

LEGISLATIVE DIGEST

(Fourth Draft, 7/26/2016)

[Charter Amendment - Public Advocate]

Describing and setting forth a proposal to the voters, at an election to be held on November 8, 2016, to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) authorize the Public Advocate to receive and investigate specified whistleblower complaints; 5) authorize the Public Advocate to appoint the Director of the Office of Citizen Complaints; 6) provide for the Public Advocate's election, removal, and salary; and, 7) set City policy regarding sufficient funding and minimum staffing for the Office of the Public Advocate; and setting operative dates.

Existing Law

The City currently does not have a particular official or central office responsible for overseeing how City departments interact with the public. The Controller reviews some City programs and services and runs the City's whistleblower program.

The City has an Office of Citizen Complaints ("OCC"), which investigates complaints of misconduct and neglect of duty by police officers, and may, in certain circumstances, file disciplinary charges against the officers. The Mayor appoints a Director of the OCC from nominees selected by the Police Commission, and the Board of Supervisors confirms the Mayor's appointment.

Amendments to Current Law

The proposal is a charter amendment that would create the Office of the Public Advocate. The Public Advocate would review the administration of City programs, including the distribution of programs and services throughout the City, the effectiveness of the public information and service complaint programs of City agencies, and the responsiveness of City agencies to individual and group requests for data or information regarding the agencies' structure, activities, and operations. The Public Advocate would also review the management and employment practices of City officers and departments, including City policies and MOU provisions that promote or impede the effective and efficient operation of City government, and would review the City's contracting procedures and practices. And the Public Advocate would investigate and attempt to resolve complaints from members of the public concerning City services and programs. The proposal would eliminate some corresponding functions of the Controller.

The Public Advocate could request an advisory opinion from the Ethics Commission whether the City was providing the Office with sufficient funding to perform its duties.

The proposal would also make conforming changes in other Charter sections and correct and up-date additional provisions.

If the voters adopt the proposed Charter amendment creating the Department of Police Accountability at the November 8, 2016 election, then the provisions of the proposal authorizing the Public Advocate to appoint the Director of the OCC would not take effect.

The provisions relating to the election of the Public Advocate would become operative on the effective date of the charter amendment. All other provisions would become operative at the date and time that the first Public Advocate takes office.

n:\legana\as2016\1600489\01124350.docx

SAN FRANCISCO
FILED
2016 JUL 29 PM 4:35
DEPARTMENT OF ELECTIONS