted on by the public. irene dietz



File 110401: Urging you to OPPOSE proposed Charter amendment (File #110401)

Board of Supervisors to: Linda Wong

06/01/2011 04:20 PM

From: Elizabeth Hylton <emhylton1@aol.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/01/2011 12:59 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Dear Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters.

Thank You,
Charlotte Maeck
415-921-3891



File 110401: Weiner's folly
Board of Supervisors to: Linda Wong

06/01/2011 04:07 PM

From: John Levin <johnflevin@gmail.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/01/2011 03:50 PM
Subject: Re: Weiner's folly

Yeah, I can't really see it any other way. Why would people vote for a measure or initiative in the first place except that they felt their elected officials were not being responsive.? Given that, why on earth would they then give the same elected officials the right to abrogate what they had voted to put in place?

Regards,

john

On Wed, Jun 1, 2011 at 2:58 PM, John Levin <johnflevin@gmail.com> wrote:

To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org,
Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org,
Sean.Elsbernd@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org

Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Dear Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters. I see this as part and parcel of the overall attempt generally engineered by republicans in southern states but in this case our very own dixiecrat Weiner to disenfranchise the voters who just elected him to the board of supervisors,

John Levin
Member of Liberty Hill Neighborhood Association

--
John F. Levin
25 Hill Street

San Francisco, CA
94110

--
John F. Levin
25 Hill Street
San Francisco, CA
94110



File 110401 - 3 emails
Board of Supervisors to: Linda Wong

06/01/2011 03:40 PM

From: "Inge Horton" <ingehor@pacbell.net>
To: <Board.of.Supervisors@sfgov.org>, <John.Avalos@sfgov.org>, <Malia.Cohen@sfgov.org>, <David.Campos@sfgov.org>, <Scott.Wiener@sfgov.org>, <Sean.Elsbernd@sfgov.org>, <Jane.Kim@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, <Carmen.Chu@sfgov.org>, <David.Chiu@sfgov.org>, <Mark.Farrell@sfgov.org>, <Eric.L.Mar@sfgov.org>
Date: 06/01/2011 08:21 AM
Subject: Please OPPOSE proposed Charter amendment (File #110401)

Honorable Supervisors,

I read about Supervisor Wiener's proposal to allow the Board of Supervisors to change ordinances approved by ballot after a certain time period. This proposal seems ill advised and reduces the power granted to the voters by the initiative process. I strongly urge you to oppose the proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters. It should not even be placed on the ballot.

Sincerely,
Inge Horton
SPEAK

From: Aaron Goodman <amgodman@yahoo.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/01/2011 09:31 AM
Subject: SFBOS Rules Committee - File#110401

June 1,
2011

Subject: Urging you to **OPPOSE** proposed Charter amendment (File #110401)

Supervisor,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters. Many concerns are raised in the effort by Supervisors Wiener's proposal, intentional or not, it takes away the voice of the people who reside here in this city. Therefore based solely on democratic principles, this should be tabled/eliminated.

The preservation approved prop. the renter's rights items and many other concerns

provide only longer-term concerns on the horizon.

Aaron Goodman
25 Lisbon St. SF, CA 94112
c: 415.786.6929

From: "Arthur Levy" <arthur@yesquire.com>
To: <Eric.L.Mar@sfgov.org>, <Mark.Farrell@sfgov.org>, <David.Chiu@sfgov.org>, <Carmen.Chu@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, <Jane.Kim@sfgov.org>, <Sean.Elsbernd@sfgov.org>, <Scott.Wiener@sfgov.org>, <David.Campos@sfgov.org>, <Malia.Cohen@sfgov.org>, <John.Avalos@sfgov.org>, <Board.of.Supervisors@sfgov.org>
Date: 06/01/2011 09:39 AM
Subject: OPPOSE Proposed Charter Amendment Allowing Amendments or Repeals of Initiative Ordinances and Declarations of Policy [BOS File 110401]

Dear Supervisors:

I urge you to vote against putting Supervisor Wiener's proposed charter amendment on the ballot.

Politically, each of you needs a compelling reason to ask the voters to give you power to override their votes at the ballot box. Supervisor Wiener has not identified any specific voter initiative that requires Board revision or review. If there is such a measure, you and the voters should know exactly what it is before this measure goes to the ballot. Without this explanation, this proposed amendment is simply a Trojan Horse to thwart the will of the voters.

Vote no on this ill-advised measure.

