

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

SAN FRANCISCO
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2023 DEC 19 AM 11:12
DEPARTMENT OF ELECTIONS

OFFICE OF THE CITY ATTORNEY

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December 19, 2023

TO ALL INTERESTED PARTIES:

Attached is the City Attorney's title and summary for a proposed measure entitled, "MAYOR'S AUTHORITY RELATING TO CITY DEPARTMENT HEADS AND MAYORAL STAFF." In preparing this title and summary, the City Attorney makes no representation regarding the merits or legality of the proposed legislation. Nor does the City Attorney verify or confirm any factual or legal assertion made in the proposal. The title and summary is presented as a "true and impartial statement of the purpose of the proposed measure." Elections Code § 9203.

Very truly yours,

DAVID CHIU
City Attorney

A handwritten signature in black ink, appearing to read "BRUSSI".

BRADLEY A. RUSSI
Deputy City Attorney

**MAYOR'S AUTHORITY RELATING TO
CITY DEPARTMENT HEADS AND MAYORAL STAFF**

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The Way It Is Now

The City has boards and commissions established in the City Charter ("Charter commissions").

Most Charter commissions oversee and set policies for City departments and have authority to nominate candidates to serve as department head. The Mayor may appoint the department head only from among the candidates these commissions nominate. Once a department head is in office, the Mayor may recommend that these commissions remove the department head, but the commissions have sole authority to do so.

Some Charter commissions have authority to appoint department heads without the Mayor's approval. These commissions include the commissions overseeing the Municipal Transportation Agency, the Arts Commission, and the City employee and retiree Health Service System.

The Mayor may not employ a person to act as deputy mayor whose responsibilities include overseeing a City department under a Charter commission, the City Administrator, or another elected official. No employee in the Mayor's Office may earn more than 70% of the Mayor's salary.

The Proposal

The proposed measure would change the Charter to provide the Mayor sole authority to appoint department heads for most Charter commissions. The Mayor would also have sole authority to remove these department heads. The commissions could recommend that the Mayor appoint or remove department heads, but the Mayor would not need to follow those recommendations. All these changes would also apply to appointing and removing the department heads for the Municipal Transportation Agency, the Arts Commission, and the Health Service System.

The proposed measure would allow the Mayor to appoint deputy mayors, including to oversee a City department under a Charter commission, the City Administrator, or another elected official. It would also remove the 70% salary cap on Mayor's Office employees.

**PETITION FOR SUBMISSION TO VOTERS OF PROPOSED AMENDMENT TO THE
CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO**

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

[TITLE]

[SUMMARY]

Be it ordained by the People of the City and County of San Francisco.

SECTION 1. Title.

This charter amendment shall be known and may be cited as the “We Need SF to Work Initiative” (referred to hereinafter as the “Initiative”).

SECTION 2. Findings & Conclusions.

The People of the City and County of San Francisco (the “City”) declare their findings and purpose in enacting this Initiative to be as follows:

(a) San Francisco is currently facing a host of new and unprecedented challenges, and it is failing to effectively meet the moment, including an inability to effectively deliver on improved street conditions, public safety, homelessness, and economic recovery. It needs to consider new approaches to those challenges. Among other things, San Francisco’s current Charter undermines good governance by diffusing executive authority through a number of different means, muddling decision-making authority and undermining accountability in the conduct of the City’s business. Although San Francisco is a “strong mayor” city, in the last several decades the City has obscured the Mayor’s authority in significant ways. A patchwork of provisions such as narrow appointment powers, unclear departmental control, and inflexible managerial protocols has made it difficult for the chief executive to lead — and further challenges the Board of Supervisors’ and the electorate’s ability to hold the mayor accountable.

(b) This measure is designed to empower San Francisco Mayors to provide the City a more accountable executive office. To that end, it would amend the Charter to clearly confirm and in some cases restore the Mayor’s sole discretion to appoint and remove department heads as an exercise of executive authority. This applies only to executive departments, not adjudicative or oversight bodies, or CAO departments.

