

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: Victor Young, Assistant Clerk, Rules Committee
Board of Supervisors

A handwritten signature in cursive script that reads "Victor Young".

DATE: May 26, 2020

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.3.

File No. 200513

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to establish uniform four-year terms and two-term limits for members of City boards, commissions, and bodies; at an election to be held on November 3, 2020.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller
Peg Stevenson, City Performance Director
Natasha Mihal, City Services Auditor

[Charter Amendment - Term Limits for City Boards, Commissions, and Bodies]

Describing and setting forth a proposal to the voters at an election to be held on November 3, 2020, to amend the Charter of the City and County of San Francisco to establish uniform four-year terms and two-term limits for members of City boards, commissions, and bodies.

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of the City and County by adding Sections 4.104.5, 4.104.5-1, 4.104.5-2, and 4.104.5-3, revising Sections 4.101, 4.105 through 4.115, 4.117 through 4.121, 4.134, 4.135, 5.100, 5.102, 5.103, 5.106, 7.102, 8.102, 8A.102, 8A.111, 10.100, 12.100, 12.200, 12.204, 13.103.5, 15.100, and deleting Section 18.114, to read as follows:

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

SEC. 4.101. BOARDS AND COMMISSIONS – COMPOSITION

* * * *

~~*(c) Terms of office shall continue as they existed on the effective date of the Charter.*~~

SEC. 4.104.5. BOARDS AND COMMISSIONS - TERM LIMITS.

(a) Except as otherwise provided in this Charter, the following term limits shall apply to members of board and commissions established by the Charter. The members of boards and commissions established by the Charter shall have four-year terms, and may not serve more than two four-year terms, whether successive or not, on the same board or commission.

1 (b) For purposes of this Section 4.104.5, the term “boards and commissions established
2 by the Charter” includes citizen advisory bodies or like bodies, including those referenced in
3 Sections 8B.123(B), 16.107(i), 16.108-1, 16.127-1 et seq., and 16.128-11. The term does not
4 include a board or commission all of whose members are elected.

5 (c) For purposes of this Section 4.104.5, the term “members” does not include persons
6 seated on a board or commission established by the Charter who are public officers or
7 employees serving in a seat because of their official status as designated in the Charter.

8 (d) Unless otherwise provided in this Charter, including as stated in subsection (a) of
9 Section 4.104.5-2, members who can no longer serve on a board or commission established by
10 the Charter due to the term limits set forth in this Section 4.104.5, may serve as a hold-over
11 member to the extent permitted under Section 4.101.5 or other Charter provisions.

12 (e) The terms and term limits set forth in subsection (a) shall not apply to the Elections
13 Task Force, the Law Library Board of Trustees, or the Youth Commission.

14
15 **SEC. 4.104.5-1. CALCULATION OF FOUR-YEAR TERM.**

16 Except as otherwise provided in this Charter, for purposes of Section 4.104-5, the
17 following rules govern the measure of a four-year term:

18 (a) For boards and commissions established by the Charter and in existence as of the
19 effective date of Section 4.104.5, the term for each seat shall start, at the same date and, if
20 applicable, time as prior to the effective date of Section 4.104.5.

21 (b) For boards and commissions established by the Charter that come into existence
22 after the effective date of Section 4.104.5 and if the beginning of the term is not otherwise
23 specified, the term for each seat shall start as of the date a majority of the new body is qualified
24 to assume office and has assumed office.

1 (c) If a member of a board or commission established by the Charter assumes office with
2 more than two years remaining on the term, service of the remainder of that term shall be
3 considered service for a four-year term. If a member of a board or commission established by
4 the Charter assumes office with less than two years remaining on the term, service of the
5 remainder of that term shall not be considered service for a four-year term.

6 (d) For boards and commissions established in the Charter prior to the effective date of
7 Section 4.104-5, and for which the Charter specified terms of between two and four years, the
8 terms for each seat shall be extended to four years in length. For boards and commissions
9 established in the Charter prior to the effective date of Section 4.104-5, and for which the
10 Charter specified terms of more than four years, the terms for each seat shall be shortened to
11 four years in length.

12
13 **SEC. 4.104.5-2. PAST SERVICE ON BOARDS AND COMMISSIONS.**

14 Except as otherwise provided in this Charter, for purposes of Section 4.104.5, the
15 following rules govern the application of Section 4.104.5 where a member of a board or
16 commission established in the Charter has served prior to the effective date of Section 4.104.5:

17 (a) Members of board and commissions established in the Charter who have served two
18 terms or more on the same board or commission before the effective date of Section 4.105 may
19 not be appointed to additional terms on that same board or commission. Such members may
20 complete any term to which they were appointed prior to the effective date of Section 4.105.

21 (b) Service prior to the effective date of Section 4.105 by a member of a board or
22 commission established in the Charter shall not count towards the limitation set forth in
23 subsection (a) if that member was first appointed to that board or commission to complete an
24 unfinished term, and served less than two years of that term.

1 **SEC. 4.104.5-3. BOARDS, COMMISSIONS, AND OTHER BODIES ESTABLISHED**

2 **BY ORDINANCE – TERM LIMITS.**

3 (a) Within one year of the effective date of Section 4.104.5, the President of the Board of
4 Supervisors shall introduce an ordinance, applying the principles of the term limits set forth in
5 Charter Section 4.104.5 to all City boards, commissions, and other bodies previously established
6 by ordinance or resolution, or to be so established in the future, unless the board, commission,
7 or other body will terminate by operation of law within eight or fewer years of having been
8 established.

