

SECTION 1. Title.

This charter amendment shall be known and may be cited as the “Cut the Dysfunctional Bureaucracy 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 and blurring executive and legislative responsibility across nearly 130 commissions in the City’s government that are unelected and that, in many cases, lack democratic accountability.

(b) San Francisco has far more commissions—and commissioners (over 1,200)—than it did just a few decades ago and far more than most other large cities in the United States. For example, the Cities of Los Angeles and San Diego each have fewer than 50 commissions. This creates a vast layer of unnecessary bureaucracy that prevents City government from efficiently addressing residents’ concerns. Among other things, City staff spend valuable City time and money servicing these commissions—preparing materials for commission meetings, staffing the commissions, helping fill open commission seats, etc.—that would be better devoted to managing the essential operations of the City with a view to solving the challenges that the City currently faces.

(c) Additionally, the current commission system constrains the ability of the Mayor to implement the policies of the executive branch, by preventing the Mayor from appointing and removing the heads of many departments for which the Mayor is ultimately responsible, further diffusing Mayoral accountability.

(d) Moreover, the commission system’s sprawl and diffusion of authority contributes to difficulties in oversight by elected officials and the public. In recent years, a number of stories of corruption have come to light that were, at least in part, facilitated by this lack of public scrutiny.

(e) To address these problems, and to clarify the proper legislative and executive branch roles of the Mayor and the Board of Supervisors, this measure would:

(1) Create a taskforce responsible for streamlining government bureaucracy by reviewing the existing commission system and recommending to the Board of Supervisors and the Mayor the elimination and merging of redundant commissions. (For example, there are currently five

commissions just dealing with children.) Fewer commissions means fewer City resources spent on the commission system. This frees up City staff to focus on directly addressing the needs of residents.

(2) Set a hard cap of 65 on the maximum number of commissions in the future. This will streamline and strengthen the currently bloated commission system and prevent future out-of-control commission growth.

(3) Create clear lines of authority in government and re-establish that elected officials, not un-elected commissions, are accountable for city department performance by eliminating commissions' power to both nominate department heads and remove department heads.

(4) Create accountability for commissioners too, by allowing appointing authorities to directly appoint and remove their commissioners. This ensures that unelected commissioners are following the will of voters and can be held accountable.

(5) Require the Board of Supervisors and the Mayor to reevaluate these commissions every 10 years, to ensure their continued utility.

(f) The measure would retain and require a handful of commissions in the Charter, primarily those related to the City's enterprises (Airport, Port, Public Utilities, MTA) and those designed to oversee governmental ethics (Ethics, Elections, Civil Service, etc., as set forth in this measure).

SECTION 3. Amending Section 3.100 of the Charter.

Section 3.100 of the San Francisco Charter is hereby amended to read as follows (throughout this measure additions are shown as underlined and deletions are shown as ~~strikethroughs~~):

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 appointive 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 to the Clerk of the Board of Supervisors, without the need for confirmation by the Board of Supervisors. 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 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.

SECTION 4. Amending Section 4.100 of the Charter.

Section 4.100 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.100. GENERAL.

(a) In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, appointive boards, commissions and other units of government. To the extent law permits, each appointive board, 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 and this Charter.

(b) (1) Except as otherwise provided in this Charter, as of sixteen months after the effective date of this subsection pursuant to California Government Code section 34459 and 34460, there shall be no more than 65 appointive boards or commissions in the City and County government.

(2) (A) Except as provided in subsection (b)(2)(B) hereof, an "appointive board" or "commission" as used in this section includes any body that would be defined as a "legislative body" by California Government Code § 54952 as it existed on the effective date of this subsection, whether denominated a "board," "commission," "council," "committee," "task force," or otherwise. It shall include the commissions and boards established by this Charter: the Port Commission, the Public Utilities Commission, the Municipal Transportation Agency Board of Directors, the Airport Commission, the Ethics Commission, the Elections Commission, the Fire Commission, the Police Commission, the Planning Commission, the Health Service Board, the Civil Service Commission, the Disability and Aging Services Commission, the Retirement Board, the Retiree Health Care Trust Fund Board, the Board of Appeals, the Recreation and Park Commission, the Asian Art Commission, the board of trustees of the Fine Arts Museums, and the governing board of the War Memorial and Performing Arts Center.

(B) Notwithstanding subsection (b)(2), an "appointive board" or "commission" subject to the limit established by subsection (b)(1) hereof shall not include (i) the Board of Supervisors, (ii) any standing or special committees of the Board of Supervisors, (iii) committees of an appointive board or commission consisting entirely of that appointive board or commissions members, (iv) the Elections Task Force specified in Section 13.110(d) of this Charter, or (v) the Committee Streamlining Task Force established by subsection (c) hereof.

(c) No later than three months following the effective date of this subsection pursuant to California Government Code sections 34459 and 34460, the City Administrator shall convene a five-member Commission Streamlining Task Force. One commissioner shall be designated by each of (1) the Mayor, (2) the President of the Board of Supervisors, (3) the City Administrator, (4) the City Attorney, and (5) the Controller. Notwithstanding any other provision of law, the commissioners designated by the foregoing officers may be employees of the City and County of San Francisco, including employees serving as staff to the appointing authority or authorities of an appointive board or commission. The commissioners shall be subject to removal by their appointing authority.

(d) (1) The Commission Streamlining Task Force shall conduct a comprehensive review of the existing appointive boards and commissions within the City and County, and no later than nine months following the effective date of this subsection pursuant to California Government Code section 34459 and 34460 it shall prepare and submit to the Board of Supervisors and the Mayor a report containing the Commission's recommendations as to: (i) which of the existing appointive boards and commissions should be dissolved, consolidated, or otherwise restructured to comply with the limitation in subsection (b)(1), (ii) whether any new appointive boards or commissions should be created within that limit, and (iii) whether any functions should be transferred from an one appointive board or commission to another. The City Attorney shall prepare draft legislation that would implement the recommendations of the Commission Streamlining Task Force to accompany the Task Force's report. The Commission Streamlining Task Force shall cease to exist as of the date specified in subsection (b)(1). In the interim between the submission of its report pursuant to this subsection and its dissolution, the Task Force may provide advisory services to the Board of Supervisors or the Mayor, at their request, relating to matters within the Task Force's purview.

(2) The Commission Streamlining Task Force shall have the authority to hire staff and consultants as needed, but the City Attorney shall provide legal representation to the Commission Streamlining Task Force as it does to all City bodies. The City Administrator shall provide support functions to the Commission Streamlining Task Force until its staff and office are fully functional.

(e) (1) No later than fifteen months following the effective date of this subsection pursuant to California Government Code sections 34459 and 34460, the Board of Supervisors shall, by ordinance, create, dissolve, reorganize, restructure, or continue appointive boards or commissions to comply with the limit specified in subsection (b)(1). The failure of the Commission Streamlining Task Force to submit a report and recommendations within the time specified in subsection (d)(1) shall not extend the deadline set forth in this subsection.

(2) (i) In the event the Board of Supervisors fails to meet the deadline specified in subsection (e)(1), all appointive boards and commissions within the City and County shall be dissolved 30 days after that deadline, except those that are required to comply with federal or State law or those specifically provided for in this Charter. Any appointive board or commission that continues in existence because it is required to comply with federal or State law shall be deemed dissolved as soon as that is no longer the case.

(ii) If there is legal uncertainty regarding whether a given appointive board or commission is required to continue in existence pursuant to subsection (e)(2)(i) or regarding whether that requirement no longer applies, the City Attorney shall make the determination, in consultation with the Mayor and the Controller.

(iii) This subsection (e) shall not be construed to require the dissolution or alteration of any executive department that is subject to governance or oversight by an appointive board or commission that is dissolved, but the Board by ordinance, or the Mayor pursuant to Section 4.132, may dissolve, merge, modify, or reorganize any departments that are no longer named in the Charter, including those that may have been created by voter-approved ordinance, as they deem appropriate.

(iv) The dissolution of an appointive board or commission pursuant to this subsection shall not preclude the Board of Supervisors from subsequently re-establishing that Board or Commission by ordinance, provided that it complies with the limit specified by subsection (b)(1).

(3) Notwithstanding any other provision of law, during the "transition period" specified in subsection (e)(4) hereof, any ordinance that would create, dissolve, reorganize, restructure, or continue any appointive board or commission within the City and County shall require the assent of two-thirds of the membership of the Board of Supervisors. Thereafter, the majority vote threshold for ordinances shall once again apply.

(4) For purposes of this subsection (e)(3), the "transition period" shall begin on the operative date of this subsection pursuant to California Government Code sections 34459 and 34460 and shall end when the Commission Streamlining Task Force submits its report to the Board of Supervisors and to the Mayor pursuant to subsection (d)(1) or upon the date that is nine months following the effective date of this subsection pursuant to California Government Code sections 34459 and 34460, whichever is earlier.

(f) Except as otherwise provided in this Charter, after the deadline specified in subsection (b)(1), the Board of Supervisors may, by ordinance, create, dissolve, reorganize, or restructure appointive boards and commissions within the City and County, provided that the numerical limit specified in subsection (b)(1) is not exceeded. By enacting this subsection, the voters hereby grant their permission, notwithstanding section 14.101, for the Board of Supervisors to amend or repeal any ordinance or declaration of policy creating or reorganizing an appointive board or commission that was adopted prior to the effective date of this subsection, by majority vote, notwithstanding the adoption of that ordinance or declaration of policy by a vote of the people and notwithstanding any contrary vote thresholds specified in that ordinance or declaration of policy. In the event that the Board of Supervisors amends or repeals any ordinance or declaration of policy approved by the voters pursuant to this subsection, the Board of Supervisors may identify an appropriate appointive board or commission or department to perform the duties and functions of the appointive board or commission created by that ordinance or declaration of policy.

(g) (1) Any ordinance that creates, reorganizes, or restructures an appointive board or commission, including any ordinance adopted pursuant to subsection (e)(1), shall automatically sunset ten years from its effective date unless the Board of Supervisors specifies a shorter time by ordinance.

(2) Within one year preceding the sunset date specified in subsection (g)(1) or any earlier sunset date specified by ordinance, the Board of Supervisors may enact a new ordinance extending the sunset date for a period not to exceed ten additional years. This section shall not be interpreted to limit the number of times the Board may extend the sunset provision of an ordinance pursuant to this subsection.

(h) (1) The powers, duties and functions of any appointive board or commission that is dissolved pursuant to subsection (e)(2)(i) shall be transferred to the head of the department that was subject to the authority of that appointive board or commission except to the extent that the Board of Supervisors, by ordinance, or the Mayor acting pursuant to Section 4.132, has transferred some or all of those powers, duties, and functions to another executive agency.