(c) Restoring the mayor’s authority over departments would clarify the chain of command within the executive branch and foster a more cohesive governance strategy across all departments. Exempting key adjudicative, administrative, and oversight bodies, such as the Civil Service Commission, the Elections Board, the Ethics Commission, and departments overseen by the Chief Administrative Officer (CAO), ensures vital checks remain in place.

(d) Major cities such as Chicago and Boston have vested department head appointment powers with the mayor’s office, leading to increased administrative alignment with the mayor’s vision. This approach allows for streamlined decision-making and policy implementation, as well as more direct accountability.

(e) This measure also would update the Charter to restore the Mayor’s ability to appoint Deputy Mayors and ability to delegate mayoral authority, and remove the strict salary cap for the

mayor's staff. Modern governance often requires specialized expertise. By allowing for Deputy Mayors and adjusting salary constraints, San Francisco can respond to specific challenges more adeptly while staying competitive in talent acquisition. Moreover, enabling the Mayor to delegate authority to Deputy Mayors would increase the leadership capacity within the Mayor's Office and provide a more robust and specialized executive management system, better equipped to manage the City's sprawling bureaucracy (over 30,000 city employees).

(f) Cities such as New York, New Orleans, and Los Angeles have employed Deputy Mayors to handle specific portfolios, leading to a more focused approach to urban challenges. Moreover, adjusting salary caps in alignment with living costs ensures the attraction and retention of top talent, a strategy adopted by cities like Denver.

(g) Both the Department of Human Resources and the Board of Supervisors would retain oversight of salary ranges and budgets to guard against any potential for abuse.

SECTION 3. Amending Section 3.100 of the Charter.

Section 3.100 of the San Francisco Charter is hereby amended to read as follows:

SEC. 3.100. POWERS AND RESPONSIBILITIES.

The Mayor shall be the chief executive officer and the official representative of the City and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity. The Mayor shall enforce all laws relating to the City and County, and accept service of process on its behalf.

The Mayor shall have responsibility for:

1. General administration and oversight of all departments and governmental units in the executive branch of the City and County;
2. Coordination of all intergovernmental activities of the City and County;
3. Receipt and examination of complaints relating to the administration of the affairs of the City and County, and timely delivery of notice to the complainant of findings and actions taken;
4. Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and are representative of both sexes;
5. Submission of ordinances and resolutions by the executive branch for consideration by the Board of Supervisors;
6. Presentation before the Board of Supervisors of a policies and priorities statement setting forth the Mayor's policies and budget priorities for the City and County for the ensuing fiscal year;
7. Appearance, in person, at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board;
8. Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the proposed budget from the various commissions, officers and departments; and

9. Preparation of and introduction to the Board of Supervisors of supplemental appropriations.

The Mayor shall have the power to:

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 appointed by the Mayor;

11. As provided in Section 3.103 of this Charter, veto any ordinance or resolution passed by the Board of Supervisors;

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 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 is assigned responsibility elsewhere in this Charter;~~

13. Designate a member of the Board of Supervisors to act as Mayor in the Mayor's absence from the state or during a period of temporary disability;

14. In the case of an emergency threatening the lives, property or welfare of the City and County or its citizens, the Mayor may direct the personnel and resources of any department, command the aid of other persons, and do whatever else the Mayor may deem necessary to meet the emergency;

In meeting an emergency, the Mayor shall act only with the concurrence of the Board of Supervisors, or a majority of its members immediately available if the emergency causes any member of the Board to be absent. The Mayor shall seek the Board's concurrence as soon as is reasonably possible in both the declaration of an emergency and in the action taken to meet the emergency. Normal notice, posting and agenda requirements of the Board of Supervisors shall not be applicable to the Board's actions pursuant to these provisions;

15. Make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected;

16. Subject to the provisions of Charter Section 2.113, submit to the voters a declaration of policy or ordinance on any matter on which the Board of Supervisors is empowered to pass;

17. Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a City and County;

18. Unless otherwise specifically provided, make appointments to 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. Appoint department heads subject to the provisions of this Charter. Appointments pursuant to this section shall not require confirmation by the Board of Supervisors and shall be effective immediately upon transmittal of a Notice of Appointment; and

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

21. Remove department heads except as otherwise provided in this Charter.

SECTION 4. Amending Section 4.102 of the Charter.

