

**ADDING DRAFT DEFINITIONS OF “ADVISORY BODY” AND “COMMISSION” FOR
USE THROUGHOUT THE CHARTER**

ARTICLE XVII: DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:

“Advisory Body” shall mean a multimember body, whether permanent or temporary, and regardless of name or composition, established by this Charter, by ordinance or resolution, by state or federal law, or by the initiative of another body so established, that does not have legal authority to exercise the sovereign powers of the City and County by making binding decisions on behalf of the City and County.

“Business day” shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

“Commission” shall mean a multimember body, whether permanent or temporary, and regardless of name or composition, that has authority to exercise the sovereign powers of the City and County by making binding decisions on behalf of the City and County. Commissions may be established by ordinance, by resolution adopted by the Municipal Transportation Agency Board of Directors, or by state or federal law. Unless otherwise provided, each multimember body established in this Charter is a Commission.

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**MODIFYING GENERAL RULES THAT APPLY TO COMMISSIONS AND ADVISORY
BODIES IN THE INITIAL SECTIONS OF ARTICLE IV**

**ARTICLE IV: EXECUTIVE BRANCH – ~~BOARDS~~, COMMISSIONS AND
DEPARTMENTS**

SEC. 4.100. GENERAL.

In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, ~~appointive boards, commissions,~~ Commissions, Advisory Bodies, and other units of government that perform the sovereign powers of the City and County. To the extent law permits, each ~~appointive board, commission,~~ Commission or other unit of government of the City and County established by State or Federal law shall be subject to the provisions of this Article IV and this Charter.

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**SEC. 4.101. ~~BOARDS AND COMMISSIONS~~ AND ADVISORY BODIES –
COMPOSITION**

(a) Unless otherwise provided in this Charter, the composition of each ~~appointive board, commission, or advisory body of any kind~~ Commission and Advisory Body established by this Charter or legislative act of the United States of America, the State of California, or the ~~Board of Supervisors~~ City and County shall be broadly representative of the communities of interest, neighborhoods, and the diversity of the City and County in ethnicity, race, age, sex, gender identity, sexual orientation, and types of disabilities.

(b) All members of such bodies as described in subsection (a) shall be residents of the City and County and the minimum age required to vote in municipal elections in the City and County, at all times during ~~their service on the body~~ the term of their respective offices, unless otherwise specifically provided in this Charter. Either or both of the requirements set forth in the first sentence of this subsection (b) shall not apply to ~~boards, commissions, or advisory bodies~~

Commissions and Advisory Bodies established by legislative act if the legislation specifically exempts the position from either or both requirements, or if the appointing officer or entity makes a finding that a person meeting both requirements, and willing to serve, could not be located.

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

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

(e) Vacancies on ~~appointive boards, commissions, or other units of government~~ Commissions and Advisory Bodies shall be filled for the balance of the unexpired term in the manner prescribed by law ~~this Charter or ordinance~~ for initial appointments.

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

(f) Unless otherwise provided in this Charter or by ordinance, members serve at the pleasure of their appointing authority and may be removed by their appointing authority without cause.

SEC. 4.101.1. PROHIBITION ON ~~BOARD MEMBERS AND~~ COMMISSIONERS SEEKING ELECTIVE OFFICE.

(a) Any member of a ~~board, commission, or other body established by this Charter, other than a citizen advisory committee, Commission~~ shall immediately forfeit ~~his or her~~ their seat on the ~~board, commission, or~~ body upon filing a declaration of candidacy for any State elective office, any elective office referenced in Section 13.101, or the Bay Area Rapid Transit Board of Directors.

(b) This Section 4.101.1 shall not apply to members of ~~boards, commissions, or other bodies~~ Commissions who hold elective offices referenced in Section 13.101 of this Charter, including insofar as the elected official serves on another ~~board, commission, or other body~~ Commission established by this Charter. This Section 4.101.1 also shall not apply to elected members of bodies established by Article XII of this Charter.

SEC. 4.101.5. HOLD-OVER SERVICE BY ~~BOARD AND~~ COMMISSION MEMBERS.