(2) The Mayor, by written directive after consultation with the City Attorney, may transfer or eliminate an appointive board or commission's powers, duties, or functions if the department head cannot legally assume them.

(3) All adjudicatory functions exercised by appointive boards or commissions that are dissolved pursuant to subsection (e)(2)(1) shall be performed by a hearing officer or Administrative Law Judge ("ALJs"). The City Administrator shall coordinate the hiring or contracting for hearing officers or ALJs unless the Board of Supervisors adopts an ordinance making alternative provision therefore.

(4) All references in this Charter to an appointive board or commission, however denominated, that is not created by this Charter or otherwise defined in this Charter shall hereafter be deemed to refer to the department that has responsibility for the subject matter in question or to any appointive board or commission designated by the Board of Supervisors pursuant to subsection (e), (f), or (g) of this section.

(i) Except as otherwise specified in this Charter or state or federal law, no less than two-thirds of the members of any appointive board or commission, as that term is defined in subsection (b)(2), shall be subject to appointment by the Mayor, and except as otherwise specified in this Charter all appointees to such appointive boards or commissions shall be subject to removal by their appointing officer without cause. This section shall apply to any appointive board or commission that is created, reorganized, restructured, or continued by ordinance pursuant to subsections (e), (f), or (g) of this section.

(j) Except where required to comply with federal or state law, all appointive boards and commissions established by ordinance shall only be advisory to the Board of Supervisors and Mayor, and may not exercise any administrative, governmental, or management powers. This limitation shall not apply to any appointive board or commission created by this Charter unless expressly provided herein.

(k) Subsections (e) through (j) of this section shall not apply to the San Francisco Residential Rent Stabilization and Arbitration Board established by Chapter 37 of the Administrative Code or to the Refuse Rate Board established by Section 290 of the Health Code, and nothing in this section shall be construed to require that the dissolution of either of those boards, or alterations to their current governance structure or powers and duties.

SECTION 5. Amending Section 4.101 of the Charter.

Section 4.101 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.101. BOARDS AND COMMISSIONS – COMPOSITION

(a) Unless otherwise provided in this Charter, the composition of each appointive board ~~or~~ 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 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 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 appointive boards, or commissions, or 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 or 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 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, or 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 conduct an analysis of appointments to appointive boards, or commissions, or 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. If the Commission on the Status of Women is dissolved or reorganized pursuant to Section 4.100, subsection (e), (f), or (g), of this Charter, the Board of Supervisors shall designate a successor appointive board or commission or department to conduct this analysis.

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

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

SECTION 6. Amending Section 4.101.5 of the Charter.

Section 4.101.5 of the San Francisco Charter is hereby amended to read as follows:

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, or 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 appointive 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 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. A member may not serve as a hold-over member of a Charter Commission for more than 60 days after the expiration of 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.

SECTION 7. Amending Section 4.101.1 of the Charter.

Section 4.101.1 of the San Francisco Charter is hereby amended to read as follows:

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

(a) Any member of an appointive board, commission, ~~or other body~~ established by this Charter, ~~other than a citizen advisory committee~~, shall immediately forfeit his or her seat on the appointive board, or 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 appointive boards, or commissions, ~~or other bodies~~ who hold elective offices referenced in Section 13.101 of this Charter, including insofar as the elected official serves on another appointive board, or commission, ~~or other body~~ 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.

SECTION 8. 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, or commission established in this Charter or included in Section 4.100(k) ~~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 under the board or commission's purview, ~~subject to appointment by~~

SAN FRANCISCO
FILED
MAY 25 11 54 AM '82
DEPARTMENT OF PUBLIC WORKS

the Mayor but in no event shall the Mayor be limited 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 misconduct but 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 9. Amending Section 4.105 of the Charter.

Section 4.105 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.105. PLANNING COMMISSION.

GENERAL. The Planning Commission shall consist of seven members nominated and appointed pursuant to this section. ~~Four~~ Five of the members shall be ~~appointed~~ nominated by the Mayor, and ~~three~~ two of the members shall be ~~appointed~~ nominated by the President of the Board of Supervisors. Charter Section 4.101 shall apply to these appointments, with particular emphasis 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;

SAN FRANCISCO
FILED

2011 JAN 22 AM 8:25

DEPARTMENT OF
ELECTIONS

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, 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 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.

SECTION 10. Amending Section 4.106 of the Charter.

Section 4.106 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.106. BOARD OF APPEALS.

(a) The Board of Appeals shall consist of five members nominated and appointed pursuant to this section. ~~Three~~Four of the members shall be nominated by the Mayor pursuant to Section 3.100(18), and ~~two~~one of the members shall be appointed by the ~~President of the Board of~~

SAN FRANCISCO
FILED
2009 JAN 22 AM 8:25
GENERAL SUPERVISOR ELECTIONS

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 ~~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 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 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, 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.

SECTION 11. Repealing Section 4.107 of the Charter.

Section 4.107 of the San Francisco Charter is hereby repealed:

~~SEC. 4.107. HUMAN RIGHTS COMMISSION.~~

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

~~The Commission shall:~~

~~1. Investigate complaints of unlawful discrimination against any person;~~

~~2. Ensure the civil rights of all persons;~~

~~3. Ensure that the affirmative action plans of each department of the City and County are current and are being properly implemented; and report on the implementation of such affirmative action plans to the Mayor and Board of Supervisors;~~

~~4. Promote understanding among the residents of the City and County and work cooperatively with governmental agencies, community group and others to eliminate discrimination and the results of past discrimination by furnishing information, guidance and technical assistance;~~

~~5. Study, investigate, mediate and make recommendations with respect to the solving of community-wide problems resulting in intergroup tensions and discrimination;~~

~~6. Implement the provisions of ordinances prohibiting discrimination in all contracts and subsequent subcontracts, franchises, leases, concessions or other agreements for or on behalf of the City and County; and~~

~~7. Issue such rules and regulations for the conduct of its business, and prepare such ordinances with respect to human rights for consideration by the Board of Supervisors as are necessary to carry out the purposes of this section.~~

~~In performing its duties, the Commission may hold hearings, issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, take testimony and issue appropriate orders and petitions for court orders in such manner as may be prescribed by law.~~

SECTION 12. Amending Section 4.108 of the Charter.

Section 4.108 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.108. FIRE COMMISSION.

The Fire Commission shall consist of five members. The first appointment to fill a full term on the Commission following the expiration of terms existing on the effective date of this subsection shall be designated Seat 1. The remaining seats shall be designated Seats 2, 3, 4, and 5, Seats 2, 3, 4, and 5 shall be appointed by the Mayor, pursuant to Section 3.100(18), for four-year terms. Seat 1 shall be appointed by the Board of Supervisors for a four-year term. Members may be removed by the Mayor ~~appointing authority~~. 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 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.

SECTION 13. Amending Section 4.109 of the Charter.

Section 4.109 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.109. POLICE COMMISSION.

The Police Commission shall consist of seven members appointed pursuant to this section. The Mayor shall ~~nominate~~appoint ~~four~~five members to the commission pursuant to Section 3.100(18), at least one of whom shall be a retired judge or an attorney with trial experience. The Rules Committee of the Board of Supervisors, or any successor committee thereto, shall ~~nominate~~appoint ~~three~~two 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. Appointments 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~~appointed. The Board of Supervisors may remove a member ~~the Rules Committee~~ it has nominatedappointed.

~~Notwithstanding any other provision of the Charter, the Chief of Police may be removed by the Commission or the Mayor, pursuant to section 3.100(19) acting jointly or separately of each other. 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 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. Notwithstanding any other provision of this Charter, the Police Commission may adopt policies to set the priorities of the Police Department but may not adopt rules, regulations, or policies that impose any requirement or prohibition on the conduct of Police Department employees.~~

SECTION 14. Repealing Section 4.110 of the Charter.

Section 4.110 of the San Francisco Charter is hereby repealed:

~~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.~~

SECTION 15. Repealing Section 4.111 of the Charter.

Section 4.111 of the San Francisco Charter is hereby repealed:

~~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.~~

SECTION 16. Amending Section 4.112 of the Charter.

Section 4.112 of the San Francisco Charter is hereby amended to read as follows:

~~SEC. 4.112. PUBLIC UTILITIES COMMISSION.~~

(a) The Public Utilities Commission shall consist of five members. The first appointment to fill a full term on the Commission following the expiration of terms existing on the effective date of this subsection shall be shall be designated Seat 1. The remaining seats shall be designated Seats 2, 3, 4, and 5. Seats 2, 3, 4, and 5 shall be appointed by the Mayor pursuant to Section 3.100(18); subject to confirmation by a majority of the Board of Supervisors. Seat 1 shall be appointed by the

Board of Supervisors. Each of the members shall serve for a term of four years. Members may be removed by the Mayor ~~appointing officer only pursuant to Section 15.105.~~

(b) Seat 1 on the Commission shall be a member with experience in ~~environmental policy~~ and an understanding of environmental justice issues. Seat 2 shall be a member with experience in ratepayer or consumer advocacy. Seat 3 shall be a member with experience in project finance. Seat 4 shall be a member with expertise in water systems, power systems, or public utility management, and Seat 5 shall be an at-large member. The Board of Supervisors shall appoint Seat 1; the Mayor shall appoint Seats 2, 3, 4, and 5.

(c) ~~The respective terms of office of members of the Public Utilities Commission who old office on August 1, 2008 shall expire at noon on that date, and the members appointed pursuant to the amendments to this Section approved at the June 2008 election shall succeed to said office at that time. In order to provide for staggered terms, the members appointed to Seats 2 and 4 shall serve for an initial term of two years from August 1, 2008. The remaining three members appointed to Seats 1, 3, and 5 shall serve for an initial term of four years from August 1, 2008, and thereafter the terms of all members shall be four years.~~

~~(d)~~ The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all water and energy supplies and utilities of the City as well as the real, personal and financial assets, which are under the Commission's jurisdiction on the operative date of this Charter, or assigned pursuant to Section 4.132.

SECTION 17. Amending Section 4.113 of the Charter.

Section 4.113 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.113. RECREATION AND PARK COMMISSION.

The Recreation and Park Commission shall consist of seven members. The first and third appointments to fill full terms on the Commission following the expiration of terms existing on the effective date of this subsection shall be designated Seats 1 and 3. The remaining seats shall be designated Seats 2, 4, 5, 6, and 7. Seats 2, 4, 5, 6, and 7 shall be appointed by the Mayor, pursuant to Section 3.100(18), for four-year terms. Seats 1 and 3 shall be appointed by the Board of Supervisors for four-year terms. Members may be removed by the Mayor ~~only pursuant to Section 15.105~~ appointing authority.