Section 4.102 of the San Francisco Charter is hereby amended to read as follows:

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

Unless otherwise provided in this Charter, each appointive board, 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. 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;

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~~recommend 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~~but in no event shall this subsection or any other section of this Charter requiring a commission or board to provide the Mayor with the names of qualified candidates be construed to limit the Mayor to appointing a person recommended by the board or commission, nor shall the Mayor be compelled to await the recommendations of the board or commission prior to making an appointment;

6. ~~Remove a department head; the Mayor may recommend removal of a department head under the board's or commission's purview to the commission~~Mayor, 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 misconductbut the Mayor shall have no obligation to act upon the board's or commission's recommendation within any particular time, nor does the Mayor need to await such a recommendation before removing a department head;

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. Exercise such other powers and duties as shall be prescribed by 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 or other unit of government may:

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

SECTION 5. Amending Section 5.103 of the Charter.

Section 5.103 of the San Francisco Charter is hereby amended to read as follows:

SEC. 5.103. ARTS COMMISSION.

The Arts Commission shall consist of fifteen members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Eleven members shall be practicing arts professionals including two architects, a landscape architect, and representatives of the performing, visual, literary and media arts; and four members shall be lay members. The President of the Planning Commission, or a member of the Commission designated by the President, shall serve ex officio. Members may be removed by the Mayor.

The Commission Mayor shall appoint and may remove a director of the department, pursuant to section 3.100(19). The director shall serve at the pleasure of the Mayor and shall be subject to removal pursuant to Section 3.100(21). The Commission shall encourage artistic awareness, participation and expression; education in the arts; assist independent local groups with the development of their own programs; promote the employment of artists and those skilled in crafts, in the public and private sectors; provide liaison with state and federal agencies to ensure increased funding for the arts from these agencies as well as represent arts issues and policy in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco.

In furtherance of the foregoing the Arts Commission shall:

1. Approve the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, set-backs or usable open spaces which are an integral part of any such structures;

2. Approve the design and location of all works of art before they are acquired, transferred or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County;

3. Promote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, assure that the City and County-owned community cultural centers remain open, accessible and vital contributors to the cultural life of the City and County, establish liaison between community groups and develop support for neighborhood artists and arts organizations; and

4. Supervise and control the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts.

Nothing in this section shall be construed to limit or abridge the powers or exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences or the Library Commission over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care.

SECTION 6. Amending Section 8A.102 of the Charter.

Section 8A.102 of the San Francisco Charter is hereby amended to read as follows:

SEC. 8A.102. GOVERNANCE AND DUTIES.

(a) The Agency shall be governed by a board of seven directors appointed by the Mayor and confirmed after public hearing by the Board of Supervisors. All initial appointments must be made by the Mayor and submitted to the Board of Supervisors for confirmation no later than February 1, 2000. The Board of Supervisors shall act on those initial appointments no later than March, 1, 2000 or those appointments shall be deemed confirmed.

At least four of the directors must be regular riders of the Municipal Railway, and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or professional experience in, one or more of the fields of government, finance, or labor relations. At least two of the directors must possess significant knowledge of, or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

Directors shall serve four-year terms, provided, however, that two of the initial appointees shall serve for terms ending March 1, 2004, two for terms ending March 1, 2003, two for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be designated by the Mayor. No person may serve more than three terms as a director. A director may be removed only for cause pursuant to Article XV. The directors shall annually elect a chair. The chair shall serve as chair at the pleasure of the directors. Directors shall receive reasonable compensation for attending meetings of the Agency which shall not exceed the average of the two highest compensations paid to the members of any board or commission with authority over a transit system in the nine Bay Area counties.

