

BOARD of SUPERVISORS



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MEMORANDUM

TO: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Emily Murase, Director, Department on the Status of Women

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

DATE: May 18, 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 2.22.4.

File No. 200452

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to require that members of boards, commissions, and advisory bodies be residents of the City and of legal voting age, replacing the requirement that members of boards, commissions, and advisory bodies be United States citizens and registered voters; at an election to be held on November 3, 2020.

Please review and submit any reports or comments you wish to be included with the legislative file.

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

c: Andres Power, Mayor's Office
Rebecca Peacock, Mayor's Office
Kanishka Cheng, Mayor's Office

Patrick Ford, Ethics Commission

Minouche Kandel, Department on the Status of Women

Elizabeth Newman, Department on the Status of Women

Natalie Alvarez, Department on the Status of Women

1 [Charter Amendment - Requirements for Commission Membership]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **3, 2020, to amend the Charter of the City and County of San Francisco to require that**
5 **members of boards, commissions, and advisory bodies be residents of the City and of legal**
6 **voting age, replacing the requirement that members of boards, commissions, and advisory**
7 **bodies be United States citizens and registered voters.**

8
9 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
10 and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of
11 the City and County by revising Section 4.101, to read as follows:

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

17 **SEC. 4.101. BOARDS AND COMMISSIONS – COMPOSITION**

18 (a) Unless otherwise provided in this Charter, the composition of each appointive
19 board, commission, or advisory body of any kind established by this Charter or legislative act of
20 the United States of America, the State of California, or the Board of Supervisors shall:

21 ~~1. Be~~ *be* broadly representative of the communities of interest,
22 neighborhoods, and the diversity *of the City and County* in ethnicity, race, age, *sex, gender*
23 *identity, and* sexual orientation, and types of disabilities, ~~of the City and County and have~~
~~representation of both sexes; and~~

24 (b) ~~2. Consist of electors~~ *All members of such bodies as described in subsection*
25 *(a) shall be residents* of the City and County *and the minimum age required to vote in municipal*

1 elections in the City and County, at all times during the term of their respective offices, unless
2 otherwise specifically provided in this Charter; ~~or in the case of~~ Either or both of the
3 requirements set forth in the first sentence of this subsection (b) shall not apply to boards,
4 commissions, or advisory bodies established by legislative act if the legislation specifically
5 exempts the position is (a) designated by ordinance for a person under legal voting age, or (b)
6 ~~unless specifically exempt from either or both requirements the provisions, or waived by~~ if the
7 appointing officer or entity ~~upon a finding that an elector~~ makes a finding that a person meeting
8 both requirements with specific experience, skills or qualifications, and willing to serve, could
9 not be located ~~within the City and County~~.

10 (c) It shall be the official City policy that the composition of each appointive board,
11 commission, or advisory body of any kind established by this Charter or legislative act of the
12 United States of America, the State of California, or the Board of Supervisors shall reflect the
13 interests and contributions of ~~both men and women~~ people of all races, ethnicities, ages, sexes,
14 gender identities, sexual orientations, and types of disabilities. The voters therefore urge in the
15 strongest terms all City officers and agencies involved in nominating, appointing, or confirming
16 members of those appointive boards, commissions, or advisory bodies to consider and as
17 appropriate support the nomination, appointment, or confirmation of ~~female, minority, and~~
18 ~~disabled candidates~~ women, people of color, seniors, people with disabilities, and people that
19 reflect a range of sexual orientations and gender identities to fill seats on those bodies.

20 (d) The Commission on the Status of Women shall conduct an analysis of
21 appointments to appointive boards, commissions, and advisory bodies established in the Charter
22 or by legislative act, in the second and fourth year of each mayoral ~~administration~~ term to track
23 the diversity of appointments to such bodies. This analysis, to be based only on voluntary
24 disclosures, shall include ~~gender~~, ethnicity, sex, gender identity, sexual orientation, disability
25 status, and any other relevant demographic qualities.

LEGISLATIVE DIGEST

[Charter Amendment - Requirements for Commission Membership]

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 require that members of boards, commissions, and advisory bodies be residents of the City and of legal voting age, replacing the requirement that members of boards, commissions, and advisory bodies be United States citizens and registered voters.

Existing Law

City government includes many boards, commissions, and advisory bodies (“Policy Bodies”). The Charter establishes many Policy Bodies, and the Board of Supervisors and the voters have also established other Policy Bodies in legislation.

Under the Charter, members of Policy Bodies must be registered to vote in San Francisco. This means they must be voting age (currently 18 years old), U.S. citizens, and San Francisco residents. There are three exceptions to this rule:

- If the Policy Body was established in the Charter, the Charter may include exceptions to the age, citizenship, and residency requirements. For example, the Charter allows people under voting age to serve on the Youth Commission. But the Charter does not allow non-citizens to serve on any Policy Body.
- If the Policy Body was established by legislation, the legislation can create exceptions to the age and residency requirements but not the U.S. citizenship requirement.
- If the Policy Body was established by legislation, the appointing officer or entity may waive the residency requirement based on a finding that a qualified resident could not be located. But appointing officers or entities cannot waive the age or U.S. citizenship requirement.

Amendments to Current Law

The proposed Charter amendment would allow non-citizens to serve on Policy Bodies. The proposed Charter amendment would require members of Policy Bodies to be City residents and voting age, with three exceptions:

- If the Policy Body was established in the Charter, the Charter could include exceptions to the age and residency requirements.

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- If the Policy Body was established by legislation, the legislation could create exceptions to the age and residency requirements.
- If the Policy Body was established by legislation, the appointing officer or entity could waive the age or residency requirements based on a finding that a qualified person could not be located.

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