Pursuant to the policies and directives set by the Commission and under the direction and supervision of the General Manager, the Recreation and Park Department shall manage and direct all parks, playgrounds, recreation centers and all other recreation facilities, avenues and grounds under the Commission's control or placed under its jurisdiction thereafter, unless otherwise specifically provided in this Charter.

The Department shall promote and foster a program providing for organized public recreation of the highest standard.

The Department shall issue permits for the use of all property under the Commission's control, pursuant to the policies established by the Commission.

As directed by the Commission, the Department shall administer the Park, Recreation and Open Space Fund pursuant to Section 16.107 of this Charter.

The Department shall have the power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, square, avenues and grounds, except as follows:

1. No building or structure, except for nurseries, equipment storage facilities and comfort stations, shall be erected, enlarged or expanded in Golden Gate Park or Union Square Park unless such action has been approved by a vote of two-thirds of the Board of Supervisors;

2. No park land may be sold or leased for non-recreational purposes, nor shall any structure on park property be built, maintained or used for non-recreational purposes, unless approved by a vote of the electors. However, with permission of the Commission and approval by the Board of Supervisors, subsurface space under any public park, square or playground may be used for the operation of a public automobile parking station under the authority of the ~~Department of Parking and Traffic~~ Municipal Transportation Agency, provided that the Commission determines that such a use would not be, in any material respect or degree, detrimental to the original purpose for which a park, square or playground was dedicated or in contravention of the conditions of any grant under which a park, square or playground might have been received. The revenues derived from any such use, less the expenses incurred by the ~~Department of Parking and Traffic~~ Municipal Transportation Agency in operating these facilities, shall be credited to Recreation and Park Department funds.

3. The Commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

SECTION 18. Amending Section 4.115 of the Charter.

Section 4.115 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.115. AIRPORT COMMISSION.

The Airport Commission shall consist of five members. The first appointment to fill a full term on the Commission following the expiration of terms existing on the effective date of this subsection shall be designated Seat 1. The remaining seats shall be designated Seats 2, 3, 4, and 5. Seats 2, 3, 4, and 5 shall be appointed by the Mayor, pursuant to Section 3.100(18), for four-year terms. Seat 1 shall be appointed by the Board of Supervisors for a four-year term. Members may be removed by the Mayor appointing authority only pursuant to Section 15.105.

~~The Commission shall provide the Mayor with at least three qualified candidates for Director of Airports, related on the basis of executive, administrative and technical qualifications.~~

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all property, as well as the real, personal and financial assets which are under the Commission's jurisdiction.

Subject to the approval, amendment or rejection of the Board of Supervisors of each issue, the Commission shall have exclusive authority to plan and issue revenue bonds for airport-related purposes.

SECTION 19. Repealing Section 4.117 of the Charter.

Section 4.117 of the San Francisco Charter is hereby repealed:

~~SEC. 4.117. ENTERTAINMENT COMMISSION.~~

S47707 101800
2017 JUN 22 5:28:28 PM
SUPERVISOR

~~—The San Francisco Entertainment Commission shall consist of seven members nominated and appointed pursuant to this section. The Mayor shall nominate four members to the commission, and the Board of Supervisors shall appoint, by motion, three other members to the commission. Each nomination of the Mayor shall be 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 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 approved. Appointments to the commission shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or on the 61st day following the date the mayoral nomination was transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act upon the nomination prior to such date.~~

~~—Of the four members nominated by the Mayor, the Mayor shall nominate one member to represent the interests of City neighborhood associations or groups, one member to represent the interests of entertainment associations or groups, one member to represent the interests of the urban planning community, and one member to represent the interests of the law enforcement community. Of the three members of the commission appointed by the Board of Supervisors, one member shall represent the interests of City neighborhood associations or groups, one member shall represent the interests of entertainment associations or groups, and one member shall represent the interests of the public health community.~~

~~—To stagger the terms of the members, the initial appointments to the commission shall be as follows: the Mayor shall nominate two members to serve terms of four years, one member to serve a term of three years, and one member to serve a term of two years. Of the three remaining members of the commission, the Board of Supervisors shall appoint one member to serve a term of four years, one member to serve a term of three years, and one member to serve a term of two years. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of four years.~~

~~—Members of the commission nominated by the Mayor may be suspended by the Mayor and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the commission appointed directly by the Board of Supervisors may be suspended by a motion of the Board of Supervisors approved by six votes and may be removed by the Board of Supervisors only as set forth in Section 15.105.~~

SECTION 20. Amending Section 4.118 of the Charter.

Section 4.118 of the San Francisco Charter is hereby amended to read:

SEC. 4.118. COMMISSIONDEPARTMENT ON THE ENVIRONMENT.

~~—The Commission on the Environment shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.~~

The Department of the Environment shall regularly produce an assessment of San Francisco's environmental condition. It shall also produce and regularly update plans for the long-term environmental sustainability of San Francisco.

Pursuant to the policies and directives set by the Board of Supervisors or any appointive board or commission designated by the Board of Supervisors pursuant to section 4.100, subsection (e), (f), or (g), of this Charter~~Commission~~, and under the supervision and direction of the department

head, the Department shall manage the environmental programs, duties and functions assigned to it pursuant to Section 4.132 or by ordinance.

The ~~Commission~~Department shall have the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, except for those regarding building and land use.

The ~~Commission~~Department may investigate and make recommendations to all City agencies related to operations and functions, such as:

1. Solid waste management;
2. Recycling;
3. Energy conservation;
4. Natural resource conservation;
5. Environmental inspections;
6. Toxics;
7. Urban forestry and natural resources;
8. Habitat restoration; and
9. Hazardous materials.

The ~~Commission~~Department shall conduct public education and outreach to the community on environmental issues, including, but not limited to each of the categories listed above.

Any references to a "Commission on the Environment" in this Charter shall mean the Department on the Environment.

SECTION 21. Repealing Section 4.119 of the Charter.

Section 4.119 of the San Francisco Charter is hereby repealed:

~~SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.~~

~~The Commission on the Status of Women shall consist of seven members. Commission members shall be 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. 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.~~

SECTION 22. Amending Section 4.120 of the Charter.

Section 4.120 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.120. DISABILITY AND AGING SERVICES COMMISSION.

(a) The Disability and Aging Services Commission shall consist of seven members. Five shall be appointed by the Mayor, pursuant to Section 3.100(18), for four-year terms. Two shall be appointed by the Board of Supervisors for four-year terms. Members may be removed by the

SAN FRANCISCO
FILED
2021 JAN 12 AM 9:06
DEPARTMENT OF ELECTIONS

Mayor appointing authority. The Commission shall oversee the Department of Disability and Aging Services, including the functions of the Public Guardian/Administrator, as well as carry out any additional duties and functions assigned to the Commission by ordinance or pursuant to Section 4.132.

(b) As of January 15, 2020, Seat 1 on the Commission shall be held by a person who is 60 years old or older; Seat 2 shall be held by a person with a disability, as defined under the Americans With Disabilities Act, who is 18 years old or older; and Seat 3 shall be held by a person who served in the United States military and who was discharged or released under conditions other than dishonorable. Seats 4, 5, 6, and 7, shall have no required qualifications in addition to those set forth in Section 4.101. The Mayor shall appoint Seats 1, 3, 5, 6, and 7. The Board of Supervisors shall appoint Seats 2 and 4.

(c) For the purpose of calculating the terms of particular seats on the Commission, Seats 1, 2, and 3 are hereby designated as the seats with terms ending on January 15, 2020. Notwithstanding Charter Section 4.101.5, members in those seats who do not as of January 15, 2020 hold the qualifications set forth in subsection (b) respectively may no longer serve in those seats.

SECTION 23. Repealing Section 4.121 of the Charter.

Section 4.121 of the San Francisco Charter is hereby repealed:

~~SEC. 4.121. BUILDING INSPECTION COMMISSION.~~

~~—The Building Inspection Commission shall consist of seven members nominated and appointed pursuant to this Section 4.121 and with an emphasis on seeking to include members concerned with tenant safety and habitability issues. Four members shall be nominated by the Mayor for a term of two years. Three members shall be nominated by the President of the Board of Supervisors for a term of two years. Two of the four Mayoral appointments shall each have one or more of the following qualifications: be an active, formerly active, or retired structural engineer, architect, or residential builder. One of the three Board President appointments shall have one or more of the following qualifications: be a residential tenant or work or have worked for a non-profit housing organization.~~

~~—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. Vacancies occurring in the offices of members, shall be nominated and appointed in accordance with the appointment process specified in this paragraph.~~

~~—The Building Inspection Commission shall have responsibility for oversight of the Department of Building Inspection, which shall have responsibility for the enforcement, administration, and interpretation of the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes, except where this Charter specifically grants that power to another department.~~

~~—The Commission shall oversee the inspection and regulation of additions, alterations, and repairs in all buildings and structures covered by the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes. However, nothing in this Section 4.121 shall diminish or alter the~~

~~jurisdiction of the Planning Commission or Department over changes of use or occupancy under the Planning Code. The Commission shall ensure the provision of minimum standards to safeguard life or limb, health, property, and the public welfare by regulating and controlling the safe use of such buildings and structures. The Commission shall ensure the vigorous enforcement of City laws mandating the provision of heat and hot water to residential tenants. The Commission shall also ensure the enforcement of local, state, and federal disability access laws. The Commission shall exercise all the powers and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, and may take other actions as prescribed by ordinance. The members of the Commission shall serve without compensation.~~

~~—The Commission shall adopt rules and regulations consistent with fulfilling its responsibilities under this Charter. The Commission shall also adopt rules and regulations governing Commission meetings and also adopt requirements for notification and mailing for Commission business. The Commission shall hold public hearings on all proposed amendments to the San Francisco Building Code, Electrical Code, Housing Code, Plumbing Code, and Mechanical Code.~~

~~—The Commission shall constitute the Abatement Appeals Board, and shall assume all powers granted to this entity under this Charter and the San Francisco Building Code. The Commission shall appoint and may remove at its pleasure members of the Board of Examiners, Access Appeals Commission, and Code Advisory Committee, all of which shall have the powers and duties to the extent set forth in the San Francisco Building Code.~~

~~—The Commission may reverse, affirm, or modify determinations made by the Department of Building Inspection on all permits required for a final certificate of completion. The Commission's jurisdiction under this paragraph, however, shall not extend to permits appealable to the Planning Commission or Board of Appeals. Appeals of decisions within the Commission's jurisdiction must be filed with the Commission within fifteen days of the challenged determination. The Commission's action shall be final.~~

SECTION 24. Repealing Section 4.122 of the Charter.

Section 4.122 of the San Francisco Charter is hereby repealed:

SEC. 4.122. YOUTH COMMISSION.