9 (b) For those boards and commissions described in subsection (b) of Section 4.104.5,
10 and for which the Board of Supervisors has enacted an ordinance specifying the terms of its
11 members, those terms shall be governed by the ordinance required by subsection (a).

12
13 **SEC. 4.105. PLANNING COMMISSION.**

14 GENERAL. The Planning Commission shall consist of seven members nominated and
15 appointed pursuant to this section. Four of the members shall be nominated by the Mayor, and
16 three of the members shall be nominated by the President of the Board of Supervisors. Charter
17 Section 4.101 shall apply to these appointments, with particular emphasis on the geographic
18 diversity of City neighborhoods. Vacancies shall be filled by the appointing officer.

19 Each nomination of the Mayor and the President of the Board of Supervisors is subject to
20 approval by the Board of Supervisors, and shall be the subject of a public hearing and vote
21 within 60 days. If the Board fails to act on the nomination within 60 days of the date the
22 nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed
23 approved. The appointment shall become effective on the date the Board adopts a motion
24 approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk
25 of the Board of Supervisors.

1 The members' terms shall begin on July 1.

2 Members may be removed by the appointing officer only pursuant to Section 15.105.

3 ~~In order to stagger the terms, three members shall initially serve two year terms, and~~
4 ~~four members shall initially service four year terms. The initial two and four year terms of office~~
5 ~~shall be instituted as follows:~~

6 ~~1. The respective terms of office of members of the Planning Commission who hold office~~
7 ~~on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the four members~~
8 ~~appointed by the Mayor and the three members appointed by the President of the Board of~~
9 ~~Supervisors shall succeed to said offices at that time.~~

10 ~~2. The Clerk of the Board of Supervisors shall determine by lot which two of the four~~
11 ~~Mayoral appointees shall serve an initial two year term, and which one of the three appointees~~
12 ~~of the President of the Board of Supervisors shall serve an initial two year term. The remaining~~
13 ~~appointees shall serve four year terms. All subsequent terms shall be four years.~~

14 The Commission shall provide the Mayor with at least three qualified candidates for
15 Director of Planning, selected on the basis of administrative and technical qualifications, with
16 special regard for experience, training and knowledge in the field of City planning.

17 The Commission may contract with consultants for such services as it may require
18 subject to the fiscal provisions of this Charter.

19 * * * *

20
21 **SEC. 4.106. BOARD OF APPEALS.**

22 (a) The Board of Appeals shall consist of five members nominated and appointed
23 pursuant to this section. Three of the members shall be nominated by the Mayor, and two of the
24 members shall be appointed by the President of the Board of Supervisors. Charter Section 4.101
25 shall apply to these appointments. Vacancies shall be filled by the appointing officer.

1 Each nomination of the Mayor and the President of the Board of Supervisors is subject to
2 approval by the Board of Supervisors, and shall be the subject of a public hearing and vote
3 within 60 days. If the Board fails to act on the nomination within 60 days of the date the
4 nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed
5 approved. The appointment shall become effective on the date the Board adopts a motion
6 approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk
7 of the Board of Supervisors.

8 The members' terms shall begin on July 1.

9 Members may be removed by the appointing officer only pursuant to Section 15.105.

10 ~~In order to stagger the terms, three members shall initially serve two year terms, and two~~
11 ~~members shall initially service four year terms. The initial two and four year terms of office~~
12 ~~shall be instituted as follows:~~

13 ~~1.—The respective terms of office of members of the Board of Appeals who hold office on~~
14 ~~the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the three members~~
15 ~~appointed by the Mayor and the two members appointed by the President of the Board of~~
16 ~~Supervisors shall succeed to said offices at that time.~~

17 ~~2.—The Clerk of the Board of Supervisors shall determine by lot which two of the three~~
18 ~~Mayoral appointees shall serve an initial two year term, and which one of the two appointees of~~
19 ~~the President of the Board of Supervisors shall serve an initial two year term. The remaining~~
20 ~~appointees shall serve four year terms. All subsequent terms shall be four years.~~

21 The Board shall appoint and may remove an executive secretary, who shall serve as
22 department head.

23 * * * *

24
25 **SEC. 4.107. HUMAN RIGHTS COMMISSION.**

1 The Human Rights Commission shall consist of eleven members appointed by the
2 Mayor, pursuant to Section 3.100, ~~for four year terms~~. Members may be removed by the Mayor.

3 * * * *

4
5 **SEC. 4.108. FIRE COMMISSION.**

6 The Fire Commission shall consist of five members appointed by the Mayor, pursuant to
7 Section 3.100, ~~for four year terms~~. Members may be removed by the Mayor. In addition to any
8 other powers set forth in this Charter, the Fire Commission is empowered to prescribe and
9 enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency
10 of the Department, provided that the civil service and ethics provisions of this Charter shall
11 control in the event of any conflict with rules adopted under this section.