Respectfully,
Arthur Levy



ARTHUR D. LEVY
ATTORNEY

Pacific States Building, 445 Bush Street, Sixth Floor, San Francisco, California 94108
Telephone: 415.702.4550 Fax: 415.814.4080 E-mail: arthur@yesquire.com Web: www.yesquire.com



Please consider the environment before printing this email.



Opposition to Supervisor Wiener's Proposed Charter Amendment Allowing Amendments or Repeals of Initiative Ordinances and Declarations of Policy [BOS File 110401]

Board of Supervisors to: Linda Wong

06/01/2011 03:34 PM

From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 06/01/2011 12:14 AM
Subject: Opposition to Supervisor Wiener's Proposed Charter Amendment Allowing Amendments or Repeals of Initiative Ordinances and Declarations of Policy [BOS File 110401]

Re: Opposition to Supervisor Wiener's Proposed Charter Amendment Allowing Amendments or Repeals of Initiative Ordinances and Declarations of Policy [BOS File 110401]

Dear President Chiu and Members of the Board:

The California State Constitution and the City and County of San Francisco Charter provide for ballot measures allowing voters to propose and vote on legislation that may be unpopular with elected officials and/or those who finance their campaigns. Ballot measures serve as an important example of direct democracy offering a check and balance of power.

Simply put, unless a particular ballot measure specifically provides for the Mayor and/or the Board of Supervisors to make minor consistent amendments, said parties should be required to make those changes via a subsequent ballot measure--even if the measure was put on the ballot by current or former elected officials. Supervisor Wiener has opened a very large can of worms and we cannot know what future impacts this poorly-written proposed Charter Amendment may have.

At stake are the integrity of important ballot initiatives, chief among them the Sunshine Ordinance. Then there are the Priority General Plan Policies, the Park Shadow Ban, Limitations on Formula Retail Stores, Payroll Tax Modifications and long list of others. I urge you to table this highly unpopular proposition.

Sincerely,

Cynthia Servetnick, Constituent
District 3
845 Sutter Street, No. 512
San Francisco, CA 94109



Please OPPOSE proposed Charter amendment (File #110401)
Board of Supervisors to: Linda Wong

06/01/2011 03:19 PM

From: Judith Hoyem <judy.hoyem@evna.org>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org,
Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, David.Campos@sfgov.org,
Malia.Cohen@sfgov.org, John.Avalos@sfgov.org
Cc: Scott Wiener <Scott.Wiener@sfgov.org>, Board.of.Supervisors@sfgov.org
Date: 05/31/2011 09:31 PM
Subject: Please OPPOSE proposed Charter amendment (File #110401)

Honorable Supervisors,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would allow changes to be made after the fact by later Boards of Supervisors and Mayors to ALL ordinances passed by the voters, including retroactively any and all that were passed before November 8, 2011, after 3 or 7 years have elapsed.

Currently only the voters can alter or amend ordinances passed by the voters, which is a protection against government's negating the will of the voters. This Charter amendment would remove that protection, notwithstanding a provision that any changes must further the purposes of the initiative, since the purposes of an initiative and the effects of proposed changes may be subject to interpretation and manipulation by a government that may wish to weaken an initiative previously passed by the voters and to do so without their consent. Requiring that 3 years or 7 years must elapse before any alteration may be made does not remove the deleterious effect of this amendment.

The wheels of government necessarily move slowly and inefficiently in a democracy. This Charter amendment seems to be a solution in search of a problem. There is no problem here, unless it be democracy itself, for there already exists a process for revising any initiative, whether it be flawed or merely undesirable, by returning it to the voters once again for reconsideration or revision.

I seriously urge you to oppose this probably well-intentioned but potentially damaging proposed Charter amendment.

Sincerely yours,

Judith Hoyem
Board Member
Castro/Eureka Valley Neighborhood Association
(affiliation for identification only)

4042 17th Street
San Francisco, CA 94114
415 -552-1259



Urging you to OPPOSE proposed Charter amendment (File #110401)
Board of Supervisors to: Linda Wong

06/01/2011 03:17 PM

From: "Marie Hurabiell" <mhurabie@yahoo.com>
To: <Eric.L.Mar@sfgov.org>, <Mark.Farrell@sfgov.org>, <David.Chiu@sfgov.org>,
<Carmen.Chu@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, <Jane.Kim@sfgov.org>,
<Sean.Elsbernd@sfgov.org>, <Scott.Wiener@sfgov.org>, <David.Campos@sfgov.org>,
<Malia.Cohen@sfgov.org>, <John.Avalos@sfgov.org>, <Board.of.Supervisors@sfgov.org>
Date: 05/31/2011 09:10 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Supervisors,

I strongly urge each of you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters.