~~—There is hereby established a commission to be known as the Youth Commission (hereinafter called "Commission") to advise the Board of Supervisors and Mayor on issues relating to children and youth. The Commission shall operate under the jurisdiction of the Board of Supervisors.~~

SECTION 25. Repealing Section 4.123 of the Charter.

Section 4.123 of the San Francisco Charter is hereby repealed:

SEC. 4.123. YOUTH COMMISSION MEMBERSHIP; APPOINTMENT; TERMS; MEETINGS; COMPENSATION; DIRECTOR.

~~—(a) Commission Membership. The Commission shall consist of seventeen (17) voting members, each of whom shall be between the ages of 12 and 23 years at the time of appointment. Each member of the Board of Supervisors and the Mayor shall appoint one member to the Commission. The Mayor shall also appoint five (5) members from underrepresented communities to ensure that the Commission represents the diversity of the City. All appointments shall be completed by the sixtieth day after the effective date of this charter amendment and by that date~~

of each year thereafter. Commission members shall serve at the pleasure of their appointing authorities.

—The Commission shall consist of individuals who have an understanding of the needs of young people in San Francisco, or experience with children and youth programs or youth organizations, or involvement with school or community activities. The members shall represent the diversity of ethnicity, race, gender and sexual orientation of the people of the City and County, and shall be residents of the City and County.

—(b) Term of Office. Members shall serve a term of one year. The first one year term for all members shall begin upon the date the Clerk of the Board of Supervisors certifies that all members of the Commission have been appointed following the adoption of this charter amendment. Future terms of office shall begin on that date of each successive year. Members shall conduct the first meeting of the Commission within thirty days of the appointment of all members.

—In the event a vacancy occurs during the term of office of any voting member, a successor shall be appointed to complete the unexpired term of the office vacated in a manner similar to that which the member was initially appointed.

—(c) Removal of Members. Any member whom the Commission certifies to have missed three regularly scheduled meetings of the Commission in any six month period without prior authorization of the Commission shall be deemed to have resigned from the Commission effective on the date of the written certification from the Commission.

—(d) Compensation. Members of the Commission shall not be compensated, nor shall they be reimbursed for expenses.

—(e) Meetings. The Commission shall meet at least once a month.

—(f) Minutes of Meetings. The Commission shall prepare and maintain permanent minutes of the actions taken during its meetings, and shall file copies with the Clerk of the Board of Supervisors.

—(g) Bylaws. To aid in the orderly conduct of business, the Commission shall have the authority to create, amend, and repeal its own code of bylaws.

SECTION 26. Repealing Section 4.124 of the Charter.

Section 4.124 of the San Francisco Charter is hereby repealed:

SEC. 4.124. YOUTH COMMISSION—PURPOSE AND DUTIES.

—The purpose of the Commission is to collect all information relevant to advising the Board of Supervisors and Mayor on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the children and youth of San Francisco. Before the Board of Supervisors takes final action on any matter that primarily affects children and youth of the City and County, the Clerk of the Board of Supervisors shall refer the matter to the Commission for comment and recommendation. The Commission shall provide any response it deems appropriate within 12 days of the date the Board of Supervisors referred the matter to the Commission. After the 12 day period has elapsed, the Board of Supervisors may act on the matter whether or not the Board has received a response. This referral requirement shall not apply to any matter where immediate action by the Board of Supervisors is necessary to protect the public interest. The Commission shall have the following duties and functions:

- ~~—(a) Identify the concerns and needs of the children and youth of San Francisco; examine existing social, economic, educational, and recreational programs for children and youth; develop and propose plans that support or improve such programs; and make recommendations thereon to the Mayor and Board of Supervisors.~~
- ~~—(b) Identify the unmet needs of San Francisco’s children and youth through personal contact with these young people, school officials, church leaders, and others; and hold public forums in which both youth and adults are encouraged to participate.~~
- ~~—(c) Elicit the interest, support, and mutual cooperation of private groups (such as fraternal orders, service clubs, associations, churches, businesses, and youth organizations) and City wide neighborhood planning collaborative efforts for children, youth and families that initiate and sponsor recommendations that address the social, economic, educational, and recreational needs of children and youth in San Francisco. Advise the Board of Supervisors and Mayor about how such recommendations could be coordinated in the community to eliminate duplication in cost and effort.~~
- ~~—(d) Advise about available sources of governmental and private funding for youth programs.~~
- ~~—(e) Submit recommendations to the Mayor and Board of Supervisors about juvenile crime prevention, job opportunities for youth, recreational activities for teenagers, opportunities for effective participation by youth in the governmental process, and changes in City and County regulations that are necessary to improve the social, economic, educational, and recreational advantages of children and youth.~~
- ~~—(f) Respond to requests for comment and recommendation on matters referred to the Commission by officers, departments, agencies, boards, commissions and advisory committees of the City and County.~~
- ~~—(g) Report to the Board of Supervisors the activities, goals, and accomplishments of the Commission by July 1 of each calendar year, effective July 1, 1997.~~

SECTION 27. Repealing Section 4.125 of the Charter.

Section 4.125 of the San Francisco Charter is hereby repealed:

~~SEC. 4.125. JURISDICTION.~~

~~—The Commission shall be under the jurisdiction of the Board of Supervisors; the Commission shall have only those powers created by Sections 4.122 through 4.125 or by ordinance of the Board of Supervisors.~~

SECTION 28. Repealing Section 4.133 of the Charter.

Section 4.133 of the San Francisco Charter is hereby repealed:

~~SEC. 4.133. HOMELESSNESS OVERSIGHT COMMISSION.~~

~~—(a) There shall be a Homelessness Oversight Commission (“Commission”) to oversee the Department of Homelessness and Supportive Housing (“Department”), or any successor agency. The Department shall, to the extent prescribed by ordinance, manage and direct housing, programs, and services for persons experiencing homelessness in the City, including, but not limited to, street outreach, homeless shelters, transitional housing, homelessness prevention, and permanent supportive housing.~~

2021 JAN 22 AM 9:26
DEPARTMENT OF

~~—(b) The Commission shall consist of seven members, appointed as follows:~~

~~—(1) Seats 1, 2, 3, and 4 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. Each nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days of the date the Clerk of the Board receives notice of the nomination from the Mayor. If the Board fails to act on the nomination within those 60 days, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or on the 61st day after the Clerk of the Board receives notice of the nomination, whichever is earlier. Seat 1 shall be held by a person who has personally experienced homelessness. Seat 2 shall be held by a person with significant experience providing services to or engaging in advocacy on behalf of persons experiencing homelessness. Seat 3 shall be held by a person with expertise in mental health service delivery or substance use treatment. Seat 4 shall be held by a person with a record of participation in a merchants' or small business association, or neighborhood association. In addition to the aforementioned qualifications, at least one of the Mayor's appointees shall have experience in budgeting, finance, and auditing.~~

~~—(2) Seats 5, 6, and 7 shall be appointed by the Board of Supervisors. Seat 5 shall be held by a person who has personally experienced homelessness. Seat 6 shall be held by a person with significant experience providing services to or engaging in advocacy on behalf of persons experiencing homelessness. Seat 7 shall be held by a person with significant experience working with homeless families with children and/or homeless youth.~~

~~—(3) Section 4.101 shall apply to these appointments, with a particular emphasis on diversity in ethnicity, race, age, sex, gender identity, sexual orientation, and types of disabilities.~~

~~—(e) Commission members shall serve at the pleasure of their respective appointing authorities and may be removed by their appointing authorities at any time. Vacancies shall be filled by the respective appointing authorities as prescribed in subsections (b)(1) and (2).~~

~~—(d) Commissioners shall serve four year terms, beginning at noon on May 1, 2023; provided, however, the term of the initial appointees in Seats 1, 4, and 6 shall be a two year term, expiring at noon on May 1, 2025.~~

~~—(e) The Commission shall elect a Chair, Vice Chair, and officers for other such positions, if any, that it chooses to create.~~

~~—(f) The Commission shall have the following powers and duties:~~

~~—(1) With respect to the Department, the Commission shall exercise all of the powers and duties of boards and commissions as set forth in Sections 4.102, 4.103, and 4.104, including but not limited to, approving applicable departmental budgets, formulating annual and long term goals consistent with the overall objectives of the City and County, establishing departmental performance standards, holding hearings and taking testimony, conducting public education and outreach concerning programs and services for homeless persons in San Francisco, and issues concerning homelessness, and conducting performance audits of the Department to assess the efficiency and effectiveness of the Department's delivery of services to persons experiencing homelessness and persons participating in programs overseen by the Department, and the extent to which the Department has met the annual goals and performance standards established by the Commission.~~

~~—(2) Notwithstanding the Commission’s authority to review and set policies, the Commission shall not have the authority to approve, disapprove, or modify criteria used to ascertain eligibility or priority for programs and/or services operated or provided by the Department, where such criteria are required as a condition of the receipt of state or federal funding.~~

~~—(g) The Mayor and the Board of Supervisors shall make their initial appointments to Seats 1-7, respectively, on the Commission by no later than noon, March 1, 2023. The Commission shall come into existence upon the appointment, and confirmation where required, of four members, or at noon on May 1, 2023, whichever is later. The Commission shall have its inaugural meeting within 30 days of its coming into existence.~~

~~—(h) By no later than May 1, 2023, the City shall enact an ordinance that:~~

~~—(1) Amends Article XXXI of Chapter 5 of the Administrative Code, to provide that the Commission shall appoint all members of the Local Homeless Coordinating Board (“LHCB”) and that the LHCB’s sole duties shall be to serve as the Continuum of Care governing body and to advise the Commission on issues relating to the City’s participation in the Continuum of Care program. This subsection (h)(1) shall not preclude the City by ordinance from amending said Article XXXI in a manner that is not inconsistent with this subsection or as necessary to comply with federal requirements relating to the Continuum of Care.~~

~~—(2) Amends Article XII of Chapter 20 of the Administrative Code, to provide that the Shelter Monitoring Committee shall advise the Commission in lieu of advising the LHCB. This subsection (h)(2) shall not preclude the City by ordinance from amending said Article XII in a manner that is not inconsistent with this subsection.~~

~~—(3) Amends Article XLI of Chapter 5 of the Administrative Code and Section 2810 of Article 28 of the Business and Tax Regulations Code, to provide that the Our City, Our Home Oversight Committee (“Oversight Committee”) shall advise and make recommendations to the Commission and the Health Commission, in addition to advising and making recommendations to the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund (“Fund”) and on monies appropriated from the Fund, which monies are subject to the City budget approval process set forth in Article IX of the Charter, and to provide that the needs assessment conducted by the Oversight Committee shall inform the Department’s strategic planning process. This subsection (h)(3) shall not preclude the City by ordinance from amending said Article XLI and said Section 2810 in a manner that is not inconsistent with this subsection, Section 2811 of the Business and Tax Regulations Code, and Articles XIII A and XIII C of the California Constitution, as may be amended from time to time.~~

~~—(i) The references in subsection (h) to the LHCB, Shelter Monitoring Committee, and Oversight Committee do not change their character as bodies created by ordinance. Accordingly, they are not subject to provisions in the Charter or Municipal Code that apply exclusively to bodies enumerated in the Charter or created by the Charter, including but not limited to Charter Sections 4.101.1 and 4.101.5.~~

~~—(j) Within one year of the effective date of the ordinance adopted by the Board of Supervisors in compliance with subsection (h), the City Attorney shall cause subsections (h) (j) of this Section 4.133 to be removed from the Charter.~~

SAN FRANCISCO
FILED

2021 JAN 22 AM 8:25

DEPARTMENT OF ELECTIONS

SECTION 29. Repealing Section 4.134 of the Charter.