(b) The Agency shall:

1. Have exclusive authority over the acquisition, construction, management, supervision, maintenance, extension, operation, use, and control of all property, as well as the real, personal, and financial assets of the Agency; and have exclusive authority over contracting, leasing, and

purchasing by the Agency, provided that any Agency contract for outside services shall be subject to Charter Sections 10.104(12) and 10.104(15) and that the Agency may not transfer ownership of any of the real property of the City and County without approval from the Board of Directors and the Board of Supervisors;

2. Have exclusive authority to enter into such arrangements and agreements for the joint, coordinated, or common use with any other public entity owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, and transit electrical power facilities;

3. Have exclusive authority to make such arrangements as it deems proper to provide for the exchange of transfer privileges, and through-ticketing arrangements, and such arrangements shall not constitute a fare change subject to the requirements of Sections 8A.106 and 8A.108;

4. Notwithstanding any restrictions on contracting authority set forth in the Administrative Code, have exclusive authority to enter into agreements for the distribution of transit fare media and media for the use of parking meters or other individual parking services;

5. Have exclusive authority to arrange with other transit agencies for bulk fare purchases, provided that if passenger fares increase as a result of such purchases, the increase shall be subject to review by the Board of Supervisors pursuant to Sections 8A.106 and 8A.108;

6. Notwithstanding Section 2.109, and except as provided in Sections 8A.106 and 8A.108, have exclusive authority to fix the fares charged by the Municipal Railway, rates for off-street and on-street parking, and all other, rates, fees, fines, penalties and charges for services provided or functions performed by the Agency;

7. Notwithstanding any provision of the San Francisco Municipal Code (except requirements administered by the Department of Public Works governing excavation, street design and official grade) have exclusive authority to adopt regulations that control the flow and direction of motor vehicle, bicycle and pedestrian traffic, including regulations that limit the use of certain streets or traffic lanes to categories of vehicles and that limit the speed of traffic; and to design, select, locate, install, operate, maintain and remove all official traffic control devices, signs, roadway features and pavement markings that control the flow of traffic with respect to streets and highways within City jurisdiction, provided that:

(i) Notwithstanding the authority established in subsection 7, the Board of Supervisors may by ordinance establish procedures by which the public may seek Board of Supervisors review of any Agency decision with regard to the installation or removal of a stop sign or the creation or elimination of a bicycle lane. In any such review, the Agency's decision shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after submission of a request to the Board of Supervisors.

(ii) Nothing in this subsection 7 shall modify the authority of ISCOTT, or any successor body, over the temporary use or occupancy of public streets, or the authority of the Board of Supervisors to hear appeals regarding the temporary use or occupancy of public streets.

(iii) Nothing in subsection 7 shall modify the power of the Board of Supervisors to establish civil offenses, infractions and misdemeanors.

(iv) Notwithstanding the authority established in subsection 7, to the extent state law contemplates that Agency action authorized by subsection 7 be effectuated by ordinance, such

action shall be effectuated by resolution of the Board of Directors and shall be subject to referendum in accordance with Article 14, and, if a referendum petition contains the requisite number of signatures, the Board of Supervisors shall have the power to reconsider or repeal the action as provided in Article 14.

8. Have exclusive authority to adopt regulations limiting parking, stopping, standing or loading as provided by state law and to establish parking privileges and locations subject to such privileges for categories of people or vehicles as provided by state law; to establish parking meter zones, to set parking rates, and to select, install, locate and maintain systems and equipment for payment of parking fees, provided that:

(i) Notwithstanding the authority established in subsection 8, the Board of Supervisors may by ordinance establish procedures by which the public may seek Board of Supervisors review of any Agency decision with regard to the creation or elimination of any preferential parking zone, the creation or elimination of any parking meter zone, the adoption of any limitation on the time period for which a vehicle may be parked, or reservation of any parking space for persons with a disability that qualifies for parking privileges under state law. In any review of a decision of the Agency pursuant to this section, the Agency's decision shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after submission of a request to the Board of Supervisors.

(ii) Nothing in subsection 8 shall modify the power of the Board of Supervisors to establish civil offenses, infractions and misdemeanors.

(iii) Notwithstanding the authority established in subsection 8, to the extent state law contemplates that any Agency action authorized by subsection 8 be effectuated by ordinance, such action shall be effectuated by resolution of the Board of Directors and, if a referendum petition contains the requisite number of signatures, shall be subject to referendum in accordance with Article 14, and the Board of Supervisors shall have the power to reconsider or repeal the action as provided in Article 14.