Marie Hurabiell
2633 Turk Blvd., SF, CA 94118
415-221-1225



Vote NO: File 110401 - Charter Amendment - Policy Declarations & Ordinances

Board of Supervisors to: Linda Wong

06/01/2011 03:17 PM

From: ".\)" <gumby5@att.net>
To: <Eric.L.Mar@sfgov.org>, <Mark.Farrell@sfgov.org>, <David.Chiu@sfgov.org>, <Carmen.Chu@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, <Jane.Kim@sfgov.org>, <Sean.Elsbernd@sfgov.org>, <David.Campos@sfgov.org>, <Malia.Cohen@sfgov.org>, <John.Avalos@sfgov.org>
Cc: <Board.of.Supervisors@sfgov.org>, <Scott.Wiener@sfgov.org>
Date: 05/31/2011 09:05 PM
Subject: Vote NO: File 110401 - Charter Amendment - Policy Declarations & Ordinances

Dear Supervisors,
I urge you to vote NO on the Charter Amendment introduced by Supervisor Wiener that limits the duration of ordinances passed by the voters. Thank you.
Rose Hillson
Member, Jordan Park Improvement Association



Urging you to APPROVE proposed Charter amendment (File #110401)
Board of Supervisors to: Linda Wong

06/01/2011 03:16 PM

From: Philip Laird <pdlaird@yahoo.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 05/31/2011 09:02 PM
Subject: Urging you to APPROVE proposed Charter amendment (File #110401)

I strongly urge you to SUPPORT Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters. The chaos generated by ad hoc ballot measures should be able to be tempered in a reasonable way by our duly elected officials with a view toward the welfare of the city as a whole, not just the interests of a few.

Signed,
Philip Laird
Resident, Miraloma Park



Requesting you to OPPOSE proposed Charter amendment (File #110401)
Board of Supervisors to: Linda Wong

06/01/2011 03:15 PM

From: Joan Mettler <joanmettler@mac.com>
To: Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 05/31/2011 10:27 PM
Subject: Requesting you to OPPOSE proposed Charter amendment (File #110401)

Supervisors,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters.

Joan Mettler
Glen Park Association
District 8



Requesting you to OPPOSE proposed Charter amendment (File #110401)
Board of Supervisors to: Linda Wong

06/01/2011 03:11 PM

From: bjfa4@aol.com
To: Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 05/31/2011 06:56 PM
Subject: Requesting you to OPPOSE proposed Charter amendment (File #110401)

Supervisors,

I strongly urge you to oppose Supervisor Wiener's proposed Charter amendment (File #110401) that would limit the effective duration of ordinances passed by the voters.

Barbara Austin
Francisco Heights Civic Association
District One



**PLEASE OPPOSE THE PROPOSED CHARTER AMENDMENT - FILE
110401**

Board of Supervisors to: Carmen Chu, David Campos, David
Chiu, Eric L Mar, John Avalos, Ross
Mirkarimi, Sean Elsbernd, Malia Cohen,

06/01/2011 03:11 PM

From: "Marston Nauman" <nauman25@sbcglobal.net>
To: <Board.of.Supervisors@sfgov.org>
Date: 05/31/2011 07:09 PM
Subject: PLEASE OPPOSE THE PROPOSED CHARTER AMENDMENT - FILE 110401

TO: The Board of Supervisors,

We strongly request that you OPPOSE Supervisor Wiener's proposed charter amendment (File110401) that would limit the effective duration of ordinances passed by the voters. Your support on our behalf will be most appreciated. Many thanks.

Sandra & Marston Nauman
1050 Chestnut Street
San Francisco, CA 94109



Urging you to OPPOSE proposed Charter amendment (File #110401)
Board of Supervisors to: Linda Wong

06/01/2011 03:10 PM

From: nancenumber1@aol.com
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 05/31/2011 07:33 PM
Subject: Urging you to OPPOSE proposed Charter amendment (File #110401)

Dear Supervisors:

Please vote NO on this attack on the democratic process ! If the voters approve a measure at the polls, then we should also have the exclusive right to change it - NO ONE ELSE.

Nancy Wuerfel
2516 23rd Ave
94116



amending Section 14.101
Board of Supervisors to: Linda Wong

06/01/2011 03:09 PM

From: JWilson153@aol.com
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org,
Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org,
John.Avalos@sfgov.org, Board.of.Supervisors@sfgov.org
Date: 05/31/2011 07:39 PM
Subject: amending Section 14.101

VERY BAD IDEA.