12
13 **SEC. 4.109. POLICE COMMISSION.**

14 The Police Commission shall consist of seven members appointed pursuant to this
15 section. The Mayor shall nominate four members to the commission, at least one of whom shall
16 be a retired judge or an attorney with trial experience. The Rules Committee of the Board of
17 Supervisors, or any successor committee thereto, shall nominate three other members to the
18 commission. Each nomination shall be subject to confirmation by the Board of Supervisors, and
19 the Mayor's nominations shall be the subject of a public hearing and vote within 60 days. If the
20 Board of Supervisors rejects the Mayor's nomination to fill the seat designated for a retired judge
21 or attorney with trial experience, the Mayor shall nominate a different person with such
22 qualifications. If the Board of Supervisors fails to act on a mayoral nomination within 60 days of
23 the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall
24 be deemed confirmed. Appointments to fill a vacancy on the commission shall become operative
25 on the date the Board of Supervisors adopts a motion confirming the nomination, or on the 61st

1 day following the date a mayoral nomination is transmitted to the Clerk of the Board of
2 Supervisors if the Board of Supervisors fails to vote on the nomination prior to such date.
3 Confirmations of nominations to fill a vacancy that will be created upon the expiration of a
4 sitting member's term shall become operative upon the expiration of the sitting member's term,
5 or, if the Board of Supervisors fails to act on a mayoral nomination to fill such anticipated
6 vacancy, on the 61st day following the date the nomination was transmitted to the Clerk of the
7 Board of Supervisors or on the expiration of the sitting member's term, whichever occurs later.

8 The members' terms shall begin on April 30. ~~The terms and tenures of all members sitting on the~~
9 ~~commission as of the effective date of the amendments to this section approved at the November~~
10 ~~2003 election shall terminate at 12 noon on April 30, 2004. To stagger the terms of the seven~~
11 ~~members thereafter, of the first four members nominated by the Mayor, two members shall serve~~
12 ~~terms of two years and two members shall serve terms of four years, and of the three members~~
13 ~~nominated by the Rules Committee, one member shall serve a term of one year, one member~~
14 ~~shall serve a term of two years, and one member shall serve a term of three years. The Clerk of~~
15 ~~the Board of Supervisors shall designate such initial terms by lot. All subsequent appointments to~~
16 ~~the commission shall be for four year terms.~~

17 * * * *

18
19 **SEC. 4.110. HEALTH COMMISSION.**

20 The Health Commission shall consist of seven members appointed by the Mayor,
21 pursuant to Section 3.100, ~~for four year terms~~. The Commission shall have less than a majority
22 of direct care providers. Members may be removed by the Mayor only pursuant to Section
23 15.105. The Commission shall control the property under its jurisdiction.

24 * * * *

1 **SEC. 4.111. HUMAN SERVICES COMMISSION.**

2 The Human Services Commission shall consist of five members appointed by the Mayor,
3 pursuant to Section 3.100, ~~for four year terms~~. Members may be removed by the Mayor only
4 pursuant to Section 15.105.

5
6 **SEC. 4.112. PUBLIC UTILITIES COMMISSION.**

7 (a) The Public Utilities Commission shall consist of five members appointed by the
8 Mayor, subject to confirmation by a majority of the Board of Supervisors. ~~Each of the members~~
9 ~~shall serve for a term of four years~~. Members may be removed by the Mayor only pursuant to
10 Section 15.105.

11 (b) Seat 1 on the Commission shall be a member with experience in environmental
12 policy and an understanding of environmental justice issues. Seat 2 shall be a member with
13 experience in ratepayer or consumer advocacy. Seat 3 shall be a member with experience in
14 project finance. Seat 4 shall be a member with expertise in water systems, power systems, or
15 public utility management, and Seat 5 shall be an at-large member. The members' terms shall
16 begin on August 1.

17 ~~(c) The respective terms of office of members of the Public Utilities Commission who old~~
18 ~~office on August 1, 2008 shall expire at noon on that date, and the members appointed pursuant~~
19 ~~to the amendments to this Section approved at the June 2008 election shall succeed to said office~~
20 ~~at that time. In order to provide for staggered terms, the members appointed to Seats 2 and 4~~
21 ~~shall serve for an initial term of two years from August 1, 2008. The remaining three members~~
22 ~~appointed to Seats 1, 3, and 5 shall serve for an initial term of four years from August 1, 2008,~~
23 ~~and thereafter the terms of all members shall be four years.~~

24 (c) ~~(d)~~ The Commission shall have charge of the construction, management, supervision,
25 maintenance, extension, operation, use and control of all water and energy supplies and utilities

1 of the City as well as the real, personal and financial assets, which are under the Commission's
2 jurisdiction on the operative date of this Charter, or assigned pursuant to Section 4.132.

3
4 **SEC. 4.113. RECREATION AND PARK COMMISSION.**

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

8 * * * *

9
10 **SEC. 4.114. PORT COMMISSION.**

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

15 * * * *

16
17 **SEC. 4.115. AIRPORT COMMISSION.**

18 The Airport Commission shall consist of five members appointed by the Mayor, pursuant
19 to Section 3.100, ~~for four year terms~~. Members may be removed by the Mayor only pursuant to
20 Section 15.105.

21 * * * *

22
23 **SEC. 4.117. ENTERTAINMENT COMMISSION.**

24 The San Francisco Entertainment Commission shall consist of seven members nominated
25 and appointed pursuant to this section. The Mayor shall nominate four members to the

1 commission, and the Board of Supervisors shall appoint, by motion, three other members to the
2 commission. Each nomination of the Mayor shall be subject to approval by the Board of
3 Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board of
4 Supervises fails to act on a mayoral nomination within 60 days of the date the nomination is
5 transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved.
6 Appointments to the commission shall become effective on the date the Board of Supervisors
7 adopts a motion approving the nomination or on the 61st day following the date the mayoral
8 nomination was transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors
9 fails to act upon the nomination prior to such date.

