



City and County of San Francisco
Certified Copy
Charter Amendment

SAN FRANCISCO
FILED
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
2011 JUL 22 PM 4:40
DEPARTMENT OF ELECTIONS

110401 [Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]

Sponsor: Wiener

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy.

7/12/2011 Board of Supervisors - DUPLICATED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

7/12/2011 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

7/19/2011 Board of Supervisors - ORDERED SUBMITTED

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim and Wiener
Noes: 4 - Avalos, Campos, Mar and Mirkarimi

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Charter Amendment is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

July 22, 2011
Date

Madeline Licavoli
Angela Calvillo
Clerk of the Board

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[Charter Amendment – Allowing Amendments to or Repeals of Initiative Ordinances and
Declarations of Policy]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2011, a proposal to amend the Charter of the City and County by amending Section 14.101 to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.

Section 1. Findings.

1. For years, members of the Board of Supervisors and the Mayor have placed initiative ordinances and declarations of policy ("initiatives") on the ballot for the voters' consideration.
2. In addition, private individuals may draft and qualify initiatives for placement on the ballot without any substantive involvement from the City.
3. These initiatives often address some of the most complex policy issues facing the City.
4. Collectively, these processes regularly place numerous initiatives before the voters in City elections.
5. Unless a voter-approved initiative provides otherwise, only the voters may repeal or make any changes to it. This cumbersome system only encourages more and more initiatives to address technical glitches, unforeseen consequences, and changed circumstances that clearly

warrant amendments. This process also prevents the repeal of initiatives that may have long outlived their original aims and purposes.

Section 2. The San Francisco Charter is hereby amended by amending Section 14.101 to read as follows:

SEC. 14.101. INITIATIVES; AMENDMENT AND REPEAL.

(a) Voter-proposed initiative ordinances and declarations of policy ("voter-proposed initiatives"). The voters may propose An initiative may be proposed by presenting to the Director of Elections an initiative petition containing the signatures of voters initiative and signed by voters in a number equal in number to at least five percent of the votes cast for all candidates for mMayor in the last preceding general municipal election for Mayor. Upon certification of the sufficiency of a petition's signatures, the Director of Elections shall submit Ssuch initiative shall be submitted to the voters by the Director of Elections upon certification of the sufficiency of the petition's signatures.

A vote on such initiative shall occur at the next general municipal or statewide election occurring at any time after 90 days from the date of the Director of Elections executes the certificate of sufficiency-executed by the Director of Elections, unless the Board of Supervisors directs that the initiative be voted upon at a special municipal election.

If the initiative petition contains ing signatures of voters the initiative is signed by voters in a number equal in number to at least ten percent of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor, and contains a request that the initiative be submitted forthwith to voters at a special municipal election, the Director of Elections shall promptly call such a special municipal election on the initiative. Such election shall be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the initiative shall be submitted at such general municipal or statewide election.

(b) Amendment or repeal of voter-proposed initiatives. No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide. Voter-proposed initiatives approved by the voters shall not be subject to veto, or to amendment or repeal except by the voters, unless such initiatives shall otherwise provide.

(c) Amendment or repeal of legislative initiatives. Under Sections 2.113 and 3.100(16), either a majority of the Board of Supervisors, four members of the Board of Supervisors or the Mayor may propose initiative ordinances or declarations of policy to the voters ("legislative initiatives"). Legislative initiatives approved by the voters shall not be subject to veto.

Legislative initiatives approved by the voters before January 1, 2012 shall not be subject to amendment or repeal except by the voters, unless such initiatives shall otherwise provide. Legislative initiatives approved by the voters on or after January 1, 2012 shall be subject to amendment or repeal by the voters. Legislative initiatives approved by the voters on or after January 1, 2012 shall also be subject to amendment or repeal by the Board of Supervisors and the Mayor as follows:

(1) If the legislative initiative explicitly provides that it is subject to amendment or repeal in a more permissive manner than the procedure set forth in Subsection (2) below, it will be subject to amendment or repeal as provided.

(2) All legislative initiatives not described in Subsection (1) will be subject to amendment or repeal as follows:

(i) For three years after the initiative's effective date, the initiative shall not be subject to amendment or repeal except by the voters.