Now you've heard from us.

John Wilson
President East Mission Improvement Assn.



Miraloma Park Improvement Club (MPIC) Urges You to Oppose Supervisor Wiener's proposed Charter amendment (file number 110401)

Miraloma Park Improvement Club

to:

Eric Mar, Mark Farrell, David Chiu, Carmen Chu, Ross Mirkarimi, Jane Kim, Sean Elsbernd, Scott Weiner, David Campos, Malia Cohen, John Avalos, Angela Calvillo, Rick Caldeira

05/27/2011 10:32 AM

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Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

1 Attachment



wiener proposal.doc

Dear Supervisors:

The Miraloma Park Improvement Club (MPIC) urges you to oppose Supervisor Wiener's proposed Charter amendment (file number 110401) that would limit to three years the effective duration of ordinances placed on the ballot by initiatives. Please reference the attached letter detailing our reasons for opposing this proposed legislation.

Sincerely,

Dan Liberthson, Corresponding Secretary





File 110401: proposed Charter amendment (file number 110401)
Board of Supervisors to: Linda Wong

05/26/2011 02:23 PM

From: "gary noguera" <garynoguera@earthlink.net>
To: "Carmen Chu" <Carmen.Chu@sfgov.org>, "David Campos" <David.Campos@sfgov.org>, "David Chiu" <David.Chiu@sfgov.org>, "entire board" <Board.of.Supervisors@sfgov.org>, "ERIC MAR" <Eric.L.Mar@sfgov.org>, "Jane Kim" <Jane.Kim@sfgov.org>, "John Avalos" <John.Avalos@sfgov.org>, "Malia Cohen" <Malia.Cohen@sfgov.org>, "mark farrell" <Mark.Farrell@sfgov.org>, "Ross Mirkarimi" <Ross.Mirkarimi@sfgov.org>, "Scott Weiner" <Scott.Wiener@sfgov.org>, "Sean Elsbernd" <Sean.Elsbernd@sfgov.org>
Date: 05/26/2011 11:27 AM
Subject: proposed Charter amendment (file number 110401)

Dear Supervisors,

I am strongly opposed to Supervisor Weiner's proposed legislation [file 110401] that would effectively limit the duration of initiative to three years.

This is an unforgivable abridgement of the rights of the people.

Please reject this bad legislation, especially subdivision (b).

Thanks

gary noguera
942 teresita bv
sf 94127



File No. 110401 -- Vote NO on Supervisor Wiener's Charter Amendment on
Voter Initiatives...Rose Hillson (Jordan Park Impvt Assn.)-EOM
Board of Supervisors to: Linda Wong

05/26/2011 02:24 PM

From: ":\)" <gumby5@att.net>
To: "Supervisor David Campos" <David.Campos@sfgov.org>, "Carmen Chu"
<Carmen.Chu@sfgov.org>, "David Chiu" <David.Chiu@sfgov.org>, "Jane Kim"
<Jane.Kim@sfgov.org>, "John Avalos" <John.Avalos@sfgov.org>, "Malia Cohen"
<Malia.Cohen@sfgov.org>, "Mark Farrell" <Mark.Farrell@sfgov.org>, "Sean Elsbernd"
<Sean.Elsbernd@sfgov.org>, "Supervisor Eric Mar" <Eric.L.Mar@sfgov.org>, "Supervisor Ross
Mirkarimi" <Ross.Mirkarimi@sfgov.org>
Cc: "Scott Wiener" <Scott.Wiener@sfgov.org>, <Board.of.Supervisors@sfgov.org>
Date: 05/26/2011 10:42 AM
Subject: File No. 110401 -- Vote NO on Supervisor Wiener's Charter Amendment on Voter
Initiatives...Rose Hillson (Jordan Park Impvt Assn.)-EOM



To: BOS Conr ent Mail Distribution,
Cc:
Bcc:
Subject: Support Charter Amendment Allowing BOS Repeal of Voter-Approved Initiatives [BOS File No. 110401]

From: Christopher Pederson <chpederson@yahoo.com>
To: boardofsupervisors@sfgov.org
Date: 05/18/2011 08:09 AM
Subject: Support Charter Amendment Allowing BOS Repeal of Voter-Approved Initiatives [BOS File No. 110401]

I urge you to support Supervisor Wiener's proposed charter amendment to allow the board of supervisors to amend voter-approved initiative ordinances after a reasonable period of time has passed. This proposal preserves the electorate's right to enact initiatives, but allows for modifications over time without having to go through the burdensome and expensive initiative process all over again. Thank you.