10 Of the four members nominated by the Mayor, the Mayor shall nominate one member to
11 represent the interests of City neighborhood associations or groups, one member to represent the
12 interests of entertainment associations or groups, one member to represent the interests of the
13 urban planning community, and one member to represent the interests of the law enforcement
14 community. Of the three members of the commission appointed by the Board of Supervisors, one
15 member shall represent the interests of City neighborhood associations or groups, one member
16 shall represent the interests of entertainment associations or groups, and one member shall
17 represent the interests of the public health community.

18 ~~To stagger the terms of the members, the initial appointments to the commission shall be~~
19 ~~as follows: the Mayor shall nominate two members to serve terms of four years, one member to~~
20 ~~serve a term of three years, and one member to serve a term of two years. Of the three remaining~~
21 ~~members of the commission, the Board of Supervisors shall appoint one member to serve a term~~
22 ~~of four years, one member to serve a term of three years, and one member to serve a term of two~~
23 ~~years. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term~~
24 ~~of four years.~~

1 Members of the commission nominated by the Mayor may be suspended by the Mayor
2 and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the
3 commission appointed directly by the Board of Supervisors may be suspended by a motion of the
4 Board of Supervisors approved by six votes and may be removed by the Board of Supervisors
5 only as set forth in Section 15.105.

6
7 **SEC. 4.118. COMMISSION ON THE ENVIRONMENT.**

8 The Commission on the Environment shall consist of seven members appointed by the
9 Mayor, pursuant to Section 3.100, ~~for four year terms~~. Members may be removed by the Mayor.

10 * * * *

11
12 **SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.**

13 The Commission on the Status of Women shall consist of seven members. Commission
14 members shall be appointed by the Mayor, pursuant to Section 3.100, ~~for four year terms~~.
15 Members may be removed by the Mayor only pursuant to Section 15.105. The Commission shall
16 develop and recommend policies and practices for the City and County to reduce the particular
17 impacts on women and girls of problems such as domestic violence, sexual harassment,
18 employment and health care inequity, and homelessness, as well as advocate on behalf of women
19 and girls in such areas. The Commission may be assigned additional duties and functions by
20 ordinance or pursuant to Section 4.132.

21
22 **SEC. 4.120. DISABILITY AND AGING SERVICES COMMISSION.**

23 (a) The Disability and Aging Services Commission shall consist of seven members
24 appointed by the Mayor, pursuant to Section 3.100, ~~for four year terms~~. Members may be
25 removed by the Mayor. The Commission shall oversee the Department of Disability and Aging

1 Services, including the functions of the Public Guardian/Administrator, as well as carry out any
2 additional duties and functions assigned to the Commission by ordinance or pursuant to Section
3 4.132.

4 (b) ~~As of January 15, 2020,~~ Seat 1 on the Commission shall be held by a person who is
5 60 years old or older; Seat 2 shall be held by a person with a disability, as defined under the
6 Americans With Disabilities Act, who is 18 years old or older; and Seat 3 shall be held by a
7 person who served in the United States military and who was discharged or released under
8 conditions other than dishonorable. Seats 4, 5, 6, and 7, shall have no required qualifications in
9 addition to those set forth in Section 4.101. The members' terms shall begin on January 15.

10 ~~(c) For the purpose of calculating the terms of particular seats on the Commission, Seats~~
11 ~~1, 2, and 3 are hereby designated as the seats with terms ending on January 15, 2020.~~
12 ~~Notwithstanding Charter Section 4.101.5, members in those seats who do not as of January 15,~~
13 ~~2020 hold the qualifications set forth in subsection (b) respectively may no longer serve in those~~
14 ~~seats.~~

15
16 **SEC. 4.121. BUILDING INSPECTION COMMISSION.**

17 The Building Inspection Commission shall consist of seven members. Four members
18 shall be appointed by the Mayor ~~for a term of two years~~. Three members shall be appointed by
19 the President of the Board of Supervisors ~~for a term of two years~~. Members may be removed by
20 the appointing officer only pursuant to Section 15.105. Vacancies occurring in the offices of
21 appointive members, either during or at the expiration of a term, shall be filled by the appointing
22 officer.

23 * * * *

24
25 **SEC. 4.134. SMALL BUSINESS COMMISSION.**

1 (a) There shall be a Small Business Commission to oversee the San Francisco Office of
2 Small Business. The Commission shall consist of seven members, who shall serve at the pleasure
3 of the appointing authority. The Mayor shall appoint four members of the Commission; the
4 Board of Supervisors shall appoint the remaining three members. ~~The Mayor shall designate two
5 of his or her initial appointments to serve for two year terms; the Board of Supervisors shall
6 designate one of its initial appointments to serve a two year term. Thereafter, all commissioners
7 shall serve for four year terms.~~

8 * * * *

9
10 **SEC. 4.135. HISTORIC PRESERVATION COMMISSION.**

11 GENERAL. There is hereby created a Historic Preservation Commission, which shall
12 advise the City on historic preservation matters, participate in processes that involve historic or
13 cultural resources, and take such other actions concerning historic preservation as may be
14 prescribed by ordinance. The Historic Preservation Commission shall consist of seven members
15 nominated by the Mayor and subject to approval by a majority of the Board of Supervisors.
16 Members may holdover until a successor has been nominated by the Mayor and approved by the
17 Board of Supervisors.