~~(a) Application of this Section. Unless otherwise provided in this Charter or required by law, the requirements of this Section shall apply to the members of each appointive board, commission, or other unit of government of the executive branch of the City and County or otherwise created in the Charter ("Charter Commission"). Citizen advisory committees created in the Charter shall not be considered Charter Commissions for purposes of this Section. The provisions of this Section shall not apply to boards or commissions created in Article V (Executive Branch—Arts and Culture) or Article XII (Employee Retirement and Health Service Systems) of this Charter.~~

~~(b) Limitations on Hold-Over Service.~~ Except for Commissions established in Article V (Executive Branch – Arts and Culture) or Article XII (Employee Retirement and Health Service Systems) or as otherwise provided in this Charter, the tenure of a member of any ~~Charter~~ Commission shall terminate no later than 60 days after the expiration of the member's term, unless the member is ~~re-appointed~~reappointed. A member may not serve as a hold-over member of a ~~Charter~~ Commission for more than 60 days after the expiration of their ~~his or her~~ term. ~~The tenure of any person sitting as a hold-over member on the effective date of this amendment shall terminate no later than 60 days after the effective date of this amendment.~~

SEC. 4.101.6. COMMISSIONERS – TERMS AND TERM LIMITS.

Unless otherwise provided in this Charter or in the legislative act establishing a specific body, the following provisions shall apply to members of any Commission:

(a) Members shall serve four-year terms. No person may serve as an appointed member of the same body for more than three terms.

(b) A part of a term that exceeds two years shall count as a full term; a part of a term that is two years or less shall not. Notwithstanding the preceding sentence, the current term of any person serving on a Commission on January 1, 2027 shall count as a full term regardless of the amount of time the person serves during that term.

(c) Terms completed on or before December 31, 2026 shall not count as a term for the purpose of the lifetime term limit in this Section 4.101.6.

(d) This Section shall not apply to a person serving in an ex officio capacity or serving in a seat designated for a City employee or officer.

(e) [Placeholder to address transition to staggered terms]

SEC. 4.102. ~~BOARDS AND~~ COMMISSIONS – POWERS AND DUTIES.

Unless otherwise provided in this Charter, each Commission ~~appointive board, or commission, or other unit of government of the executive branch of the City and County~~ shall:

1. Formulate, evaluate and approve goals, objectives, plans, and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors ~~through the adoption of City legislation;~~

~~2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose, and goals, subject to review and approval by the Mayor and the Board of Supervisors;~~

~~3~~2. After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare and submit the annual proposed budget ~~on behalf of the executive branch~~ and the Board of Supervisors' authority under Section 9.103; and

~~4. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions;~~

~~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;~~

~~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;~~

~~7. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;~~

~~8~~4. Exercise such other powers and duties as shall be prescribed by ordinance.~~the Board of Supervisors; and~~

~~9. Appoint an executive secretary to manage the affairs and operations of the board or commission.~~

In furtherance of the discharge of its responsibilities, ~~an appointive board, commission~~ Commission established in this Charter ~~or other unit of government~~ may:

5. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges coming within their respective jurisdictions;

6. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;

7. Make recommendations to the Mayor with respect to appointment or removal of the department head under the jurisdiction of the Commission; and

108. Hold hearings and take testimony; ~~and~~

~~11. Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.~~

Each ~~board or commission~~ Commission, relative to the affairs of its own department, shall deal with administrative matters solely through the department head or ~~his or her~~ their designees, and any dictation, suggestion or interference herein prohibited on the part of any member of a ~~board or commission~~ Commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the ~~board or commission's~~ Commission's powers of hearing and inquiry as provided in this Charter.

SEC. 4.103. BOARDS AND COMMISSIONS – ANNUAL REPORT.

~~As of the operative date of this Charter and until this requirement is changed by the Board of Supervisors, each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. The Annual Report can be included in the Annual Statement of Purpose as provided for in Section 4.102(2).~~

SEC. 4.104. BOARDS AND COMMISSIONS – RULES AND REGULATIONS.

