

LEGISLATIVE DIGEST

(revised 01/26/2022)

[Charter Amendment - Split Appointment Authority for Boards and Commissions; Powers and Duties of the City Administrator]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022, to amend the Charter of the City and County of San Francisco to 1) split the power to make appointments to the following bodies between the Mayor and the Board of Supervisors: Airport Commission, Arts Commission, Asian Art Commission, Civil Service Commission, Commission on the Environment, Commission on the Status of Women, Disability and Aging Services Commission, Fire Commission, Health Commission, Historic Preservation Commission, Human Rights Commission, Human Services Commission, Juvenile Probation Commission, Library Commission, Municipal Transportation Agency Board of Directors, Public Utilities Commission, Recreation and Park Commission, and War Memorial and Performing Arts Center Board of Trustees; subject Mayoral appointments to those bodies and to the Building Inspection Commission and the Small Business Commission to approval by the Board of Supervisors; and provide that the appropriate appointing authority (Mayor or Board of Supervisors, as applicable) may initiate removal of commissioners; and 2) specify the types of functions that the City Administrator may oversee; require that any agencies under the City Administrator be designated by ordinance; authorize the City Administrator to review City programs and services, and employment practices, and to make recommendations to the Mayor, Board of Supervisors, and departments based on those reviews; prohibit the Mayor from placing functions under the City Administrator without authorization by ordinance; and authorizing the City Administrator to recommend removal of any department head to the Mayor or a commission, and requiring the Mayor or commission to act on the recommendation within 30 days.

Existing Law

Mayoral Appointments to Charter Commissions, and Board of Supervisors Authority to Approve or Reject Mayoral Appointments:

The City Charter establishes numerous commissions that exercise oversight of City departments. Currently, the methods by which members are appointed to those commissions vary. Some commissions are entirely appointed by the Mayor, while other commissions have members appointed by both the Mayor and the Board of Supervisors (split appointments). For many commissions, mayoral appointments are subject to confirmation, approval, or rejection by the Board of Supervisors, but there are some Charter commissions where Mayoral appointments are not subject to disapproval by the Board of Supervisors.

Currently, the Charter authorizes the Mayor to appoint all of the members of the following Charter commissions. The Mayor's appointments to these commissions go into effect immediately and remain in effect subject to rejection by the Board of Supervisors by a two-thirds vote within 30 days following transmittal of the notice of appointment.

- Airport Commission
- Arts Commission
- Civil Service Commission
- Commission on the Environment
- Commission on the Status of Women
- Disability and Aging Services Commission
- Fire Commission
- Health Commission
- Human Rights Commission
- Human Services Commission
- Juvenile Probation Commission
- Library Commission
- Recreation and Park Commission
- War Memorial and Performing Arts Center Board of Trustees

Currently, the Mayor appoints all of the members of the Historic Preservation Commission, the Municipal Transportation Agency Board of Directors, and the Public Utilities Commission. Mayoral appointments to these commissions do not go into effect immediately, and are subject to confirmation by the Board of Supervisors.

Currently, the Mayor appoints all of the members of the Asian Art Commission. The Mayor's appointments are not subject to disapproval by the Board of Supervisors.

Currently, both the Mayor and the Board of Supervisors appoint members of the Small Business Commission. The Mayor's appointments go into effect immediately, and remain in effect subject to rejection by the Board of Supervisors by a two-thirds vote within 30 days following transmittal of the notice of appointment.

Currently, both the Mayor and the Board of Supervisors appoint members of the Building Inspection Commission. The Mayor's appointments are not subject to disapproval by the Board of Supervisors.

City Administrator Responsibilities: The City Administrator is a City official who oversees a number of City agencies and functions. The Mayor appoints the City Administrator to a five-year term, subject to confirmation by the Board of Supervisors. The City Administrator has a variety of responsibilities, most notably providing administrative services in the executive branch, and administering various policies and procedures. Departments and agencies currently under the oversight of the City Administrator include the Office of Contract

Administration, Contract Monitoring Division, Risk Management, Capital Planning, City Hall Building Management, City Hall Events, the Permit Center, Office of Civic Engagement and Immigrant Affairs, Fleets and Central Shops, Real Estate Division, Committee on Information Technology, Digital Services, DataSF, Department of Technology, County Clerk, Mayor's Office on Disability, 311, and Treasure Island Development Authority.