Section 4.134 of the San Francisco Charter is hereby repealed:

SEC. 4.134. SMALL BUSINESS COMMISSION.

~~—(a) There shall be a Small Business Commission to oversee the San Francisco Office of Small Business. The Commission shall consist of seven members, who shall serve at the pleasure of the appointing authority. The Mayor shall appoint four members of the Commission; the Board of Supervisors shall appoint the remaining three members. The Mayor shall designate two of his or her initial appointments to serve for two-year terms; the Board of Supervisors shall designate one of its initial appointments to serve a two-year term. Thereafter, all commissioners shall serve for four-year terms.~~

~~—(b) At least five of the individuals appointed to the Commission shall be owners, operators, or officers of San Francisco small businesses. One of the individuals appointed to the Commission may be either a current or former owner, operator, or officer of a San Francisco small business. One member of the Commission may be an officer or representative of a neighborhood economic development organization or an expert in small business finance.~~

~~—Pursuant to Government Code Section 87103, individuals appointed to the Commission under this Section are intended to represent and further the interest of the particular industries, trades, or professions specified herein. Accordingly, it is found that for purposes of persons who hold such office, the specified industries, trades, or professions are tantamount to and constitute the public generally within the meaning of Government Code Section 87103.~~

~~—(c) The Mayor and the Board of Supervisors shall select Commission members who reflect the diversity of neighborhood and small business interests in the City.~~

SECTION 30. Repealing Section 4.135 of the Charter.

Section 4.135 of the San Francisco Charter is hereby repealed:

SEC. 4.135. HISTORIC PRESERVATION COMMISSION.

~~—GENERAL. There is hereby created a Historic Preservation Commission, which shall advise the City on historic preservation matters, participate in processes that involve historic or cultural resources, and take such other actions concerning historic preservation as may be prescribed by ordinance. The Historic Preservation Commission shall consist of seven members nominated by the Mayor and subject to approval by a majority of the Board of Supervisors.~~

~~—The term and tenure of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of the original appointments to the Historic Preservation Commission, four shall be for a four-year term and three for a two-year term as follows; the odd-numbered seats shall be for four-year terms and the even-numbered seats shall be for two-year terms. After the expiration of the original terms, all appointments shall be for four-year terms, provided however, that a member may holdover until a successor has been nominated by the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of terms a member may serve.~~

~~—The original nominations shall be made no later than 31 days after the date of the election creating this section. If the Mayor fails to nominate an original appointment within said period,~~

~~the nomination for the original appointment may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors.~~

~~—Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a qualified person to fill the vacant seat for the term, or the remainder of the term, subject to approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.~~

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

~~—QUALIFICATIONS. In addition to the specific requirements set forth below, members of the Historic Preservation Commission shall be persons specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City. Six of the members of the Historic Preservation Commission shall be specifically qualified in the following fields:~~

~~—1. Seats 1 and 2: licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;~~

~~—2. Seat 3: an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;~~

~~—3. Seat 4: an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;~~

~~—4. Seat 5: an historic preservation professional or professional in a field such as law, land use, community planning or urban design with specialized training and/or demonstrable experience in historic preservation or historic preservation planning.~~

~~—5. Seat 6 shall be specially qualified in one of the following fields or in one of the fields set forth for Seats 1, 2, or 3;~~

~~—a. A professional archeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archeology;~~

~~—b. A real estate professional or contractor who has demonstrated a special interest, competence, experience, and knowledge in historic preservation;~~

~~—c. A licensed structural engineer with at least four years of experience in seismic and structural engineering principals applied to historic structures; or~~

~~—d. A person with training and professional experience with materials conservation.~~

~~—Seat 7 shall be an at large seat subject to the minimum qualifications set forth above.~~

DAVID FRANCOIS
FILED
MAY 20 2014
CITY OF CHICAGO

~~—LANDMARK AND HISTORIC DISTRICT DESIGNATIONS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of landmark designations and historic district designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding landmarks designations to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding historic district designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a landmark or historic district shall be final unless appealed to the Board of Supervisors.~~

~~—CERTIFICATES OF APPROPRIATENESS. The Historic Preservation Commission shall approve, disapprove, or modify certificates of appropriateness for work to designated landmarks or within historic districts. For minor alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.~~

~~For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any Certificate of Appropriateness before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.~~

~~—For projects that are located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.~~

~~—The Historic Preservation Commission or Planning Commission's decision on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.~~

~~—SIGNIFICANT OR CONTRIBUTORY BUILDING AND CONSERVATION DISTRICT DESIGNATIONS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of Significant or Contributory building and Conservation District designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding Significant or Contributory Buildings to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding Conservation District designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation, Decisions of the Historic Preservation Commission to disapprove~~

designation of a Significant or Contributory building or Conservation District shall be final unless appealed to the Board of Supervisors.

~~—ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to determine if a proposed alteration is a Major Alteration or a Minor Alteration. The Historic Preservation Commission shall have the authority to approve, disapprove, or modify applications for permits to alter or demolish designated Significant or Contributory buildings or buildings within Conservation Districts. For Minor Alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.~~

~~—For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any permit to alter before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and II) or Contributory (Category III only) building, the Planning Commission may modify any decision on a permit to alter by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.~~

~~—For projects that are located on vacant lots, the Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.~~

~~—The Historic Preservation Commission's or Planning Commission's decision on a permit to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.~~

~~—MILLS ACT CONTRACTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors, without referral or recommendation of the Planning Commission.~~

~~—PRESERVATION ELEMENT OF THE GENERAL PLAN. The Historic Preservation Commission shall recommend to the Planning Commission a Preservation Element of the General Plan and shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan. Other objectives, policies, and provisions of the General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but that concern historic preservation shall be referred to the Historic Preservation Commission for its comment and recommendations prior to action by the Planning Commission. When the Planning Commission recommends to the Board of Supervisors for approval or rejection proposed amendments to the General Plan that concern historic preservation, any recommendation or comments of the Historic Preservation Commission on such proposed amendments shall be forwarded to the Board of Supervisors for its information.~~

~~—REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Historic Preservation Commission~~

~~regarding effects upon historic or cultural resources; ordinances and resolutions concerning historic preservation issues and historic resources; redevelopment project plans; waterfront land use and project plans; and such other matters as may be prescribed by ordinance. If the Planning Commission is required to take action on the matter, the Historic Preservation Commission shall submit any report to the Planning Commission as well as to the Board of Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the Board of Supervisors.~~

~~—OTHER DUTIES. For proposed projects that may have an impact on historic or cultural resources, the Historic Preservation Commission shall have the authority to review and comment upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act. The Historic Preservation Commission shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National Historic Preservation Act. The Historic Preservation Commission shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement. The Historic Preservation Commission shall have the authority to oversee and direct the survey and inventory of historic properties.~~

~~—Once a quorum of members of the Historic Preservation Commission has been originally appointed and approved, the Historic Preservation Commission shall assume any powers and duties assigned to the Landmarks Preservation Advisory Board until the Municipal Code has been amended to reflect the creation of the Historic Preservation Commission.~~

~~—BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter subsections 4.102(3), 4.102(4), 4.102(5), and 4.102(6) shall not apply to the Historic Preservation Commission. The Historic Preservation Commission may review and make recommendations on the Planning Department budget and on any rates, fees, and similar charges with respect to appropriate items coming within the Historic Preservation Commission's jurisdiction to the department head of the Planning Department or the Planning Commission. The department head of the Planning Department shall assume the powers and duties that would otherwise be executed by an Historic Preservation Commission department head. The Planning Department shall render staff assistance to the Historic Preservation Commission.~~

SECTION 31. Repealing Section 4.137 of the Charter.

Section 4.137 of the San Francisco Charter is hereby repealed:

SEC. 4.137. SHERIFF'S DEPARTMENT OVERSIGHT.

~~—(a) Establishment of Oversight Board.~~

~~—(1) The Sheriff's Department Oversight Board ("SDOB") is hereby established. The SDOB shall consist of seven members. The Board of Supervisors shall appoint four members (to Seats 1, 2, 3, and 4), and the Mayor shall appoint three members (to Seats 5, 6, and 7). Seat 4 shall be held by a person with experience in labor representation.~~

~~—(2) Members shall serve four-year terms, beginning at noon on March 1, 2021; provided, however, the term of the initial appointees to Seats 1, 3, and 5 shall expire at noon on March 1, 2023, whereas the term of the initial appointees to Seats 2, 4, 6, and 7 shall expire at noon on March 1, 2025.~~

~~—(3) No person may serve more than three successive terms as a member. No person having served three successive terms may serve as a member until at least four years after the expiration of the third successive term. Service for a part of a term that is more than half the period of the term shall count as a full term; further, this subsection (a)(3) makes no distinction between the two-year terms referenced in subsection (a)(2) and four-year terms.~~

~~—(4) Members may be removed from office only for official misconduct under Article XV.~~

~~—(5) All members shall complete a training and orientation on custodial law enforcement, constitutional policing, and Sheriff's Department ("SFSD") policies and procedures, within 90 days of assuming office for their first term. The Sheriff or the Sheriff's designee shall prescribe the content of and shall administer the training and orientation regarding SFSD patrol and custodial law enforcement, policies and procedures. SFSD shall develop the training content based on guidelines recommended by the National Association of Civilian Oversight for Law Enforcement ("NACOLE") or successor association, the Bar Association of San Francisco or successor association, and/or the American Civil Liberties Union, and SFSD shall consult with the Department of Police Accountability, Public Defender, and the District Attorney in developing the training content.~~

~~—(b) SDOB Powers and Duties. The SDOB shall:~~

~~—(1) Appoint, and may remove, the Inspector General in the Sheriff's Department Office of Inspector General ("OIG"), established in subsection (d).~~

~~—(2) Evaluate the work of the OIG, and may review the Inspector General's individual work performance.~~

~~—(3) Compile, evaluate, and recommend law enforcement custodial and patrol best practices.~~

~~—(4) Conduct community outreach and receive community input regarding SFSD operations and jail conditions, by holding public meetings and soliciting input from persons incarcerated in the City and County.~~

~~—(5) Prepare and submit a quarterly report to the Sheriff and Board of Supervisors regarding the SDOB evaluations and outreach, and OIG reports submitted to SDOB.~~

~~—(6) By March 1 of each year, prepare and present to the Board of Supervisors or a committee designated by the President of the Board, an annual report that includes a summary of SDOB evaluations and outreach, and OIG reports submitted to SDOB, for the prior calendar year.~~

~~—(c) In performing its duties, the SDOB may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony.~~

~~—(d) Establishment of Office of Inspector General. There is hereby established the Sheriff's Department Office of Inspector General ("OIG"), which shall be a department under the SDOB, and separate from the Sheriff's Department. The OIG shall be headed by the Inspector General, appointed by the SDOB as set forth in subsection (b)(1). The Inspector General shall be exempt from civil service selection, appointment, and removal procedures.~~

~~—(e) OIG Powers and Duties. The OIG shall:~~

~~—(1) Receive, review, and investigate complaints against SFSD employees and SFSD contractors; provided, however, that the OIG shall refer complaints alleging criminal misconduct~~

5 11 1974 40'S 00
F-1 20
2021 JAN 22 AM 9:24

to the District Attorney, and refer complaints alleging violations of ethics laws to the Ethics Commission.