Christopher Pederson
201 Laguna St. # 9
SF, CA 94102



Oppose Charter Amendment Allowing BOS Repeal of Voter-Approved
Initiatives [BOS File No. 110401]
Board of Supervisors to: Linda Wong

05/19/2011 02:51 PM

From: "Kathy Howard" <kathyhoward@earthlink.net>
To: <Scott.Wiener@sfgov.org>
Cc: <boardofsupervisors@sfgov.org>, <Board.of.Supervisors@sfgov.org>, "Carmen Chu"
<Carmen.Chu@sfgov.org>, <David.Campos@sfgov.org>, <David.Chiu@sfgov.org>,
<Eric.L.Mar@sfgov.org>, "Supervisor Jane Kim" <Jane.Kim@sfgov.org>,
<John.Avalos@sfgov.org>, "Supervisor Malia Cohen" <Malia.Cohen@sfgov.org>, "Supervisor
Mark Farrell" <Mark.Farrell@sfgov.org>, "Ross Mirkarimi" <Ross.Mirkarimi@sfgov.org>,
<Sean.Elsbernd@sfgov.org>
Date: 05/19/2011 12:35 PM
Subject: RE: Oppose Charter Amendment Allowing BOS Repeal of Voter-Approved Initiatives [BOS File No.
110401]

Supervisor Wiener:

Thank you for taking the time to write your reply to my concerns. I appreciate the clarification that you provided for me (and, I just noticed, the entire BOS), and I now understand that your legislation will not affect Charter Amendments, bonds, or taxes. That is good news.

I am obviously not a constitutional – or even a City Charter – scholar. I try to read the Voter Pamphlets and the arguments and understand issues. But I have a few other concerns, which I hope you (or your staff, as I expect you are a bit busy today) can answer:

I am not sure how the public is going to be protected by this legislation when an approved initiative can be changed to meet the desires of a new BOS. The legislation states: (2)(iv) Any amendments made under subsection (ii) or (iii) must further the purposes of the initiative, and any ordinance amending an initiative shall include findings identifying those purposes and stating how the amendments further the purposes of the initiative. This seems like an area which allows for a lot of variation in interpretations. What recourse is there for the public if they do not agree with the "findings" and the statement of how the amendments "further the purpose of the initiative?" Do we then have to introduce and pass another initiative?

The legislation states that "The proposed Charter amendment would apply to all ordinances and declarations of policy previously approved by the voters, including those adopted before November 8, 2011." This is very broad. Who could possibly review all of the legislation covered by this statement and understand the implications? How do we evaluate the impact of this change?

Thank you again for your reply.

Katherine Howard

San Francisco

From: Scott.Wiener@sfgov.org [mailto:Scott.Wiener@sfgov.org]

Sent: Wednesday, May 18, 2011 4:41 PM

To: kathyhoward@earthlink.net

Cc: boardofsupervisors@sfgov.org; Board.of.Supervisors@sfgov.org; Carmen Chu;
David.Campos@sfgov.org; David.Chiu@sfgov.org; Eric.L.Mar@sfgov.org; Supervisor Jane Kim;
John.Avalos@sfgov.org; Supervisor Malia Cohen; Supervisor Mark Farrell; Ross Mirkarimi;
Sean.Elsbernd@sfgov.org

Subject: Re: Oppose Charter Amendment Allowing BOS Repeal of Voter-Approved Initiatives [BOS File No. 110401]

Ms. Howard, the proposed charter amendment would not allow the Board to repeal ordinances that were placed on the ballot by signature petition. Repeal (with a super-majority after 3 years and with a majority after 7 years) would be permitted only for ordinances placed on the ballot by the Board or Mayor. The rules on amendments would be the same for regardless of how placed on the ballot. This is a limited measure that will not impact most ballot measures, given that most ballot measures are charter amendments, bonds, or taxes. It's a modest first step toward addressing one of the major challenges facing our state (and city), namely, the lack of flexibility of elected officials to govern in an increasingly complex world.

Scott Wiener
Member, San Francisco Board of Supervisors
District 8
(415) 554-6968

***If you would like to receive my monthly email newsletter and periodic email announcements, please email Adam Taylor (adam.taylor@sfgov.org) and request that he add you. I do not provide my email list to anyone else, and I rarely send out more than 1-2 emails a month.

