

**Statement Regarding Item 8 on the agenda:**

**Information/Discussion/Possible Action Item: Overview of the S.F. City Attorney's Political Activity Memo and Potential Legal Implications of Adding a Presentation and Discussion Regarding a Pending Local Ballot Measure to a Future IRC Agenda (Deputy City Attorney Michael Gerchow) 4/11/26**

Good evening Commissioners, I am unable to attend due to a family emergency—my sincerest apologies for my absence. I will be watching online.

I want to begin by thanking Commissioner Aljiran for bringing this matter forward and ensuring that we are having this conversation with fuller context and understanding.

I also want to clarify what I believe is being misunderstood. The intent has always been to **analyze the impacts of proposed legislation**, not to endorse or oppose it. Suggesting otherwise is not only inaccurate, but risks mischaracterizing the intent of this Commission.

We understand our responsibility. As an advisory body, our role is to **inform, educate, and provide thoughtful, objective analysis** on issues that affect the communities we serve. Engaging in this type of analysis is not political advocacy—it is core to our function. It allows us to better understand policy implications and ensures that our communities are informed.

This is not about any single proposition. This is about precedent. If we limit our ability to even discuss or analyze the impacts of legislation, we are fundamentally restricting the purpose of this Commission. The law—and the City Attorney's own public memo—allows for objective and impartial evaluation of ballot measures when those impacts fall within our jurisdiction.

I am concerned about the tone and framing of the guidance we received. Leading with penalties, emphasizing risk, and narrowly constraining discussion creates an environment of hesitation rather than one of thoughtful governance. Guidance should be given so that commissioners can participate fully and confidently without fear of violating the law.

I am also concerned about how we got here. The role of the Executive Committee should be to support a transparent and inclusive process for bringing items forward—not to create confusion or limitations that feel unclear to the full Commission. Commissioners are appointed for their expertise, their lived experience, and their connection to community. There should be clear and accessible pathways for commissioners to bring forward agenda items that reflect that expertise.

When that process is not transparent or feels constrained, it undermines trust and limits our ability to fully carry out our responsibilities. We should be strengthening pathways for engagement, not narrowing them.

Our Commission is intentionally diverse in perspective and experience. Commissioners should feel empowered to bring forward agenda items based on that expertise. That is a strength of this body, not a risk to be constrained.

To be clear:

We are not here to campaign.

We are here to **analyze, educate, and advise**.

And we should be able to do so—on any piece of legislation—so long as we remain within the bounds of objective and impartial analysis as outlined in the law. Thank you

**Questions:**

1. Can you clarify how the guidance we are receiving today aligns with past Commission practices? Specifically, how is this situation different from prior instances where the Commission has discussed or even taken positions on ballot measures, and what has changed in the legal interpretation since then?
2. Based on the City Attorney's public memo, commissioners are permitted to engage in objective and impartial analysis of ballot measures. Can you clearly define what types of discussion or questions would fall within that permissible scope during a public meeting, so commissioners can participate confidently without fear of violating the law?
3. Can you walk us through the process that led to this guidance and agenda framing being presented to the full Commission, including what was discussed at the Executive Committee level and how the decision was made to narrow the scope of discussion?