—(2) Investigate the death of any individual in the custody of the SFSD. The OIG shall refer evidence of criminal misconduct regarding any death in custody to the District Attorney. Notwithstanding such a referral, the OIG may continue to investigate a death in custody unless OIG's investigation will interfere with a criminal investigation conducted by the District Attorney, or any law enforcement agency to which the District Attorney may refer the evidence of criminal misconduct.

—(3) Recommend disciplinary action to the Sheriff where, following an investigation pursuant to subsection (e)(1) or (e)(2), the OIG determines that an employee's actions or omissions violated law or SFSD policy; provide notice of and a copy of the recommendation, the reasons for the recommendation, and supporting records, to the extent permitted by State or federal law, to the employee; and make available to the public any records and information regarding OIG's disciplinary recommendations to the extent permitted by State or federal law.

—(4) Develop and recommend to the Sheriff an SFSD use of force policy and a comprehensive internal review process for all use of force and critical incidents.

—(5) Prepare and submit a quarterly report to the Sheriff and the SDOB regarding OIG investigations that includes the number and type of complaints under subsection (e)(1) filed; trend analysis; the outcome of the complaints; any determination that the acts or omissions of an employee or contractor, in connection with the subject matter of a complaint under subsection (e)(1), or a death in custody under subsection (e)(2), violated law or SFSD policy; the OIG's recommendations, if any, for discipline; the outcome of any discipline recommendations; and the OIG's policy recommendations under subsection (e)(4).

—(6) Monitor SFSD operations, including the provision of services to incarcerated individuals, through audits and investigations, to ensure compliance with applicable laws and policies.

—(f) In performing its duties, the OIG may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony. The OIG also may request and the Sheriff shall require the testimony or attendance of any employee of the SFSD.

—(g) Cooperation and Assistance from City Departments. In carrying out their duties, the SDOB and OIG shall receive prompt and full cooperation and assistance from all City departments, officers, and employees, including the Sheriff and SFSD and its employees, which shall, unless prohibited by State or federal law, promptly produce all records and information requested by the SDOB or OIG, including but not limited to (1) personnel and disciplinary records of SFSD employees, (2) SFSD criminal investigative files, (3) health information pertaining to incarcerated individuals; and (4) all records and databases to which the SFSD has access, regardless of whether those records pertain to a particular complaint or incident. The Sheriff also shall, unless prohibited by State or federal law, allow the OIG unrestricted and unescorted access to all facilities, including the jails. The SDOB and OIG shall maintain the confidentiality of any records and information it receives or accesses to the extent required by local, State, or federal law governing such records or information.

—In carrying out their duties, the SDOB and OIG shall cooperate and collaborate with organizations that contract with SFSD to provide legal services to incarcerated individuals.

~~(h) Budget and Staffing. Subject to the fiscal, budgetary, and civil service provisions of the Charter, the OIG staff shall include no fewer than one investigator for every 100 sworn SFSD employees. No SDOB or OIG staff, including the Inspector General, shall have been employed previously by a law enforcement agency or a labor organization representing law enforcement employees.~~

~~(i) Nothing in this Section 4.137 shall prohibit, limit, or otherwise restrict the Sheriff or the Sheriff's designee from investigating the conduct of an employee or contractor of the SFSD, or taking disciplinary or corrective action permitted by City or State law.~~

~~(j) Nothing in this Section 4.137, including but not limited to subsections (f) and (g), is intended to or shall be interpreted to abrogate, interfere with, or obstruct the independent and constitutionally and statutorily designated duties of the Sheriff, including the Sheriff's duty to investigate citizens' complaints against SFSD personnel and the duty to operate and manage the jails, the California Attorney General's constitutional and statutory responsibility to oversee the Sheriff, or other applicable State law. In carrying out their duties, the SDOB and OIG shall cooperate and coordinate with the Sheriff so that the Sheriff, the SDOB, and the OIG may properly discharge their respective responsibilities.~~

SECTION 32. Repealing Section 4.139 of the Charter.

Section 4.139 of the San Francisco Charter is hereby repealed:

~~SEC. 4.139. SANITATION AND STREETS COMMISSION.~~

~~(a) Purpose. There is hereby established a Sanitation and Streets Commission. The Commission shall set policy directives and provide oversight for the Department of Sanitation and Streets.~~

~~(b) Membership and Terms of Office.~~

~~(1) The Commission shall consist of five members, appointed as follows:~~

~~— Seats 1 and 2 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. Each nomination shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a 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. Seat 1 shall be held by a person who is a small-business owner. Seat 2 shall be held by a person with experience in project management.~~

~~— Seat 3 shall be appointed by the Controller subject to confirmation by the Board of Supervisors. The nomination shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a 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. Seat 3 shall be held by a person who has a background in finance and audits.~~

~~— Seats 4 and 5 shall be appointed by the Board of Supervisors. Seat 4 shall be held by a person who has a background in either urban forestry, urban design, or environmental services. Seat 5 shall be held by a person with significant experience in cleaning and maintaining public spaces.~~

~~(2) Members of the Commission shall serve four-year terms; provided, however, the term of the initial appointees in Seats 1 and 4 shall be two years.~~

~~(3) Members may be removed at will by their respective appointing officer.~~

SAN FRANCISCO
FILED
2021 JUL 15 10 58 AM
CLERK OF SUPERVISORS
DEPARTMENT OF ELECTIONS

~~—(e) Duties. With regard to the Department of Sanitation and Streets, beginning three months after the Transition Date in subsection (d), the Commission shall exercise all the powers and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, and may take other actions as prescribed by ordinance. In addition, the Commission shall:~~

~~—(1) review and evaluate data regarding street and sidewalk conditions, including but not limited to data collected by the Department, and annual reports generated by the Controller;~~

~~—(2) establish minimum standards of cleanliness for the public right of way, and set baselines for services to be administered by the Department;~~

~~—(3) approve all contracts proposed to be entered into by the Department, provided that the Commission may delegate this responsibility to the Director of the Department, or the Director's designee;~~

~~—(4) perform an annual cost analysis evaluating whether there are inefficiencies or waste in the Department's administration and operations; and~~

~~—(5) perform an annual review on the designation and filling of Department positions, as exempt, temporary, provisional, part-time, seasonal or permanent status, the number of positions that are vacant, and at the Commission's discretion, other data regarding the Department's workforce. This function shall not in any way limit the roles of the Civil Service Commission or the Department of Human Resources under the Charter.~~

~~—(d) Transition provisions.~~

~~—(1) The Commission shall come into existence on the Transition Date, which shall be established by the Board of Supervisors by written motion adopted by a majority vote of its members, provided that the Transition Date shall be no earlier than July 1, 2022. The Board of Supervisors shall vote on a written motion to establish the Transition Date no later than January 1, 2022. If the Board of Supervisors fails to adopt such a motion by January 1, 2022, the Clerk of the Board of Supervisors shall place such a motion on the agenda of a Board of Supervisors meeting at least once every three months thereafter until such time as the Board of Supervisors adopts a motion establishing the Transition Date. The Mayor, Board of Supervisors, and Controller shall make initial appointments to the Commission by no later than three months before the Transition Date. The terms of all five members shall commence at noon on the Transition Date.~~

~~—(2) The Commission shall have its inaugural meeting by no later than 30 days after three members of the Commission have assumed office.~~

~~—(3) The Director of Public Works or person serving in an acting capacity as Director of Public Works, at the time the Commission comes into existence, shall perform the duties of the Director of the Department of Sanitation and Streets in an acting capacity until the Commission appoints a new Director in accordance with the Charter provisions governing appointment of a department head serving under a commission.~~

SECTION 33. Amending Section 4.140 of the Charter.

Section 4.140 of the San Francisco Charter is hereby amended to read as follows:

SEC. 4.140. DEPARTMENT OF PUBLIC WORKS.

(a) Responsibilities of Department. There shall be a Department of Public Works (the "Department"). On January 1, 2023, the Department shall assume the responsibilities of the

Department of Sanitation and Streets as they existed on December 31, 2022, and shall retain the existing responsibilities of the Department of Public Works. The Department shall be headed by a Director of Public Works appointed by the Mayor as provided in Sections 3.100(19) and 4.102(5).

Except as otherwise provided in the Charter or pursuant to Section 4.132, in addition to any other duties assigned by ordinance, the Department shall have the following duties: the design, building, repair, and improvement of the City's infrastructure, including City-owned buildings and facilities and the public right of way; maintenance of the public right of way, including street sweeping, and litter abatement; the provision and maintenance of City trash receptacles and removal of illegal dumping and graffiti in the public right of way; and planting and maintenance of street trees pursuant to Section 16.129.

(b) Nothing in this Section 4.140 shall relieve property owners of their legal responsibilities set by City or State law, including as those laws may be amended in the future.