(a) Unless otherwise provided in this Charter, each ~~Commission appointive board, commission or other unit of government of the executive branch of the City and County~~ shall:

1. Adopt rules and regulations consistent with this Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended, or repealed, without a public hearing. At least ten days' public notice shall be given for such public hearing. ~~All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.~~

2. Hold meetings open to the public and encourage the participation of interested persons. Except for the actions taken at closed sessions, any action taken at other than a public meeting shall be void. Closed sessions may be held in accordance with applicable state statutes and ordinances ~~of the Board of Supervisors.~~

3. Keep a record of the proceedings of each regular or special meeting. Such record shall indicate how each member voted on each question. These records, except as may be limited by state law or ordinance, shall be available for public inspection.

(b) The presence of a majority of the members of ~~an appointive board, commission or other unit of government~~ a Commission shall constitute a quorum for the transaction of business by such body. The term "presence" shall include participation by teleconferencing or other electronic means as authorized by Government Code Section 54953(b) or any successor legislation after the Board of Supervisors has adopted an ordinance pursuant to subsection (c) allowing such participation when the member is physically unable to attend in person, as certified by a health care provider, due to the member's pregnancy, childbirth, or related condition. The Board of Supervisors may also, as part of a parental leave policy adopted pursuant to subsection (c), authorize a member of a ~~board or commission~~ Commission to participate in meetings by teleconferencing or other electronic means when the member is absent to care for ~~his or her~~ their child after birth of the child, or after placement of the child with the member or the member's immediate family for adoption or foster care. Unless otherwise required by this Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter, except that the rules and regulations of the body may provide that,

with respect to matters of procedure the body may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum. All ~~appointive boards, commissions or other units of government~~ Commissions shall act by a majority, ~~two-thirds, three-fourths or other vote~~ of all members unless otherwise provided in this Charter or in the ordinance establishing the Commission. Each member present at a regular or special meeting shall vote “yes” or “no” when a question is put, unless excused from voting by a motion adopted by a majority of the members present or because the City Attorney has advised that the member is legally prohibited from voting due to a conflict of interest.

(c) Notwithstanding the provisions of Charter Section 10.101, the Board of Supervisors shall provide by ordinance for parental leave policies for members of Commissions ~~appointive boards, commissions or other units of government~~, including, but not limited to, authorization to participate in meetings by teleconferencing or other electronic means pursuant to subsection (b) and subject to the restrictions listed in that subsection.

**MODIFYING GENERAL RULES THAT APPLY TO THE MAYOR IN ARTICLE III
WITH RESPECT TO COMMISSIONS AND DEPARTMENT HEAD APPOINTMENT
OR REMOVAL**

SEC. 3.100. POWERS AND RESPONSIBILITIES.

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The Mayor shall have the power to:

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10. Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all ~~boards and commissions~~ Commissions with a majority of seats appointed by the Mayor;

12. Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, provided that no member of the staff shall receive a salary in excess of seventy percent of that paid the Mayor. For purposes of this provision, staff does not include the City Administrator, department heads or employees of departments placed under ~~his or her~~ the Mayor's direction by Section 3.104. Notwithstanding any other provisions or limitations of this Charter to the contrary, the Mayor may not designate nor may the City and County employ on the Mayor's behalf any person to act as deputy to the Mayor or any similar employment classification, regardless of title, whose responsibilities include but are not necessarily limited to supervision of the administration of any department for which the City Administrator, an elected official other than the Mayor or an appointed ~~board or commission~~ Commission is assigned responsibility elsewhere in this Charter;

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18. Unless otherwise specifically provided in this Charter, make appointments to Commissions ~~boards and commissions~~ which shall be effective immediately and remain so, unless rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's

qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County;

19. Unless otherwise specifically provided in this Charter, Appoint and remove department heads subject to the provisions of this Charter; and

20. Prepare and submit schedule of rates, fees and other similar charges to the Board of Supervisors.

DRAFT

EXAMPLES OF DRAFT AMENDMENTS TO MODIFY CHARTER COMMISSIONS IN ARTICLE IV

SEC. 4.105. PLANNING COMMISSION.