***To receive more regular updates, you can follow me on Facebook by "liking" my fan page. You can also follow me on Twitter @sdwiener.

From: "Kathy Howard" <kathyhoward@earthlink.net>
To: <boardofsupervisors@sfgov.org>
Cc: <Board.of.Supervisors@sfgov.org>, <David.Campos@sfgov.org>, <David.Chiu@sfgov.org>, <Eric.L.Mar@sfgov.org>, <John.Avalos@sfgov.org>, "Ross Mirkarimi" <Ross.Mirkarimi@sfgov.org>, "Supervisor Jane Kim" <Jane.Kim@sfgov.org>, "Supervisor Malia Cohen" <Malia.Cohen@sfgov.org>, "Carmen Chu" <Carmen.Chu@sfgov.org>, <Sean.Elsbernd@sfgov.org>, "Supervisor Mark Farrell" <Mark.Farrell@sfgov.org>, <Scott.Wiener@sfgov.org>
Date: 05/18/2011 01:05 PM
Subject: Oppose Charter Amendment Allowing BOS Repeal of Voter-Approved Initiatives [BOS File No. 110401]

Supervisor,

I oppose this charter amendment.

Paid lobbyists are in City Hall every day, working to influence legislation and other decisions. Most people do not have the time or resources to do that kind of lobbying. The inability to find a sponsor (or a group of sponsors) on the BOS results in citizens going directly to the ballot. However, putting a measure on the ballot is extremely difficult for the average citizen. After it is on the ballot, supporting the measure and getting the word out about it can be both challenging and expensive. If the issue is important to a lot of people, then it is worth it. It gives the average citizen the opportunity to put issues before the people, who can then vote 'yes' or 'no'.

Most people cannot go through this process every few years. Giving the BOS the right to undo all of that work is really stacking the deck in favor of the more powerful and well-financed groups in our City. The citizen's power is in our vote. Please do not take that away.

Katherine Howard

SF, CA



File 110401 Please vote NO to Wiener's Charter Amendment to dilute voter initiatives

Board of Supervisors to: Linda Wong

05/19/2011 02:54 PM

From: David Tornheim <DavidTornheim@hotmail.com>
To: Scott Wiener <Scott.Wiener@sfgov.org>, Sean Elsbernd <Sean.Elsbernd@sfgov.org>, "Jane Kim (D6 Supervisor)" <Jane.Kim@sfgov.org>, Maila Cohen <Malia.Cohen@sfgov.org>, Carmen Chu <Carmen.Chu@sfgov.org>, Clerk BoardofSupervisors <board.of.supervisors@sfgov.org>, David Campos <David.Campos@sfgov.org>, David Chiu <David.Chiu@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>, John Avalos <John.Avalos@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>, Ross Mirkarimi <Ross.Mirkarimi@sfgov.org>
Date: 05/18/2011 07:17 PM
Subject: Please vote NO to Wiener's Charter Amendment to dilute voter initiatives
Sent by: <dat_room@hotmail.com>

Dear Supervisors:

I am strongly OPPOSED to Supervisor Wiener's Legislation to curb ballot initiatives and thereby democracy. The whole purpose of ballot initiatives is to address the problems of elected officials who are unduly influenced by lobbying and campaign contributions and not directly accountable to voters after election. I'm sorry if Supervisor Wiener finds that obtaining permission from voters before changing what the voters have insisted upon is "cumbersome." Disregarding ballot initiatives under the guise that the voters' wishes are "outdated" is a ruse to cover Supervisors' alternative agenda shifting the decision-making to them and is an unacceptable usurpation of power. Please vote NO.

-David Tornheim
1890 Grove St. #5
San Francisco, CA 94117-1249
(415) 668-2353



Item 6 on today's Rules agenda - yikes
Karen Babbitt

to:

Jane Kim, Mark Farrell, Sean Elsbernd

05/19/2011 01:17 PM

Cc:

linda.wong, April.Veneracion, Matthias.Mormino, Olivia.Scanlon, Alexander.Volberding,
Catherine.Stefani, Margaux.Kelly, John Avalos

Show Details

Hi Supervisors,

I'm writing to ask that you please vote no on Scott Wiener's proposed charter amendment (Item 6 on the Rules committee agenda): Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy.

Among other things, I don't believe that increased "flexibility" is worth subverting the will of the voters.