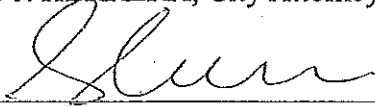
(ii) Thereafter, until seven years have elapsed after the initiative's effective date, the Board of Supervisors and the Mayor may amend or repeal the initiative by ordinance, provided that the Board of Supervisors must approve the amendment or repeal by a two-thirds vote of all of its members.

(iii) After seven years have elapsed from the initiative's effective date, the Board of Supervisors and the Mayor may amend or repeal the initiative by ordinance.

(iv) Any amendments made under subsection (ii) or (iii) must further the purposes of the initiative, and any ordinance amending an initiative shall include findings identifying those purposes and stating how the amendments further the purposes of the initiative.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:



ANDREW SHEN
Deputy City Attorney



City and County of San Francisco
Tails
Charter Amendment

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110401

Date Passed: July 19, 2011

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy.

May 19, 2011 Rules Committee - CONTINUED

June 02, 2011 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 02, 2011 Rules Committee - CONTINUED AS AMENDED

June 16, 2011 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 16, 2011 Rules Committee - CONTINUED AS AMENDED

June 23, 2011 Rules Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - DUPLICATED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 12, 2011 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

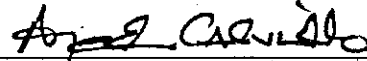
July 19, 2011 Board of Supervisors - ORDERED SUBMITTED

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim and Wiener

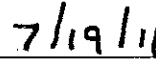
Noes: 4 - Avalos, Campos, Mar and Mirkarimi

File No. 110401

I hereby certify that the foregoing Charter Amendment was ORDERED SUBMITTED on 7/19/2011 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Date Approved

LEGISLATIVE DIGEST
(Third Draft, dated June 16, 2011)

[Charter Amendment – Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]

A proposal to amend the Charter of the City and County of San Francisco at an election to be held on November 8, 2011, by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy proposed by the Board of Supervisors or the Mayor.

Existing Law

The Charter permits either the voters, the Board of Supervisors ("Board") or the Mayor to place an initiative ordinance or declaration of policy on the ballot. The voters may do so by collecting a sufficient number of signatures from voters registered in the City and County of San Francisco. Charter § 14.101. Board members may place an initiative ordinance or declaration of policy on the ballot by either a majority vote of the Board or with the approval of four of its members. Charter § 2.113(a). The Mayor may also independently place initiative ordinances and declarations of policy on the ballot. Charter § 3.100(16).

Once the voters have approved a measure, neither the Board nor the Mayor may amend or repeal it, unless the measure itself explicitly grants that authority. Charter § 14.101.

Amendments to Current Law

The proposal makes minor, non-substantive amendments to the Charter's provisions regarding initiatives placed on the ballot through the circulation of signature petitions. The proposal does not alter existing law; if the voters approve those measures, neither the Board nor the Mayor may later change or repeal them.

With respect to initiatives placed on the ballot by the Board or the Mayor, and approved by the voters on or after January 1, 2012, the proposed Charter Amendment would authorize the Board and the Mayor to amend or repeal them as follows:

- within three years of the initiative's effective date, the Board and Mayor may not amend or repeal the measure;
- after the first three years, and until seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend or repeal the measure by ordinance, but the Board must first approve the amendments or the repeal by a two-thirds vote of the Board (*i.e.*, at least eight votes) before submitting the ordinance to the Mayor for the Mayor's approval; and
- after seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend or repeal the measure by ordinance, but the amendments or

repeal require a majority vote of the Board (*i.e.*, at least six votes) before submitting the ordinance to the Mayor for the Mayor's approval.

To amend any initiative under this scheme, the Board would be required to include in the ordinance findings establishing how the changes further the purposes of the initiative.

Background

The First Draft of this Charter Amendment would have allowed the Board and Mayor to amend measures placed on the ballot by signature petitions. The Second Draft removed that authority from this proposal.

The Second Draft would have allowed the Board and Mayor to amend or repeal ordinances and declarations of policy previously approved by the voters, including those adopted before November 8, 2011. The Third Draft only allows the Board and Mayor to amend or repeal those initiatives on a prospective basis, *i.e.*, with respect to measures approved by the voters on or after January 1, 2012.