

# Proposal for commissions

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JEAN S. FRASER AND ED HARRINGTON  
COMMISSION STREAMLINING TASK FORCE  
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# These are just proposals

- Governance Commissions
- Advisory Committees
- Appeal Boards  
or Individuals



# Governance Commissions

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# Governance Commissions Key Purposes (Harrington)

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- **Accountability and Oversight** – Supervise the department at a high level to promote excellent performance.
- **Transparency** – Openly share information, actions and decisions in a way that is accessible and understandable to the public.
- **Public Participation** – Allow for the public to participate in government decisions.
- **Contribute Expertise** – Provide skills or knowledge in the department's area of work.
- **Responsiveness** – Listen to input from residents and act on it when appropriate.

# Governance Commissions (Harrington)

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- Part of Executive Branch
- Typically all appointed and may be removed by Mayor
  - Exceptions for Police, MTA, others?
  - Board may veto appointment/removal by 2/3rds vote
- 5-7 members

# Examples of Governance Commissions- General (Harrington)

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Airport  
Fire  
Health  
Human Services  
Library  
MTA

Police  
Port  
PUC  
Public Works  
Rec/Park

# Examples of Governance Commissions-Focused (Harrington)

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## Arts

Asian Arts

Film

Fine Arts

War Memorial

## Human Rights

Status of Women

Children and Families First

Disability and Aging

Juvenile Probation

# Charter §4.102 Powers and Duties (amending 5 & 6) (Harrington)

#	Current Language	Proposed Amendments
1	Formulate, evaluate, and approve goals, objectives, plans, and programs and set policies	
2	Develop and keep current an annual statement of purpose outlining areas of jurisdiction, authorities, purpose, and goals.	
3	After a public hearing, approve applicable departmental budgets or any budget modifications or fund transfers.	
4	Recommend rates, fees, and similar charges.	
5	Unless otherwise specifically provided, submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor;	<u>May recommend one or more department head candidates to the Mayor.</u>
6	Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct;	<u>May recommend the Mayor terminate a department head.</u>
7	Conduct investigations into governmental operations within the board or commission's jurisdiction and make recommendations.	
8	Exercise other powers and duties prescribed by the Board of Supervisors.	
9	Appoint an executive secretary.	
10	Hold hearings and take testimony.	
11	Retain temporary counsel for specific purposes.	




# Governance Commission (Fraser)

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## Purposes:

- Enable departments that run enterprises to act nimbly to provide high value services
- Focus the department on long-term planning & execution
- Separate the department from political interference

## Key Functions

- Optimize service delivery
  - Generate revenue
  - Ensure integrity of operations
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# Governance Commission template (Fraser)

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Board has fiduciary responsibility for operations

Hires/fires/compensates CEO/Director

Ensures adequate controls/audits

Sets strategic goals

Makes major policy decisions

Should be required to report on Key Performance Indicators, including customer satisfaction

Follow Brown/Sunshine/Robert's Rules of Order/Bylaws

# Governance Commission Template (Fraser)

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5-7 seats

Appointed by supes & mayor (how = open question)

Some expertise required

No conflicts allowed

Have set (and staggered) terms

Can be re-appointed, term limits, removal for cause

Part-time & some compensation

# Examples of Departments to have Governance Commissions (Fraser)

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- Airport
- Port
- Utilities (PUC)
- Elections
- Likely others, need to work through details

# Advisory Committees

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# Advisory Committees (Fraser)

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Purpose: To enable departments or the BOS to get advice from a group of people with relevant expertise on an issue

Functions:

To provide advice based on experience and expertise for a limited time on a specific issue

To wrestle with a tough policy or tactical issue as a group so that stakeholders hear different perspectives

# Advisory Committee Template (Fraser)

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Creation of advisory committee for a department can be done by Mayor or Department head

Creation of an advisory committee to advise the BOS can be done by BOS by vote

Max length = two years, automatically sunsets 18 months after creation unless otherwise stated

Advisory only, no decision-making authority

Max of 15 seats

# Advisory Committees (Harrington)

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- Created by ordinance
- Advisory only--No decision making authority.
- Sunset in 3 years unless further action by Board
- May be appointed by Mayor and/or Board (and possibly others) to gather a wide variety of expertise and input
- Some groups listed as Advisory Committees should be in a new category of staff working groups. Only need to be established by ordinance if they are given authority that needs ordinance/admin code inclusion.



# Still to resolve – legal issues (Fraser)

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Obviously, a bunch of this would require charter changes.

And we have to identify where state/federal law requires a specific body.

# Mayor has sole control and accountability for performance of remaining departments (Fraser)

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- Department heads not under Governance Commission or Appeals Board report to Mayor's office
- Mayor hires/fires department heads
- Mayor organizes own office to manage the remaining departments
- BOS cannot make rules relating to Mayoral staff

# Still to resolve – transition issues

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What do we do where a department's or a body's work fits in two categories?

How do we sunset existing commissions?

How do we sunset existing advisory groups?

How do we sunset/modify existing adjudicatory bodies?

What flexibility should exist to deal with unanticipated consequences?

# Appeals Boards or Individuals

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# Appeals Boards or Individuals (Fraser)

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- Purpose: Need to have someone neutral decide appeals of City decisions in individual cases
- Functions: Act like an appellate judge, applying the rules to the specific facts AND give people feeling of being treated fairly

# Appeals Boards or Individuals (Fraser)

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## Responsibilities:

- Review decisions of City agencies as applied in specific cases & decide to uphold the decision or reverse it

## Structure:

- Need to be somewhat independent of the department that makes the decision, not easily influenced by politics or conflicts.
- Also need to have expertise and give consistent decisions.

# Appeals Board or Individuals template (Fraser)

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- Appointed by Mayor & Board of Supes (details to be worked out)
- If body, 3-5 seats
- Have set terms that exceed that of appointing officials
- Can be re-appointed, no term limits but may be age limits, removal for cause
- Legal or technical expertise required
- No conflicts allowed
- Paid & probably full-time

# Appeals boards or individuals – Questions still to be resolved

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- ☐ What criteria should drive the selection of individuals, administrative law judges or decision-making bodies?
- ☐ If have bodies, how many separate ones are needed? Should they be organized by expertise required or be more general?
- ☐ Need to work through any state law issues, especially with regard to departments/boards that have mixed duties, e.g. Health, Planning , Fire and Police Commissions?



# Examples of Existing Appeals Boards

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Abatement Appeals Board

Access Appeals Commission

Assessment Appeals Board

Board of Appeals

Building Inspection Commission

Ethics Commission

Entertainment Commission

Planning Commission

Fire Commission

Police Commission

Historic Preservation Commission

Health Service Board

# Let's discuss!

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