18 ~~The term and tenure of all members sitting on the Landmarks Preservation Advisory~~
19 ~~Board, created under Article 10 of the Planning Code, as of the effective date of this section~~
20 ~~shall terminate on December 31, 2008. Of the original appointments to the Historic Preservation~~
21 ~~Commission, four shall be for a four year term and three for a two year term as follows; the~~
22 ~~odd numbered seats shall be for four year terms and the even numbered seats shall be for two-~~
23 ~~year terms. After the expiration of the original terms, all appointments shall be for four year~~
24 ~~terms, provided however, that a member may holdover until a successor has been nominated by~~
25

1 ~~the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of~~
2 ~~terms a member may serve.~~

3 ~~The original nominations shall be made no later than 31 days after the date of the~~
4 ~~election creating this section. If the Mayor fails to nominate an original appointment within said~~
5 ~~period, the nomination for the original appointment may be made by the President of the Board~~
6 ~~of Supervisors, subject to the approval of a majority of the Board of Supervisors.~~

7 Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a
8 qualified person to fill the vacant seat for the term, or the remainder of the term, subject to
9 approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on
10 the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the
11 Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the
12 nomination may be made by the President of the Board of Supervisors, subject to the approval of
13 a majority of the Board of Supervisors. The appointment shall become effective on the date the
14 Board of Supervisors adopts a motion approving the nomination or after 60 days from the date
15 the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of
16 Supervisors fails to act.

17 Members may be removed by the appointing officer only pursuant to Section 15.105.

18 * * * *

19
20 **SEC. 5.100. GENERAL.**

21 The arts and culture departments of the City and County shall be the Arts Commission,
22 the Asian Art Museum of San Francisco, the Fine Arts Museums of San Francisco and the War
23 Memorial and Performing Arts Center. These departments shall be a part of the executive branch
24 of City and County government.

1 ~~The terms of office of all trustees and commissioners shall continue as they existed on the~~
2 ~~effective date of this Charter. All vacancies shall be filled within 90 days.~~

3 * * * *

4
5 **SEC. 5.102. CITY MUSEUMS.**

6 When the term "museums" is used in this Article, unless otherwise specified, it refers to
7 both the Asian Art Museum of San Francisco and The Fine Arts Museums of San Francisco.

8 Trustees and commissioners of the museums are exempt from the requirement of Section
9 4.101(2) of this Charter, except that at least a majority of The Fine Arts Museum Board of
10 Trustees shall be residents of the City and County. Members ~~shall serve for three year terms,~~
11 ~~and~~ may be removed by the Mayor only pursuant to Section 15.105. Members shall serve
12 without compensation.

13 * * * *

14
15 **SEC. 5.103. ARTS COMMISSION.**

16 The Arts Commission shall consist of fifteen members appointed by the Mayor, pursuant
17 to Section 3.100, ~~for four year terms~~. Eleven members shall be practicing arts professionals
18 including two architects, a landscape architect, and representatives of the performing, visual,
19 literary and media arts; and four members shall be lay members. The President of the Planning
20 Commission, or a member of the Commission designated by the President, shall serve ex officio.
21 Members may be removed by the Mayor.

22 * * * *

23
24 **SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.**

1 The governing board of the War Memorial and Performing Arts Center shall consist of
2 eleven trustees appointed by the Mayor, pursuant to Section 3.100, ~~for four year terms~~. In
3 making appointments the Mayor shall give due consideration to veterans and others who have a
4 special interest in the purposes for which the Center exists. Members may be removed by the
5 Mayor only pursuant to Section 15.105.

6 The governing board shall appoint and may remove a director.

7
8 **SEC. 7.102. JUVENILE PROBATION.**

9 The Juvenile Probation Commission shall consist of seven members who shall be
10 appointed by the Mayor, pursuant to Section 3.100, ~~for staggered four year terms~~. Two of the
11 members shall be appointed from lists of eligibles submitted to the Mayor by the Superior Court.
12 The Juvenile Probation Department shall be a part of the executive branch.

13 Members may be removed by the Mayor only pursuant to Section 15.105.

14 * * * *

15
16 **SEC. 8.102. PUBLIC LIBRARIES.**

17 Libraries including the Library Commission and the Library Department shall be a part of
18 the executive branch.

19 The Commission shall consist of seven members appointed by the Mayor, pursuant to
20 Section 3.100, ~~for four year terms~~. Members may be removed by the Mayor.

21
22 **SEC. 8A.102. GOVERNANCE AND DUTIES.**

23 (a) The Agency shall be governed by a board of seven directors appointed by the Mayor
24 and confirmed after public hearing by the Board of Supervisors. ~~All initial appointments must be~~
25 ~~made by the Mayor and submitted to the Board of Supervisors for confirmation no later than~~

1 ~~February 1, 2000. The Board of Supervisors shall act on those initial appointments no later than~~
2 ~~March 1, 2000 or those appointments shall be deemed confirmed.~~

3 At least four of the directors must be regular riders of the Municipal Railway, and must
4 continue to be regular riders during their terms. The directors must possess significant
5 knowledge of, or professional experience in, one or more of the fields of government, finance, or
6 labor relations. At least two of the directors must possess significant knowledge of, or
7 professional experience in, the field of public transportation. During their terms, all directors
8 shall be required to ride the Municipal Railway on the average once a week. The directors'
9 terms shall begin on March 1.

