

LEGISLATIVE DIGEST

(First Draft - 5/24/2016)

[Charter Amendment - Public Advocate]

Describing and setting forth a proposal to the voters, at an election to be held on November 8, 2016, to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) place the Public Advocate in charge of the Office of Labor Standards Enforcement, the Office of Citizen Complaints, and the Controller's whistleblower program; 5) call a special election for November 7, 2017 to elect the first Public Advocate; 6) provide for the Public Advocate's election, removal, and salary; and 7) establish a set-aside of .03% of the City's budget, as well as the amounts previously budgeted to OLSE, OCC, and the whistleblower program, to fund the Office of the Public Advocate, and setting an operative date.

Existing Law

The City currently does not have a particular official or central office responsible for overseeing how City departments interact with the public. The City has an Office of Labor Standards Enforcement under the City Administrator, a whistleblower program under the Controller, and an Office of Citizen Complaints under the Police Commission.

Amendments to Current Law

The proposal is a charter amendment that would create the Office of the Public Advocate.

The Public Advocate would review the administration of City programs, including the distribution of programs and services throughout the City, the effectiveness of the public information and service complaint programs of City agencies, and the responsiveness of City agencies to individual and group requests for data or information regarding the agencies' structure, activities, and operations. The Public Advocate would also review the management and employment practices of City officers and departments, including City policies and MOU provisions, that promote or impede the effective and efficient operation of City government, and would review the City's contracting procedures and practices. And the Public Advocate would investigate and attempt to resolve complaints from members of the public concerning City services and programs.

The proposal would place the Public Advocate in charge of the City's Office of Labor Standards Enforcement (OLSE), whistleblower program, and Office of Citizen Complaints (OCC). The functions and duties of those entities would not change. The Public Advocate would appoint and remove the Director of OCC.

The Public Advocate could introduce legislation at the Board of Supervisors to address any matter within the Public Advocate's jurisdiction.

The Public Advocate could not interfere with specific contract or personnel decisions or other administrative actions, or with criminal investigations or prosecutions. And during his or her tenure, the Public Advocate could not contribute to, or publicly endorse or oppose, a candidate for City elective office, or be an officer, director, or employee of an organization that makes political endorsements regarding candidates for City elective office.

The first Public Advocate would be elected at a special election to be held on November 7, 2017, and would serve a shortened term. Beginning in November 2020, the Public Advocate would be elected for a four-year term, using ranked-choice voting.

If the office of Public Advocate became vacant, the Chief Deputy Public Advocate would serve as Public Advocate until a successor was elected at the next election occurring not less than 120 days after the vacancy. The Mayor could file written charges of official misconduct against the Public Advocate and those charges would be heard and acted on by the Ethics Commission and the Board of Supervisors in the same manner as other charges of official misconduct, but the Mayor would have no power to suspend the Public Advocate prior to the determination of those charges by the Board of Supervisors.

The Civil Service Commission would set the salary of the Public Advocate at the average of the salaries for the offices of Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, Sheriff, and Member of the Board of Supervisors.

The proposal would require the City to appropriate each year an amount equal to at least three one-hundredths of one percent (0.03%) of the City's overall budget to fund the office of the Public Advocate, and to appropriate an amount equal to the budget for OLSE, the whistleblower program, and OCC for fiscal year 2015-2016, 2016-2017, or 2017-2018, whichever amount is greatest by fiscal year for each entity. The set-aside for the Controller's audit fund would be reduced from 0.2% of the City's overall budget to 0.1914%.

The proposal would become operative at noon on January 8, 2018.