Assignment of Responsibilities to the City Administrator: The Board of Supervisors may assign duties to the City Administrator by ordinance. The Mayor may also assign duties to the City Administrator by reorganizing the executive branch, subject to rejection by a majority of the Board.

Removal of Department Heads: Many departments established in the Charter operate under the supervision of commissions and do not report to the City Administrator. Most commissions that oversee departments have the power to remove the department head of the department they oversee. If the Mayor recommends that a commission remove a department head, the commission must respond within 30 days by removing or retaining the department head. Other departments established in the Charter do not report to the City Administrator or a commission. In general, the Mayor has the power to remove those department heads. The City Administrator plays no role in the removal of these department heads.

Amendments to Current Law

Mayoral Appointments to Charter Commissions, and Board of Supervisors Authority to Approve or Reject Mayoral Appointments:

For the following Charter commissions, the proposed measure would: 1) split appointments between the Mayor and the Board of Supervisors, with the majority of members being appointed by the Mayor; 2) subject all of the Mayor's appointments to confirmation by the Board of Supervisors within 60 days; 3) allow commissioners holding office on June 7, 2022 to serve the remainder of their term; and 4) except for commissions that already have designated seats, establish a method by which seats would be numbered, and specify which seats would hereinafter be appointed by the Mayor, and which seats would hereinafter be appointed by the Board of Supervisors.

- Airport Commission
- Arts Commission
- Asian Art Commission
- Building and Inspection Commission
- Civil Service Commission
- Commission on the Environment
- Commission on the Status of Women
- Disability and Aging Services Commission
- Fire Commission
- Health Commission

- Historic Preservation Commission
- Human Rights Commission
- Human Services Commission
- Juvenile Probation Commission
- Library Commission
- Municipal Transportation Agency Board of Directors
- Public Utilities Commission
- Recreation and Park Commission
- Small Business Commission
- War Memorial and Performing Arts Center Board of Trustees

The proposed measure would also provide that the appropriate appointing authority (Mayor or Board of Supervisors, as applicable) may initiate removal of commissioners for official misconduct under Charter Section 15.105.

City Administrator Responsibilities: The proposed measure would define the types of administrative services that the City Administrator would be empowered to handle, including (a) matters related to the administration and operation of City agencies, including City facilities, equipment, technology, and maintenance of records; (b) solicitation, award, and administration of contracts, grants, and leases; (c) services provided to the public, including services designed to promote outreach to and communications with the City's many communities; (d) management of the City's assets, including real estate and financing; and (e) administrative enforcement of City laws and policies.

The proposed measure would also authorize the City Administrator to review City programs and services, and employment practices, and to make recommendations to the Mayor, Board of Supervisors, and departments based on those reviews.

Assignment of Responsibilities to the City Administrator: The proposed measure would require that the City Administrator propose an ordinance designating which agencies are under the City Administrator's oversight. The measure would require that all agencies under the City Administrator be designated by ordinance, and would remove the authority of the Mayor to transfer duties to the City Administrator by reorganizing the executive branch.

Removal of Department Heads: The proposed measure would authorize the City Administrator to recommend removal of any department head under the Mayor or a commission. If the City Administrator makes such a recommendation in writing, the measure would require the Mayor or commission to act on the recommendation within 30 days by removing or retaining the department head.

Background

The proposed measure was amended in a meeting of the Rules Committee held on January 26, 2022 to make several clerical corrections, and to add language providing that In the event that another measure relating to the duties, composition, qualifications, and methods of appointment of members of the Building Inspection Commission appears on the same municipal election ballot, the provisions of such other measure shall be deemed in conflict with this measure, and that In the event that this measure receives a greater number of affirmative votes than the other measure, the provisions of this measure shall prevail in their entirety and each and every provision of the other measure shall be null and void.

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