~~(c) Transition.~~

~~(1) Notwithstanding subsection (a), the Director of Public Works or person serving in an acting capacity as Director of Public Works on December 31, 2022, shall continue to serve in that capacity beginning on January 1, 2023. If at that time there is a person in an acting capacity serving as the Director of Public Works, or if at any time the position of Director of Public Works is vacant for any reason, the position shall be filled in accordance with the Charter provisions governing appointment of a department head. This subsection (c)(1) does not modify the powers vested in the Public Works Commission to remove the Director of Public Works in accordance with Section 4.102(6).~~

~~(2) By no later than June 30, 2023, the Director of Public Works shall submit to the Board of Supervisors a proposed ordinance amending the Municipal Code to conform to Sections 4.139, 4.140, and 4.141 and the repeal of Section 4.138.~~

SECTION 34. Repealing Section 4.141 of the Charter.

Section 4.141 of the San Francisco Charter is hereby repealed:

~~SEC. 4.141. PUBLIC WORKS COMMISSION.~~

~~(a) Purpose. There is hereby established a Public Works Commission. The Commission shall set policy directives and provide oversight for the Department of Public Works.~~

~~(b) Membership and Terms of Office.~~

~~(1) The Commission shall consist of five members, appointed as follows:~~

~~— Seats 1 and 5 shall be appointed by the Board of Supervisors. Seat 1 shall be held by a registered professional engineer licensed in the State of California, with a background in civil, mechanical, or environmental engineering, and Seat 5 shall be an at-large position.~~

~~— Seats 2 and 4 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. Each nomination shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a 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. Seat 2 shall be held by a registered architect licensed in the State of California, and Seat 4 shall be an at-large position.~~

~~— Seat 3 shall be held by a person with a background in finance with at least 5 years in auditing experience, appointed by the Controller subject to confirmation by the Board of Supervisors. The nomination shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a 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.~~

~~— (2) Members of the Commission shall serve four-year terms; provided, however, the term of the initial appointees in Seats 1, 3, and 5 shall be two years.~~

~~— (3) Commissioners may be removed from office at will by their respective appointing authority.~~

~~— (c) Powers and Duties.~~

~~— (1) With regard to the Department of Public Works, beginning on September 1, 2022, the Commission shall exercise all the powers and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, and may take other actions as prescribed by ordinance.~~

~~— (2) The Commission shall oversee the Department's performance, including evaluation of data collected by the Department, the Controller, and other City agencies.~~

~~— (3) The Commission shall approve all contracts proposed to be entered into by the Department, provided that the Commission may delegate this responsibility to the Director of Public Works, or the Director's designee.~~

~~— (4) The Commission shall require the Director of Public Works, or the Director's designee, to provide the Commission with proof of adequate performance of any contract entered into by the Department for public works involving the City's infrastructure or public right of way, based on written documentation including documentation that the building official has issued a building or site permit and a final certificate of occupancy.~~

~~— (5) The Commission shall perform an annual review on the designation and filling of Department positions, as exempt, temporary, provisional, part-time, seasonal or permanent status, the number of positions that are vacant, and at the Commission's discretion, other data regarding the Department's workforce. This function shall not in any way limit the roles of the Civil Service Commission or the Department of Human Resources under the Charter.~~

~~— (d) Transition provisions.~~

~~— (1) The Mayor, Board of Supervisors, and Controller shall make initial appointments to the Commission by no later than the Appointment Deadline, which shall be either noon on June 1, 2022, or an earlier date established by the Board of Supervisors by written motion adopted no later than January 1, 2022 by a majority vote of its members. The Commission shall come into existence either at noon on the 31st day after the Appointment Deadline, or at noon on the date that three members of the Commission have assumed office, whichever is later. The terms of all five members shall commence at noon on the 31st day after the Appointment Deadline, regardless of when the Commission comes into existence.~~

~~— (2) The Commission shall have its inaugural meeting by no later than three months after the terms of the initial members begin.~~

~~— (3) The Director of Public Works at the time the Commission comes into existence shall remain in that position unless removed from it in accordance with the Charter provisions governing~~

~~removal of a department head serving under a commission. If a person is serving in an acting capacity as Director at the time the Commission comes into existence, the preceding sentence applies, except that the position shall also be considered vacant for purposes of the next sentence. If the position of Director is vacant for any reason, including removal of the incumbent Director, the position shall be filled in accordance with the Charter provisions governing appointment of a department head serving under a commission. In that event, a person removed from the position under the first sentence of this subsection may be considered for appointment to the position.~~

SECTION 35. Amending Section 5.102 of the Charter.

Section 5.102 of the San Francisco Charter is hereby amended to read as follows:

SEC. 5.102. CITY MUSEUMS.

When the term "museums" is used in this Article, unless otherwise specified, it refers to both the Asian Art Museum of San Francisco and The Fine Arts Museums of San Francisco.

Trustees and commissioners of the museums are exempt from the requirement of Section 4.101(2b) of this Charter, except that at least a majority of The Fine Arts Museum Board of Trustees shall be residents of the City and County. Members shall serve for three-year terms, and may be removed by the Mayor ~~only pursuant to Section 15.105~~. Members shall serve without compensation.

The governing boards of the museums shall adopt by-laws providing for the conduct of their affairs, including the appointment of an executive committee which shall have authority to act in such matters as are specified by the governing board.

The governing boards of the museums shall appoint and may remove a director and such other executive and administrative positions as may be necessary. Appointees to such positions need not be residents of the City and County. Notwithstanding any other provision of this Charter, the governing boards may accept and utilize contributions to supplement or pay for the salaries and benefits of these appointees in order to establish competitive compensation, provided that only compensation established pursuant to the salary provisions of this Charter shall be considered for Retirement System purposes.

The governing boards of the museums may insure any loaned exhibit and agree to indemnification and binding arbitration provisions necessary to insuring exhibitions without action of the Board of Supervisors so long as such agreement entails no expense to the City and County beyond ordinary insurance expense. The Recreation and Park Department shall maintain and care for the grounds of the Museums.

SECTION 36. 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 DEPARTMENT.

~~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 ~~Mayor Commission~~ shall appoint and may remove a director of the Arts Department. The ~~Department-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~~Department 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 ~~Department Commission~~ over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care.

References in this Charter to an "Arts Commission" shall mean the Arts Department.

SECTION 37. Amending Section 5.106 of the Charter.

Section 5.106 of the San Francisco Charter is hereby amended to read as follows:

SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.

The governing board of the War Memorial and Performing Arts Center shall consist of eleven trustees appointed by the Mayor, pursuant to Section 3.100, for four-year terms. In making appointments the Mayor shall give due consideration to veterans and others who have a special interest in the purposes for which the Center exists. Members may be removed by the Mayor ~~only pursuant to Section 15.105.~~

The governing board shall appoint and may remove a director.

SECTION 38. Repealing Section 7.102 of the Charter.

Section 7.102 of the San Francisco Charter is hereby repealed:

~~SEC. 7.102. JUVENILE PROBATION.~~

~~—The Juvenile Probation Commission shall consist of seven members who shall be appointed by the Mayor, pursuant to Section 3.100, for staggered four year terms. Two of the members shall be appointed from lists of eligibles submitted to the Mayor by the Superior Court. The Juvenile Probation Department shall be a part of the executive branch.~~

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

~~—Any member may serve concurrently as a member of the Juvenile Justice Commission created by state law and as a member of the Juvenile Probation Commission herein created.~~

~~—The Chief Juvenile Probation Officer, assistants and deputies shall have the powers and duties conferred upon such Chief Juvenile Probation Officers, assistants and deputies by state law; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the Board of Supervisors.~~

SECTION 39. Amending Section 8.102 of the Charter.

Section 8.102 of the San Francisco Charter is hereby amended to read as follows:

SEC. 8.102. PUBLIC LIBRARIES.

Libraries including ~~the Library Commission and the~~ Library Department shall be a part of the executive branch.

~~—The Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four year terms. Members may be removed by the Mayor. All references to a “Library Commission” in this Charter shall refer to the Library Department or any appointive board or commission designated by the Board of Supervisors pursuant to section 4.100, subsection (e), (f), or (g), of this Charter.~~

SECTION 40. Amending Section 8A.101 of the Charter.

Section 8A.101 of the San Francisco Charter is hereby amended to read as follows:

SEC. 8A.101. MUNICIPAL TRANSPORTATION AGENCY.

(a) There shall be a Municipal Transportation Agency. The Agency shall include a Board of Directors and a Director of Transportation. The Agency shall include the Municipal Railway and the former Department of Parking and Traffic, as well as any other departments, bureaus or operating divisions hereafter created or placed under the Agency. ~~There shall also be a Citizens Advisory Committee to assist the Agency.~~

(b) The Board of Supervisors shall have the power, by ordinance, to abolish the Taxi Commission created in Section 4.133, and to transfer the powers and duties of that commission to the Agency under the direction of the Director of Transportation or his or her designee. In order to fully integrate taxi-related functions into the Agency should such a transfer occur, the Agency shall have the same exclusive authority over taxi-related functions and taxi-related fares, fees, charges, budgets, and personnel that it has over the Municipal Railway and parking and traffic fares, fees, charges, budgets, and personnel. Once adopted, Agency regulations shall thereafter supercede all

JAN 22 AM 8:26

previously-adopted ordinances governing motor vehicles for hire that conflict with or duplicate such regulations.

DEPARTMENT OF ELECTIONS

(c) Any transfer of functions occurring as a result of the above provisions shall not adversely affect the status, position, compensation, or pension or retirement rights and privileges of any civil service employees who engaged in the performance of a function or duty transferred to another office, agency, or department pursuant to this measure.

(d) Except as expressly provided in this Article, the Agency shall comply with all of the restrictions and requirements imposed by the ordinances of general application of the City and County, including ordinances prohibiting discrimination of any kind in employment and contracting, such as Administrative Code Chapters 12B et seq., as amended from time to time. The Agency shall be solely responsible for the administration and enforcement of such requirements.

(e) The Agency may contract with existing City and County departments to carry out any of its powers and duties. Any such contract shall establish performance standards for the department providing the services to the Agency, including measurable standards for the quality, timeliness, and cost of the services provided. All City and County departments must give the highest priority to the delivery of such services to the Agency.

(f) The Agency may not exercise any powers and duties of the Controller or the City Attorney and shall contract with the Controller and the City Attorney for the exercise of such powers and duties.

SECTION 41. 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. The first and third appointments to fill full terms on the Board of Directors following the expiration of terms existing on the effective date of this subsection shall be designated Seats 1 and 3. The remaining seats shall be designated Seats 2, 4, 5, 6, and 7. Seats 2, 4, 5, 6, and 7 shall be appointed by the Mayor pursuant to Section 3.100(18) and confirmed after public hearing by the Board of Supervisors. Seats 1 and 3 shall be appointed 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, however nothing in this subsection shall be construed to prohibit the Board of Supervisors from dissolving or restructuring the ISCOTT as it deems appropriate.