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

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

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

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

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

~~2. The Clerk of the Board of Supervisors shall determine by lot which two of the four Mayoral appointees shall serve an initial two-year term, and which one of the three appointees~~

~~of the President of the Board of Supervisors shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.~~

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

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

GENERAL PLAN. The Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan. If the Board of Supervisors fails to act within 90 days of receipt, the proposed General Plan or amendments shall be deemed approved. The General Plan which will initially consist of the Master Plan in effect immediately prior to the effective date of this Charter shall consist of goals, policies, and programs for the future physical development of the City and County that take into consideration social, economic, and environmental factors. In developing their recommendations, the Commission shall consult with commissions and elected officials, and shall hold public hearings as part of a comprehensive planning process. The Planning Department, in consultation with other departments and the City Administrator, shall periodically prepare special area, neighborhood, and other plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state, and federal resources. The Planning Department may make such other reports and recommendations to the Mayor, Board of Supervisors, and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the General Plan.

In preparing any plans, the Planning Department may include plans for systems and areas within the Bay Region which have a planning relationship with the City and County.

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Planning Department regarding conformity with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition or vacation of property by, or a change in the use or title of property owned by, the City and County;
2. Subdivisions of land within the City and County;
3. Projects for the construction or improvement of public buildings or structures within the City and County;
4. Project plans for public housing, or publicly assisted private housing in the City and County;
5. Redevelopment project plans within the City and County; and
6. Such other matters as may be prescribed by ordinance.

The Commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the General Plan. Such a finding may be reversed by a vote of two-thirds of the Board of Supervisors.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance.

PERMITS AND LICENSES. All permits and licenses dependent on, or affected by, the City Planning Code administered by the Planning Department shall be approved by the Commission prior to issuance. The Commission may delegate this approval function to the Planning Department. Notwithstanding the foregoing, certificates of appropriateness for work to designated landmarks and historic districts and applications for alterations to significant or contributory buildings or properties in designated conservation districts that have been approved, disapproved, or modified by the Historic Preservation Commission shall not require approval by the Commission prior to issuance.

ENFORCEMENT. The Planning Department shall administer and enforce the City Planning Code.

ZONING AMENDMENTS. The Commission may propose for consideration by the Board of Supervisors ordinances regulating or controlling the height, area, bulk, set-back, location, use, or related aspects of any building, structure, or land. An ordinance proposed by the Board of Supervisors concerning zoning shall be reviewed by the Commission. Applications for the reclassification of property may be made by interested parties and must be reviewed by the Commission. Notwithstanding the foregoing, designation of a landmark, a significant or contributory building, an historic district, or a conservation district shall be reviewed by the Commission only as provided in Section 4.135.

Notwithstanding the Commission's disapproval of a proposal from the Board of Supervisors or the application of interested parties, the Board of Supervisors may adopt the proposed ordinance; however, in the case of any proposal made by the application of interested parties, any such adoption shall be by a vote of not less than two-thirds of the Board of Supervisors.

No application of interested parties proposing the same or substantially the same ordinance as that disapproved by the Commission or by the Board of Supervisors shall be resubmitted to or reconsidered by the Commission within a period of one year from the effective date of final action upon the earlier application.

ZONING ADMINISTRATOR. The Director of Planning shall appoint a Zoning Administrator from a list of qualified applicants provided pursuant to the Civil Service provisions of the Charter. The Zoning Administrator shall be responsible for the determination of all zoning variances. The administrator shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance, and in accordance with the general and specific rules of the zoning ordinance, subject to such conditions and safeguards as the Zoning Administrator may impose. The power to grant variances shall be applied only when the plain and literal interpretation and enforcement of the zoning ordinance would result in practical difficulties; or unnecessary hardships, or where the results would be

inconsistent with the general purpose of the zoning ordinance. Decisions of the Zoning Administrator regarding zoning variances may be appealed to the Board of Appeals.

Before any such variance may be granted, there shall appear, and the Zoning Administrator shall specify in ~~his or her~~ findings, the facts in each case which shall establish:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same district or zone;

(b) That owing to such exceptional or extraordinary circumstances the literal enforcement of the zoning ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone and vicinity;

(d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located; and

(e) That the granting of such variance will be in harmony with the general purpose and intent of the zoning ordinance and will not adversely affect the general plan.