<http://www.sfexaminer.com/local/2011/04/proposal-would-let-supes-repeal-ballot-measures>

Thanks,

Karen Babbitt

1070 Church St. #315

SF, CA 94114



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Proposal would let supes repeal San Francisco ballot measures

Comments (0)

 [Supervisor Scott Wiener \(Courtesy photo\)](#)

The Board of Supervisors could change or even repeal voter-approved ordinances, years after their initial passage, under a charter amendment Supervisor Scott Wiener introduced Tuesday for the November ballot.

Wiener said he is proposing the measure in response to criticism about the number of ballot measures, such as, "Why can't the Board of Supervisors do its job and pass legislation without asking us to pass it for you?"

If approved, he said it would reduce the number of ballot measures and make "government more flexible."

Supervisor John Avalos was critical of the proposal. "I'm not sure what problem Supervisor Wiener is trying to solve with such a cumbersome piece of legislation," Avalos said, and then drew references to the William S. Burroughs novel "Naked Lunch." "Democracy can be sloppy. I like my lunch to come naked. Like a reality sandwich."

Under Wiener's proposal, after a measure is approved no changes could be made for three years. Then for the next four years, changes could be made with a two-thirds vote by the board. Then after seven years, a simple majority-vote could change or repeal the measure.

The board could not repeal measures placed on the ballot through a petition, but could amend them, under the proposal.

Wiener's proposal accompanied his introduction of a ballot measure that he said was a good example of why the system needed change. The measure, recommended by the Ethics Commission, would require monthly reporting of political consultant activity, not quarterly.

"There are 21 states that allow for voter adopted ordinances. Of those, we are the only one that prohibits the legislature from subsequently making changes," Wiener said.

jsabatini@sfexaminer.com

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Source URL: <http://www.sfexaminer.com/local/2011/04/proposal-would-let-supes-repeal-ballot-measures>

C: BOS-11
orig- File #110401
LOB

FROM:
Mary Miles (SB #230395)
Attorney at Law
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

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2011 MAY 18 PM 12:11
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TO:
Angela Calvillo, Clerk, President David Chiu, and
Members of the San Francisco Board of Supervisors
City Hall, #1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

DATE: May 18, 2011

BY HAND DELIVERY and by e-mail to: board.of.supervisors@sfgov.org; ;
John.Avalos@sfgov.org; David.Campos@sfgov.org; David.Chiu@sfgov.org;
Carmen.Chu@sfgov.org; Malia.Cohen@sfgov.org; Sean.Elsbernd@sfgov.org;
Mark.Farrell@sfgov.org; Jane.Kim@sfgov.org; Eric.L.Mar@sfgov.org;
Ross.Mirkarimi@sfgov.org; scott.wiener@sfgov.org; angela.calvillo@sfgov.org
and Attn: Rules Committee Members, Sean Elsbernd, Mark Farrell, and Jane Kim

**Re: BOARD OF SUPERVISORS File No. 110401 [Charter Amendment – Allowing
Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]
Rules Committee Agenda of May 19, 2011, Item No. 6**

PUBLIC COMMENT

This is public comment on the proposed Charter amendment allowing the Board of Supervisors and/or Mayor to amend or repeal initiative ordinances and declarations of policy passed by voters. The proposed Charter Amendment is scheduled for hearing before the Rules Committee on May 19, 2011, Item No. 6.

The proposed Charter amendment claims that the constitutional right to voter initiatives is a “cumbersome system” that only “encourages more and more initiatives” and should be removed from the voters by enabling the Board of Supervisors and/or Mayor to repeal and amend voter-approved initiatives and to legislate expiration dates for voter-approved initiative measures.

The proposed amendment violates the spirit and letter of the California Constitution, which states: “All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.” (Cal. Const. art. II, §1) This power is not a right *granted* to the people, but is a “power *reserved by them*.” (*DeVita v. County of Napa* [“*DeVita*”] (1995) 9 Cal.4th 763,775-776, emphasis added; and *see*, United States Constitution, Preamble) Courts liberally construe this power to protect the right of the people to local initiative or referendum. (*DeVita, supra*, 9 Cal.4th at p. 776)

No authority permits the Board of Supervisors and/or the Mayor to repeal, amend, or place time-based expirations on ballot initiatives passed by the voters. To do so would negate the powers vested in the people by the Constitution.