9. Have exclusive authority to establish policies regarding and procure goods and services for the enforcement of regulations limiting parking, stopping, standing or loading and the collection of parking-related revenues and, along with the Police Department, have authority to enforce parking, stopping, standing or loading regulations;

10. Be responsible for chairing the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) or any successor body;

11. Be responsible for cooperating with and assisting the Police Department in the promotion of traffic safety; studying and responding to complaints related to street design, traffic control devices, roadway features and pavement markings; collecting compiling and analyzing traffic data and traffic accident data and planning improvements to improve the safety of the City's roadways; and conducting traffic research and planning;

12. Have exclusive authority to apply for, accept, and expend state, federal, or other public or private grant funds for Agency purposes;

13. To the maximum extent permitted by law, with the concurrence of the Board of Supervisors, and notwithstanding the requirements and limitations of Sections 9.107, 9.108, and 9.109, have authority without further voter approval to incur debt for Agency purposes and to issue or cause to be issued bonds, notes, certificates of indebtedness, commercial paper, financing leases,

certificates of participation or any other debt instruments. Upon recommendation from the Board of Directors, the Board of Supervisors may authorize the Agency to incur on behalf of the City such debt or other obligations provided: 1) the Controller first certifies that sufficient unencumbered balances are expected to be available in the proper fund to meet all payments under such obligations as they become due; and 2) any debt obligation, if secured, is secured by revenues or assets under the jurisdiction of the Agency.

14. Have the authority to conduct investigations into any matter within its jurisdiction through the power of inquiry, including the power to hold public hearings and take testimony, and to take such action as may be necessary to act upon its findings; and

15. Exercise such other powers and duties as shall be prescribed by ordinance of the Board of Supervisors.

(c) The Agency's Board of Directors shall:

~~1. Appoint a Director of Transportation, who shall serve at the pleasure of the Board. The Director of Transportation shall be employed pursuant to an individual contract. His or her compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the Board of Directors, after an independent survey, determine most closely resemble the Agency in size, mission, and complexity. In addition, the Board of Directors shall provide an incentive compensation plan consistent with the requirements of Section 8A.104(k) under which a portion of the Director's compensation is based on achievement of service standards adopted by the Board of Directors.~~

~~2. Appoint an executive secretary who shall be responsible for administering the affairs of the Board of Directors and who shall serve at the pleasure of the Board.~~

~~3. In addition to any training that may be required by City, State or federal law, attend a minimum of four hours of training in each calendar year, provided by the City Attorney and the Controller regarding the legal and financial responsibilities of the Board and the Agency.~~

(d) The Director of Transportation shall appoint all subordinate personnel of the Agency, including deputy directors. The deputy directors shall serve at the pleasure of the Director of Transportation.

(e) Upon recommendation of the City Attorney and the approval of the Board of Directors, the City Attorney may compromise, settle, or dismiss any litigation, legal proceedings, claims, demands or grievances which may be pending for or on behalf of, or against the Agency relative to any matter or property solely under the Agency's jurisdiction. Unlitigated claims or demands against the Agency shall be handled as set forth in Charter Section 6.102. Any payment pursuant to the compromise, settlement, or dismissal of such litigation, legal proceedings, claims, demands, or grievances, unless otherwise specified by the Board of Supervisors, shall be made from the Municipal Transportation Fund.

(f) The Agency's Board of Directors, and its individual members, shall deal with administrative matters solely through the Director of Transportation or his or her designees. Any dictation, suggestion, or interference by a director in the administrative affairs of the Agency, other than through the Director of Transportation or his or her designees, shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the Board of Directors' powers of hearing and inquiry as provided in this Section.

(g) Notwithstanding any provision of Chapter 6 or 21 of the Administrative Code establishing any threshold amount for exercise of executive authority to execute contracts, or any successor provision of the San Francisco Municipal Code, the Agency's Board of Directors may adopt threshold amounts under which the Director of Transportation and his or her designees may approve contracts.