The determination of the Zoning Administrator shall be final except that appeals therefrom may be taken, as hereinafter provided, to the Board of Appeals, exclusively and notwithstanding any other provisions of this Charter, by any person aggrieved or by any office, agency, or department of the City and County. An appeal from a determination of the Zoning Administrator shall be filed with the Board of Appeals within ten days from the date of such determination. Upon making a ruling or determination upon any matter under ~~his or her~~ the Zoning Administrator's jurisdiction, the Zoning Administrator shall thereupon furnish a copy thereof to the applicant and to the Director of Planning. No variance granted by the Zoning Administrator shall become effective until ten days thereafter. An appeal shall stay all proceedings in furtherance of the action appealed from.

CONDITIONAL USE. The Commission shall have the power to hear and decide conditional use applications. An appeal may be taken to the Board of Supervisors from a decision of the Commission to grant or deny a conditional use application. The Board of Supervisors may disapprove the decision of the Commission by a vote of not less than two-thirds of the members of the Board.

SEC. 4.106. BOARD OF APPEALS.

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

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

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

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

~~1. The respective terms of office of members of the Board of Appeals who hold office on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the three~~

~~members appointed by the Mayor and the two members appointed by the President of the Board of Supervisors shall succeed to said offices at that time.~~

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

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

(b) The Board shall hear and determine appeals with respect to any person who has been denied a permit or license, or whose permit or license has been suspended, revoked, or withdrawn, or who believes that ~~his or her~~ their interest or the public interest will be adversely affected by the grant, denial, suspension, or revocation of a license or permit, except for a permit or license under the jurisdiction of the Recreation and Park Commission or Department, ~~or the~~ Port Commission, the Municipal Transportation Agency, or the Airport, or a building or demolition permit for a project that has received a permit or license pursuant to a conditional use authorization.

(c) The Board of Appeals shall hear and determine appeals:

1. Where it is alleged there is error or abuse of discretion in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the provisions of any ordinance adopted by the Board of Supervisors creating zoning districts or regulating the use of property in the City and County; or

2. From the rulings, decisions, and determinations of the Zoning Administrator granting or denying applications for variances from any rule, regulation, restriction, or requirement of the zoning or set-back ordinances, or any section thereof. Upon the hearing of such appeals, the Board may affirm, change, or modify the ruling, decision, or determination appealed from, or, in lieu thereof, make such other additional determinations as it shall deem

proper in the premises, subject to the same limitations as are placed upon the Zoning Administrator by this Charter or by ordinance.

(d) After a hearing and any necessary investigation, the Board may concur in the action of the department involved, or by the affirmative vote of four members (or if a vacancy exists, by a vote of three members) overrule the action of the Department.

Where the Board exercises its authority to modify or overrule the action of a department, the Board shall state in summary its reasons in writing.

SEC. 4.108. FIRE COMMISSION.

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

In addition to any other powers set forth in this Charter, the Fire Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency or effectiveness of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under this section.

SEC. 4.109. POLICE COMMISSION.

The Police Commission shall consist of seven members~~appointed pursuant to this section.~~

(a) The Mayor shall ~~nominate~~appoint four members to the commission, at least one of whom shall be a retired judge or an attorney with trial experience.

(b) The ~~Rules Committee of the~~ Board of Supervisors,~~or any successor committee thereto,~~ shall ~~nominate~~appoint three ~~other~~ members to the commission.~~Each nomination shall be subject to confirmation by the Board of Supervisors, and the Mayor's nominations shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors rejects the Mayor's nomination to fill the seat designated for a retired judge or attorney with trial~~

~~experience, the Mayor shall nominate a different person with such qualifications. If the Board of Supervisors fails to act on a mayoral nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed. Appointment to fill a vacancy on the commission shall become operative on the date the Board of Supervisors adopts a motion confirming the nomination, or on the 61st day following the date a mayoral nomination is transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to vote on the nomination prior to such date. Confirmations of nominations to fill a vacancy that will be created upon the expiration of a sitting member's term shall become operative upon the expiration of the sitting member's term, or, if the Board of Supervisors fails to act on a mayoral nomination to fill such anticipated vacancy, on the 61st day following the date the nomination was transmitted to the Clerk of the Board of Supervisors or on the expiration of the sitting member's term, whichever occurs later. The terms and tenures of all members sitting on the commission as of the effective date of the amendments to this section approved at the November 2003 election shall terminate at 12 noon on April 30, 2004. To stagger the terms of the seven members thereafter, of the first four members nominated by the Mayor, two members shall serve terms of two years and two members shall serve terms of four years, and of the three members nominated by the Rules Committee, one member shall serve a term of one year, one member shall serve a term of two years, and one member shall serve a term of three years. The Clerk of the Board of Supervisors shall designate such initial terms by lot. All subsequent appointments to the commission shall be for four year terms.~~