In fact, the California Elections Code section 9125 expressly provides that no initiative measure can be repealed "except by a vote of the people, unless provision is otherwise made in the original [initiative] ordinance." In affirming the force of this provision, the California Supreme Court has explained that Elections Code section 9125 "has its roots in the constitutional right of the electorate to initiative, ensuring that successful initiatives will not be undone by subsequent hostile boards of supervisors." (*DeVita, supra*, 9 Cal. 4th at p. 788, 797) The Court emphatically declined to place limitations on the right to voter initiative, even though "all initiatives place limits on a government body's capacity to legislate in areas that are otherwise statutorily authorized, some of those limitations quite severe." (*Id.*, emphasis in original)

The proposed Charter Amendment is also preempted under the California Constitution article XI section 7, since it conflicts with state law, the California Constitution, and the United States Constitution. Both proposing this Charter Amendment and voting for it are violations of ethical duties that subject a public official to discipline and/or removal from office for willful misconduct, including failure to perform duties in compliance with the law. (SF Charter §15.105)

The Board should decisively reject the proposed Charter amendment as an unprincipled attempt to usurp the fundamental rights of the electorate that are the foundation of democratic government.

Please place a copy of this Comment in all applicable files.

DATED: May 18, 2011



Mary Miles



File No. 110401: Oppose Charter Amendment That Allows Voter-approved Initiatives

Board of Supervisors to: Sean Elsbernd, Mark Farrell, Jane Kim,
Linda Wong

05/18/2011 05:25 PM

From: ".\)" <gumby5@att.net>
To: "Sean Elsbernd" <Sean.Elsbernd@sfgov.org>, "Mark Farrell" <Mark.Farrell@sfgov.org>, "Jane Kim" <Jane.Kim@sfgov.org>
Cc: <board.of.supervisors@sfgov.org>
Date: 05/18/2011 05:16 PM
Subject: File No. 110401: Oppose Charter Amendment That Allows Voter-approved Initiatives

Dear Supervisors Elsbernd, Farrell and Kim,
It is with regret that I will not be able to attend the May 19, 2011,
1:30pm, hearing on Supervisor Wiener's legislation introduced on April 5,
2011.

In its current draft, I cannot support this very general piece of
legislation.

The purpose of this legislation is not clear except that the digest states
that we have a "cumbersome system" of voter-approved initiatives which
"encourages more and more initiatives to address technical glitches,
unforeseen consequences..."

I think the very specificity that is lacking in Supervisor Wiener's proposed
legislation will lead to the very "unforeseen" consequences it is looking to
avoid.

And, having what's been passed by the voters be amended or overturned seems
like a bad form of government by the people and for the people.

Please oppose this legislation.

Thank you.

Rose Hillson

Member, Jordan Park Improvement Association



Fw: PUBLIC COMMENT, BOS 110401
Rick Caldeira to: Linda Wong
Cc: Angela Calvillo

05/19/2011 08:01 AM

file

----- Forwarded by Angela Calvillo/BOS/SFGOV on 05/18/2011 07:30 PM -----

From: "Mary Miles" <page364@earthlink.net>
To: <board.of.supervisors@sfgov.org>, "John Avalos" <John.Avalos@sfgov.org>, "David Campos" <David.Campos@sfgov.org>, "David Chiu" <David.Chiu@sfgov.org>, "Carmen Chu" <Carmen.Chu@sfgov.org>, <Malia.Cohen@sfgov.org>, "Sean Elsbernd" <Sean.Elsbernd@sfgov.org>, <Mark.Farrell@sfgov.org>, <Jane.Kim@sfgov.org>, "Eric L. Mar" <Eric.L.Mar@sfgov.org>, "Ross Mirkarimi" <Ross.Mirkarimi@sfgov.org>, <scott.wiener@sfgov.org>, "Angela Calvillo" <angela.calvillo@sfgov.org>
Date: 05/18/2011 06:06 PM
Subject: PUBLIC COMMENT, BOS 110401

FROM:
Mary Miles (SB #230395)
Attorney at Law
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO: board.of.supervisors@sfgov.org; John.Avalos@sfgov.org; David.Campos@sfgov.org;
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angela.calvillo@sfgov.org

DATE: May 18, 2011

Re: Board of Supervisors File No. 110401 [Charter Amendment -- Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]
Rules Committee Agenda of May 19, 2011, Item No. 6

Your attention is requested to the attached Public Comment on the above-referenced Item.

Thank you.



Mary Miles 5-18-11 BOS WIENER COMMENT-FILED.pdf

FROM:
Mary Miles (SB #230395)
Attorney at Law
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
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Members of the San Francisco Board of Supervisors
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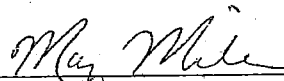
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DATED: May 18, 2011



Mary Miles