10 ~~Directors shall serve four year terms, provided, however, that two of the initial~~
11 ~~appointees shall serve for terms ending March 1, 2004, two for terms ending March 1, 2003, two~~
12 ~~for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be~~
13 ~~designated by the Mayor. No person may serve more than three terms as a director.~~ A director
14 may be removed only for cause pursuant to Article XV. The directors shall annually elect a chair.
15 The chair shall serve as chair at the pleasure of the directors. Directors shall receive reasonable
16 compensation for attending meetings of the Agency which shall not exceed the average of the
17 two highest compensations paid to the members of any board or commission with authority over
18 a transit system in the nine Bay Area counties.

19 * * * *

20
21 **SEC. 8A.111. CITIZENS' ADVISORY COUNCIL.**

22 The Agency shall establish a Citizens' Advisory Council of fifteen members which shall
23 consist of one person appointed by each member of the Board of Supervisors and four members
24 appointed by the Mayor. Each member must be a resident of the City and County. No fewer than
25 ten members of the Council must be regular riders of the Municipal Rail-way. At least two

1 members must use the Municipal Railway's paratransit system, and at least three of the members
2 must be senior citizens over the age of 60. The membership of the Council shall be reflective of
3 the diversity and neighborhoods of the City and County. The Council may provide
4 recommendations to the Agency with respect to any matter within the jurisdiction of the Agency
5 and shall be allowed to present reports to the Agency's board of directors. The members *of the*
6 ~~Council shall be appointed to four year terms and~~ shall serve at the pleasure of their appointing
7 power. Staggered terms for the initial appointees to the Council shall be determined by lot.

8
9 **SEC. 10.100. CIVIL SERVICE COMMISSION.**

10 There is hereby established a Civil Service Commission which is charged with the duty
11 of providing qualified persons for appointment to the service of the City and County.

12 The Commission shall consist of five members appointed by the Mayor, pursuant to
13 Section 3.100, ~~for six year terms~~. Not less than two members of the Commission shall be
14 women.

15 The persons so appointed shall, before taking office, make under oath and file in the
16 office of the County Clerk the following declaration: "I am opposed to appointments to the
17 public service as a reward for political activity and will execute the office of Civil Service
18 Commissioner in the spirit of this declaration."

19 A commissioner may be removed only upon charges preferred in the same manner as in
20 this Charter provided for elective officers.

21 * * * *

22
23 **SEC. 12.100. RETIREMENT BOARD.**

24 The Retirement Board shall consist of seven members as follows: one member of the
25 Board of Supervisors appointed by the President, three public members to be appointed by the

1 Mayor pursuant to Section 3.100, and three members elected by the active members and retired
2 persons of the Retirement System from among their number. The public members appointed by
3 the Mayor shall be experienced in life insurance, actuarial science, employee pension planning or
4 investment portfolio management, or hold a degree of doctor of medicine. There shall not be, at
5 any one time, more than one retired person on the Board. ~~The term of the members, other than~~
6 ~~the Board of Supervisors member, shall be five years, one term expiring on February 20th of~~
7 ~~each year. The members' terms shall begin on February 20.~~ The three elected members need not
8 be residents of the City and County. The three elected members shall have four-year terms but
9 are not otherwise subject to the term limits set forth in Section 4.104.5. Vacancies on the Board
10 shall be filled by the Mayor for the remainder of the unexpired term, except that in the case of
11 elected employee members, a vacancy shall be filled by a special election within 120 days after
12 the vacancy occurs unless the next regularly scheduled employee member election is to be held
13 within six months after such vacancy occurred. Elections shall be conducted by the Director of
14 Elections in a manner prescribed by ordinance.

15 The Board shall appoint and may remove an executive director and an actuary. The
16 Board may employ a consulting actuary.

17 * * * *

18
19 **SEC. 12.200. HEALTH SERVICE BOARD.**

20 There shall be a Health Service Board which shall consist of seven members as follows:
21 one member of the Board of Supervisors, to be appointed by the President of the Board of
22 Supervisors; two members appointed by the Mayor pursuant to Section 3.100, one of whom shall
23 be an individual who regularly consults in the health care field, and the other a doctor of
24 medicine; one member nominated by the Controller and three members elected from the active
25 and retired members of the System from among their number. Elections shall be conducted by

1 the Director of Elections in a manner prescribed by ordinance. Elected members need not reside
2 within the City and County. Elected members shall have four-year terms but are not otherwise
3 subject to the term limits set forth in Section 4.104.5.

4 ~~Not later than April 1, 2013 the Controller shall nominate a candidate for appointment to~~
5 ~~the Health Services Board for a two year term commencing on May 15, 2013.~~ The Controller
6 shall transmit a written notice of nomination to the Health Services Board for the Controller's
7 candidate for appointment. The Controller's nominee shall be subject to the approval of the
8 Health Services Board. If the Health Services Board fails to calendar the Controller's nomination
9 for consideration at a meeting to occur not later than 60 days after receipt of the Controller's
10 written notice of nomination, the Controller's nominee shall be deemed approved. All subsequent
11 appointments of Controller's nominees shall be ~~for a five year term and be~~ subject to the same
12 procedure. The Controller's nominee may not vote on his or her successor.