~~The tenure of each member shall terminate upon the expiration of the member's term. The Mayor shall transmit a nomination or renomination to the Clerk of the Board of Supervisors no later than 60 days prior to the expiration of the term of a member nominated by the Mayor. For vacancies occurring for reasons other than the expiration of a member's term, within 60 days following the creation of such vacancy, the Mayor shall nominate a member to fill such vacancy if the vacancy is for a seat filled by nomination of the Mayor.~~

The District Attorney, Sheriff, and Public Defender may recommend persons to the Mayor and Board of Supervisors for ~~nomination or~~ appointment to the Police Commission.

~~The Mayor, with the consent of the Board of Supervisors, may remove a member the Mayor has nominated. The Board of Supervisors may remove a member the Rules Committee has nominated.~~

~~(c) Notwithstanding any other provision of the Charter, the Chief of Police may be removed by the Commission or the Mayor, acting jointly or separately of each other.~~

(d) In addition to any other powers set forth in this Charter, the Police Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency or effectiveness of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under this section.

SEC. 4.110. HEALTH COMMISSION.

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

The Commission and the Department shall manage and control the City and County hospitals, emergency medical services, and in general provide for the preservation, promotion and protection of the physical and mental health of the inhabitants of the City and County, except where the Charter grants such authority to another officer or department. The Commission and the Department may also determine the nature and character of public nuisances and provide for their abatement.

SEC. 4.111. HUMAN SERVICES COMMISSION.

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

SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.

(a) The Commission on the Status of Women shall be an Advisory Body consisting of seven members. Commission members shall be appointed by the Mayor, pursuant to Section 3.100, for four year terms. The term length and term limit provisions in Section 4.101.6 shall apply to the Commission..

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

(b) The Commission shall develop and recommend policies and practices for the City and County to reduce the particular impacts on women and girls of problems such as domestic violence, sexual harassment, employment and health care inequity, and homelessness, as well as advocate on behalf of women and girls in such areas. The Commission may be assigned additional duties and functions by ordinance or pursuant to Section 4.132.

(c) As set forth in Section 18.116 of this Charter, this Section 4.119 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended by ordinance as provided in Sections 2.105, 2.106, and 3.103 of this Charter.

**DRAFT SECTION ALLOWING THE BOARD OF SUPERVISORS TO MODIFY
COMMISSIONS AND ADVISORY BODIES THAT WERE ESTABLISHED BY VOTER
INITIATIVE**

**14.101-1. MODIFICATION OF INITIATIVE ORDINANCES BY THE BOARD OF
SUPERVISORS.**

Notwithstanding Section 14.101 of this Charter, and in addition to any other amendments authorized by Section 14.101, the Board of Supervisors may modify initiative ordinances by ordinance as provided in Sections 2.105, 2.106, and 3.103 in the following ways:

(a) To eliminate the Advisory Committee of Street Artists and Crafts Examiners of the City and County in Article 24 of the Police Code and establish a new system for the City to receive input on applications from experienced artists or craftspersons.

(b) To remove the requirements in Chapter 67, Section 67.30 of the Administrative Code that the specific organizations must nominate members of the Sunshine Ordinance Task Force and instead provide that the Board of Supervisors will appoint members to the Task Force, taking into account the following desired qualifications for members: experience and/or demonstrated interest in the issues of citizen access and participation in local government, journalists from racial/ethnic-minority-owned news organizations, journalists whose work focuses on issues impacting minority racial or ethnic communities, journalists who work with a media organization or publication whose target audience is a minority racial or ethnic community, and attorneys.

(c) To establish a term and term limit in Article 6 of the Health Code for the Ratepayer Representative on the Refuse Rate Board, such that the member may serve no more than three four-year terms consistent with Section 4.101.6 of this Charter. [etc.]