(h) Except provided in this Article, the Agency shall be subject to the provisions of this Charter applicable to boards, commissions, and departments of the City and County, including Sections 2.114, 3.105, 4.101, 4.103, 4.104, 4.113, 6.102, 9.118, 16.100, and A8.346. Sections 4.102, 4.126, and 4.132 shall not be applicable to the Agency.

(i) The Mayor shall appoint a Director of Transportation, pursuant to section 3.100(19), who shall serve at the pleasure of the Mayor. The Director of Transportation shall be employed pursuant to an individual contract. His or her compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the Board of Directors, after an independent survey, determine most closely resemble the Agency in size, mission, and complexity. In addition, the Board of Directors shall provide an incentive compensation plan consistent with the requirements of Section 8A.104(k) under which a portion of the Director's compensation is based on achievement of service standards adopted by the Board of Directors.

SECTION 7. Amending Section 12.201 of the Charter.

Section 12.201 of the San Francisco Charter is hereby amended to read as follows:

SEC. 12.201. MEDICAL DIRECTOR AND HEALTH SERVICES ADMINISTRATOR.

~~The Health Service Board~~ Mayor may appoint a full-time or part-time medical director, pursuant to section 3.100(19). He or she shall hold office at ~~its~~the pleasure of the Mayor and shall be subject to removal pursuant to Section 3.100(21). The medical director shall be responsible to the Board as a board, but not to any individual member or committee thereof. ~~The Health Service Board~~ Mayor shall appoint, pursuant to section 3.100(19), a full-time administrator with experience in administering health plans or in comparable work, who shall hold office at the ~~Health Service Board~~ Mayor's pleasure, and who shall be subject to removal pursuant to Section 3.100(21). The Health Services administrator shall administer the Health Service System in accordance with the provisions of this Charter and the rules, regulations and policies of the Health Service Board. The Board and each committee of the Board shall confine its activities to policy matters and to matters coming before it as an appeals board. The Board shall prepare its rules, regulations and policies so that they are clear, definite and complete and so that they can be readily administered by the Health Services administrator.

SECTION 8. Interpretation.

This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented in a manner that facilitates the purposes set forth in this Initiative. The title of this Initiative and the captions preceding the sections of this Initiative are for convenience of reference only. Such title and captions shall not define or limit the scope or purpose of any provision of this Initiative. The use of the terms "including," "such as" or words of similar import when following any general term, statement or matter shall not be construed to limit such term, statement or matter to the specific items or matters, whether or not language of non-limitation is used. Rather, such

terms shall be deemed to refer to all other items or matters that could reasonably fall within the broadest possible scope of such statement, term or matter.

SECTION 9. Severability.

If any provision of this Initiative, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Initiative are severable. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

SECTION 10. Conflicting Ballot Measures.

In the event that this Initiative and another measure or measures relating to appointments to boards and commissions, shall appear on the same municipal election ballot, the provisions of such other measures shall be deemed to be in conflict with this Initiative. In the event that this Initiative shall receive a greater number of affirmative votes, the provisions of this Initiative shall prevail in their entirety and each and every provision of the other measure or measures that conflict, in whole or in part, with this Initiative shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this Initiative shall take effect to the extent permitted by law.

Notwithstanding the foregoing, the Cut the Dysfunctional Bureaucracy Initiative shall not be deemed a conflicting initiative but shall be deemed complementary hereto. To the extent that the voters approve both that measure and this measure at the same election, and both measures amend the same Charter section, the voters intend that the amendments of both measures shall be given full effect. To the extent that cannot plausibly be done, because there is a conflict between the measures that cannot be reconciled, it is the intent of the voters that the conflicting provisions of Cut the Dysfunctional Bureaucracy Initiative shall prevail over this measure, and that all non-conflicting provisions, and all provisions that can otherwise be harmonized, be given their full force and effect.

SECTION 11. Effective Date.

If a majority of the voters vote in favor of the Initiative, the Initiative shall go into effect in accordance with California Elections Code § 9269 and Government Code §§ 34459-34460.

SECTION 12. Amendment.

Pursuant to Article XI, section 3, of the California Constitution, the provisions of this Initiative may only be amended by a vote of the People.