13 The terms of Health Service Board members shall begin on May 15, ~~other than the ex~~
14 ~~officio members, shall be five years, and shall expire on May 15 of each year, with the exception~~
15 ~~that the term of the Board member that begins in May 2011 shall be three (3) years, and shall~~
16 ~~expire in May 2014, and the term of the Board member that begins in May 2013 term shall be~~
17 ~~two (2) years, and shall expire in May 2015.~~

18 ~~The appointee nominated by the Controller shall succeed the elected member whose term~~
19 ~~expires at 12:00 noon on May 15, 2013. In the event the elected member whose term expires on~~
20 ~~May 15, 2013, leaves the Board prior to that date, the Controller shall nominated a successor to~~
21 ~~fill the unexpired term according to the procedures set forth above.~~

22 A vacancy on the Board appointed by the Mayor shall be filled by the Mayor. A vacancy
23 on the Board of an appointee nominated by the Controller shall be filled for the unexpired term
24 according to the procedures set forth above for Controller's nominees. A vacancy in an elective
25

1 office on the Board shall be filled by a special election within 90 days after the vacancy occurs
2 unless a regular election is to be held within six months after such vacancy shall have occurred.

3 * * * *

4
5 **SEC. 12.204. RETIREE HEALTH CARE TRUST FUND.**

6 * * * *

7 (b) The Board shall govern the RHCTF. The Board shall consist of the following five
8 trustees: the City Controller, the City Treasurer, and the Executive Director of the San Francisco
9 Employees' Retirement System, or their respective designees; and two trustees elected from
10 among active employee and retired members of the City's Health Service System. One of the
11 elected trustees shall be an active employee member and one shall be a retired member as of the
12 date of their respective elections. Each elected trustee shall serve for a term of ~~five~~ four years but
13 is not otherwise subject to the term limits set forth in Section 4.104.5. No person may serve
14 simultaneously as a trustee on the Board and as an elected or appointed member of the San
15 Francisco Employees' Retirement System Board or the Health Service System Board.

16
17 **SEC. 13.103.5. ELECTIONS COMMISSION.**

18 An Elections Commission shall be established to oversee all public federal, state, district
19 and municipal elections in the City and County. The Commission shall set general policies for
20 the Department of Elections and shall be responsible for the proper administration of the general
21 practices of the Department, subject to the budgetary and fiscal provisions of this Charter. These
22 duties shall include but not be limited to approving written plans prior to each election, submitted
23 by the Director of Elections, detailing the policies, procedures, and personnel that will be used to
24 conduct the election as well as an assessment of how well the plan succeeded in carrying out a
25 free, fair and functional election.

1 The Commission shall consist of seven members ~~who shall serve five year terms. No~~
2 ~~person appointed as a Commission member may serve as such for more than two successive five-~~
3 ~~year terms. Any person appointed as a Commission member to complete more than two and one-~~
4 ~~half years of a five year term shall be deemed, for the purpose of this section, to have served one~~
5 ~~full term. No person having served two successive five year terms may serve as a Commission~~
6 ~~member until at least five years after the expiration of the second successive term in office. Any~~
7 ~~Commission member who resigns with less than two and one half years remaining until the~~
8 ~~expiration of the term shall be deemed, for the purposes of this section, to have served a full five-~~
9 ~~year term.~~

10 The Mayor, the Board of Supervisors, the City Attorney, the Public Defender, the District
11 Attorney, the Treasurer, and the Board of Education of the San Francisco Unified School District
12 each shall appoint one member of the Commission. The member appointed by the Mayor shall
13 have a background in the electoral process. The member appointed by the City Attorney shall
14 have a background in elections law. The member appointed by the Treasurer shall have a
15 background in financial management. The members appointed by the District Attorney, Public
16 Defender, the Board of Education of the San Francisco Unified School District, and the Board of
17 Supervisors shall be broadly representative of the general public. In the event a vacancy occurs,
18 the appointing authority who appointed the member vacating the office shall appoint a qualified
19 person to complete the remainder of the term. ~~All members initially appointed to the Election~~
20 ~~Commission shall take office on the first day of January, 2002. The terms of Commission~~
21 ~~members shall begin on January 1.~~

22 ~~The initial terms of Commission members shall expire according to the following~~
23 ~~guidelines: the term of the members appointed by the Mayor and the Board of Education of the~~
24 ~~San Francisco Unified School District shall expire on January 1, 2003; the term of the members~~
25 ~~appointed by the Board of Supervisors and the Treasurer shall expire on January 1 2004; the~~

1 ~~term of the member appointed by the City Attorney shall expire January 1, 2005; the term of the~~
2 ~~member appointed by the Public Defender shall expire January 1, 2006; and the term of the~~
3 ~~member appointed by the District Attorney shall expire January 1, 2007.~~

4 * * * *

5
6 **SEC. 15.100. ETHICS COMMISSION.**

7 The Ethics Commission shall consist of five members ~~who shall serve six year terms;~~
8 ~~provided that the first five commissioners to be appointed to take office on the first day of~~
9 ~~February, 2002 shall by lot classify their terms so that the term of one commissioner shall expire~~
10 ~~at 12:00 o'clock noon on each of the second, third, fourth, fifth and sixth anniversaries of such~~
11 ~~date, respectively; and, on the expiration of these and successive terms of office, the~~
12 ~~appointments shall be made for six year terms. The terms of Commission members shall begin~~
13 ~~on February 1.~~

14 The Mayor, the Board of Supervisors, the City Attorney, the District Attorney and the
15 Assessor each shall appoint one member of the Commission. The member appointed by the
16 Mayor shall have a background in public information and public meetings. The member
17 appointed by the City Attorney shall have a background in law as it relates to government ethics.
18 The member appointed by the Assessor shall have a background in campaign finance. The
19 members appointed by the District Attorney and Board of Supervisors shall be broadly
20 representative of the general public.

21 In the event a vacancy occurs, the officer who appointed the member vacating the office
22 shall appoint a qualified person to complete the remainder of the term. Members of the
23 Commission shall serve without compensation. Members of the Commission shall be officers of
24 the City and County, and may be removed by the appointing authority only pursuant to Section
25 15.105.

1 ~~No person may serve more than one six year term as a member of the Commission,~~
2 ~~provided that persons appointed to fill a vacancy for an unexpired term with less than three~~
3 ~~years remaining or appointed to an initial term of three or fewer years shall be eligible to be~~
4 ~~appointed to one additional six year term. Any term served before the effective date of this~~
5 ~~Section shall not count toward a member's term limit. Any person who completes a term as a~~
6 ~~Commissioner shall be eligible for reappointment six years after the expiration of his or her~~
7 ~~term. Notwithstanding any provisions of this Section or any other section of the Charter to the~~
8 ~~contrary, the respective terms of office of the members of the Commission who shall hold office~~
9 ~~on the first day of February, 2002, shall expire at 12 o'clock noon on said date, and the five~~
10 ~~persons appointed as members of the Commission as provided in this Section shall succeed to~~
11 ~~said offices on said first day of February, 2002, at 12 o'clock noon; provided that if any~~
12 ~~appointing authority has not made a new appointment by such date, the sitting member shall~~
13 ~~continue to serve until replaced the new appointee.~~

14 * * * *

15
16 **~~SEC. 18.114. COMMISSION TERMS~~**

17 ~~Whenever a new board or commission is created in this Charter, or additional members~~
18 ~~are added to an existing board or commission, the Mayor shall appoint the initial members to~~
19 ~~staggered terms.~~

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: /s/ Andrew Shen
24 ANDREW SHEN
25 Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment - Term Limits for City Boards, Commissions, and Bodies]

Describing and setting forth a proposal to the voters at an election to be held on November 3, 2020, to amend the Charter of the City and County of San Francisco to establish uniform four-year terms and two-term limits for members of City boards, commissions, and bodies.

Existing Law

The Charter generally does not set term limits for appointed members of City boards and commissions. But exceptions to this rule include the following:

- Elections Commission (no more than two consecutive terms)
- Ethics Commission (no consecutive full six-year terms)
- Municipal Transportation Agency Board of Directors (no more than three terms)

The Charter generally sets the length of the terms served by appointed members of City boards, commission and bodies. Many boards and commissions established by the Charter have four-year terms for its members – but exceptions to this rule include the following:

- Asian Art Commission (three-year term)
- Building Inspection Commission (two-year term)
- Civil Service Commission (six-year term)
- Elections Commission (five-year term)
- Ethics Commission (six-year term)
- Fine Arts Museums Board of Trustees (three-year term)
- Health Service Board (five-year term)
- Public Utilities Rate Fairness Board (no term specified)
- Retiree Health Care Trust Fund Board (five-year term)
- Retirement Board (five-year term)
- Youth Commission (one-year term)

Amendments to Current Law

The proposed Charter amendment would generally set four-year terms for appointed members of boards, commissions, and bodies. It would also generally limit members of these boards and commissions to two terms on the same board or commission, whether the terms are successive or not.

Under the proposed Charter amendment, the following City bodies established by the Charter would be subject to two-term limits:

- Airport Commission
- Arts Commission
- Asian Art Commission
- Board of Appeals
- Building Inspection Commission
- Civil Service Commission
- Commission on the Status of Women
- Disability and Aging Services Commission
- Elections Commission
- Environment Commission
- Entertainment Commission
- Ethics Commission
- Fine Arts Museum Board of Trustees
- Fire Commission
- Health Commission
- Health Service Board (unelected members)
- Historic Preservation Commission
- Human Rights Commission
- Human Services Commission
- Juvenile Probation Commission
- Library Commission
- Municipal Transportation Agency Board of Directors
- Municipal Transportation Agency Citizens' Advisory Council
- Planning Commission
- Police Commission
- Port Commission
- Public Utilities Commission
- Public Utilities Rate Fairness Board
- Recreation and Park Commission
- Retiree Health Care Trust Fund Board (unelected members)
- Retirement Board (unelected members)
- Small Business Commission
- War Memorial and Performing Arts Center Board of Trustees

The following City bodies would have their terms modified to be four years in length:

- Asian Art Commission
- Building Inspection Commission

- Civil Service Commission
- Elections Commission
- Ethics Commission
- Fine Arts Museum Board of Trustees
- Health Service Board
- Public Utilities Rate Fairness Board
- Retiree Health Care Trust Fund Board
- Retirement Board

The proposed Charter amendment would not change the terms or establish term limits for members of the Elections (Redistricting) Task Force (see Charter § 13.110(d)), the Law Library Board of Trustees (see Charter § 8.103) or Youth Commission (see Charter §§ 4.122-24). The proposal also would not establish term limits for the elected members of the Health Service Board, Retiree Health Care Trust Fund Board, and Retirement Board.

Under the proposal, service on a board or commission prior to the Charter Amendment's effective date would count against these new term limits. But persons appointed to serve on a board or commission before the effective date of this Charter amendment may complete their terms.

This Charter amendment would also require the President of the Board of Supervisors, within one year of the measure's effective date, to introduce an ordinance that would apply its principles regarding lengths of terms and term limit to City boards, commissions, and bodies previously established by ordinance or resolution. Likewise, these same terms and term limits would apply to future City boards and commissions established by ordinance or resolution, unless those bodies would cease to exist within eight years of their formation.

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