(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, however nothing in this subsection shall be

construed to prohibit the Board of Supervisors from dissolving or restructuring the ISCOTT as it deems appropriate;

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.~~

~~23. 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 42. Amending Section 8A.106 of the Charter.

Section 8A.106 of the San Francisco Charter is hereby amended to read as follows:

SEC. 8A.106. BUDGET.

The Agency shall be subject to the provisions of Article IX of this Charter except:

(a) No later than May 1 of each even-numbered year, after professional review, and public hearing and after receiving the recommendations of the Citizens' Advisory Council, the Agency shall submit its proposed budget with annual appropriation detail in a form approved by the Controller for each of the next two fiscal years to the Mayor and the Board of Supervisors for their review and consideration. The Agency shall propose a budget that is balanced without the need for additional funds over the Base Amount, but may include fare increases and decreases, and reductions or abandonment of service. The Mayor shall submit the budget to the Board of

Supervisors, without change. Should the Agency request additional general fund support over the Base Amount, it shall submit an augmentation request for those funds in the standard budget process and subject to normal budgetary review and amendment under the general provisions of Article IX.

(b) At the time the budget is adopted, the Agency shall certify that the budget is adequate in all respects to make substantial progress towards meeting the performance standards established pursuant to Section 8A.103 for the fiscal year covered by the budget.

(c) No later than August 1, the Board of Supervisors may allow the Agency's budget to take effect without any action on its part or it may reject but not modify the Agency's budget by a seven-elevenths' vote. Any fare change, route abandonment, or revenue measure proposed in the budget shall be considered accepted unless rejected by a seven-elevenths' vote on the entire budget. Should the Board reject the budget, it shall make additional interim appropriations to the Agency from the Municipal Transportation Fund sufficient to permit the Agency to maintain all operations through the extended interim period until a budget is adopted. Any request for appropriation of General Fund revenues in excess of the Base Amount shall be approved, modified, or rejected under the general provisions of Article IX.

(d) No later than May 1 of each odd-numbered year, the Agency shall submit any budget amendment that may be required to increase appropriations over those approved in the two year budget or as may be required by law, provided that such budget amendment shall establish a detailed plan with appropriation detail only for those anticipated revenues and expenditures exceeding those approved in the two year budget or as otherwise required by law. The Agency may submit to the Board of Supervisors such additional budget amendments or modifications during the term of the budget, including but not limited to amendments reflecting fare changes, route abandonments and revenue measures, as may be required in the discretion of the Agency. The Board of Supervisors may allow any budget amendment to take effect without any action on its part or it may reject but not modify the budget amendment by a seven-elevenths' vote taken within 30 days after its submission to the Board of Supervisors.

(e) Notwithstanding any other provisions of this Charter or requirements of the Annual Salary Ordinance, the Controller may authorize the Agency to move funds within its budget and hire personnel without specific Controller approval so long as the Agency's periodic and verifiable projections of spending by the Agency show the Controller that the Agency's spending will be within the approved budget. However, should the projections show that the Agency spending is likely to exceed its budget, the Controller may impose appropriate controls in his or her discretion to keep the Agency within budget.

SECTION 43. Amending Section 8A.107 of the Charter.

Section 8A.107 of the San Francisco Charter is hereby amended to read as follows:

SEC. 8A.107. MUNICIPAL TRANSPORTATION QUALITY REVIEW.

(a) The Agency shall biennially contract with a nationally recognized management or transportation consulting firm with offices in the City and County for an independent review of the quality of its operations. The contract shall be competitively bid and approved by the Controller and Board of Supervisors. The review shall contain:

1. A detailed analysis of the extent to which the Agency has met the goals, objectives, and performance standards it is required to adopt under Section 8A.103, and the extent to which the

Agency is expected to meet those goals, objectives, and performance standards in the two fiscal years for which the review is submitted, and independent verification of the Agency's reported performance under the performance measures adopted pursuant to Section 4 of this measure; and

2. Such recommendations for improvement in the operation of the Agency as the firm conducting the review deems appropriate.

(b) The results of the review shall be presented promptly to the ~~Citizens' Advisory Council~~, the Agency, the Board of Supervisors, and the Mayor by the reviewing firm; and ~~the Citizens' Advisory Council, the Agency, and the Board of Supervisors shall each promptly hold at least one public hearing thereon.~~

SECTION 44. Repealing Section 8A.111 of the Charter.

Section 8A.111 of the San Francisco Charter is hereby repealed:

~~SEC. 8A.111. CITIZENS' ADVISORY COUNCIL.~~

~~The Agency shall establish a Citizens' Advisory Council of fifteen members which shall consist of one person appointed by each member of the Board of Supervisors and four members appointed by the Mayor. Each member must be a resident of the City and County. No fewer than ten members of the Council must be regular riders of the Municipal Rail-way. At least two members must use the Municipal Railway's paratransit system, and at least three of the members must be senior citizens over the age of 60. The membership of the Council shall be reflective of the diversity and neighborhoods of the City and County. The Council may provide recommendations to the Agency with respect to any matter within the jurisdiction of the Agency and shall be allowed to present reports to the Agency's board of directors. The members of the Council shall be appointed to four-year terms and shall serve at the pleasure of their appointing power. Staggered terms for the initial appointees to the Council shall be determined by lot.~~

SECTION 45. Amending Section 8B.123 of the Charter.

Section 8B.123 of the San Francisco Charter is hereby amended to read as follows:

~~(A) Planning and Reporting~~

The Public Utilities Commission shall annually hold public hearings to review, update and adopt:

(1) A Long-Term Capital Improvement Program, covering projects during the next 10-year period; including cost estimates and schedules.

(2) A Long-Range Financial Plan, for a 10-year period, including estimates of operation and maintenance expenses, repair and replacement costs, debt costs and rate increase requirements.

(3) A Long-Term Strategic Plan, setting forth strategic goals and objectives and establishing performance standards as appropriate.

The Capital Improvement Program and Long-Range Financial Plan shall serve as a basis and supporting documentation for the Commission's capital budget, the issuance of revenue bonds, other forms of indebtedness and execution of governmental loans under this Charter.

~~(B) Citizens' Advisory Committee~~

~~The Board of Supervisors, in consultation with the General Manager of the Public Utilities Commission, shall establish by ordinance a Citizens' Advisory Committee to provide~~

~~recommendations to the General Manager of the Public Utilities Commission, the Public Utilities Commission and the Board of Supervisors.~~

SECTION 46. Amending Section 8B.125 of the Charter.

Section 8B.125 of the San Francisco Charter is hereby amended to read as follows:

SEC. 8B.125. RATES.

Notwithstanding Charter sections 2.109, 3.100 and 4.102 or any ordinance (including, without limitation, Administrative Code Appendix 39), the Public Utilities Commission shall set rates, fees and other charges in connection with providing the utility services under its jurisdiction, subject to rejection – within 30 days of submission – by resolution of the Board of Supervisors. If the Board of Supervisors fails to act within 30 days the rates shall become effective without further action.

In setting retail rates, fees and charges the Commission shall:

1. Establish rates, fees and charges at levels sufficient to improve or maintain financial condition and bond ratings at or above levels equivalent to highly rated utilities of each enterprise under its jurisdiction, meet requirements and covenants under all bond resolutions and indentures, (including, without limitation, increases necessary to pay for the retail water customers' share of the debt service on bonds and operating expenses of any state financing authority such as the Regional Water System Financing Authority), and provide sufficient resources for the continued financial health (including appropriate reserves), operation, maintenance and repair of each enterprise, consistent with good utility practice;

2. Retain an independent rate consultant to conduct rate and cost of service studies for each utility at least every five years;

3. Set retail rates, fees and charges based on the cost of service;

4. Conduct all studies mandated by applicable state and federal law to consider implementing connection fees for water and clean water facilities servicing new development;

5. Conduct studies of rate-based conservation incentives and/or lifeline rates and similar rate structures to provide assistance to low income users, and take the results of such studies into account when establishing rates, fees and charges, in accordance with applicable state and federal laws;

6. Adopt annually a rolling 5-year forecast of rates, fees and other charges; ~~and~~

~~7. Establish a Rate Fairness Board consisting of seven members: the City Administrator or his or her designee; the Controller or his or her designee; the Director of the Mayor's Office of Public Finance or his or her designee; two residential City retail customers, consisting of one appointed by the Mayor and one by the Board of Supervisors; and two City retail business customers, consisting of a large business customer appointed by the Mayor and a small business customer appointed by the Board of Supervisors.~~

~~The Rate Fairness Board may:~~

~~i. Review the five-year rate forecast;~~

~~ii. Hold one or more public hearings on annual rate recommendations before the Public Utilities Commission adopts rates;~~

2004 JAN 22 AM 10:21

DEPARTMENT OF ELECTIONS

~~— iii. Provide a report and recommendations to the Public Utilities Commission on the rate proposal; and~~

~~— iv. In connection with periodic rate studies, submit to the Public Utilities Commission rate policy recommendations for the Commission's consideration, including recommendations to reallocate costs among various retail utility customer classifications, subject to any outstanding bond requirements.~~

~~— These provisions shall be effective January 3, 2003 for the setting of retail rates, fees and charges related to the clean water system. If the voters approve bonds for the Public Utilities Commission's Capital Improvement Program at the November 5, 2002 election then the provisions of this section shall take effect on July 2, 2006 for the setting of retail rates, fees and charges related to the water system. If the voters do not approve such bonds then this section will take effect on January 3, 2003.~~

SECTION 47. Amending Section 12.202 of the Charter.

Section 12.202 of the San Francisco Charter is hereby amended to read as follows:

SEC. 12.202. MEMBERSHIP IN HEALTH SERVICE SYSTEM.

(a) The members of the System shall consist of all officers and permanent employees of the City and County, the Unified School District, the Community College District, and such other officers, employees, dependents and retirees as provided by ordinance.

(b) Notwithstanding subsection (a), and except as otherwise explicitly provided in this Charter, or as necessary to comply with federal or state law, the members of the System shall not include any person appointed or reappointed to serve on an appointive board or commission, after the effective date of this subsection, solely by virtue of that appointment. The foregoing sentence shall not be construed to exclude an individual from the System if that person is otherwise eligible, such as an officer or permanent employee who is also appointed to serve on a board or commission in accordance with applicable law.

SECTION 48. Amending Section 14.103 of the Charter.

Section 14.103 of the San Francisco Charter is hereby amended to read as follows:

SEC. 14.103. RECALL.

(a) An elected official of the City and County, the City Administrator, the Controller, or any member of ~~the Airports Commission~~ the Board of Education, the governing board of the Community College District, or the Ethics Commission ~~or the Public Utilities Commission~~ may be recalled by the voters as provided by this Charter and by the laws of the State of California, except that no recall petitions shall be initiated with respect to any officer who has held office for less than six months.

(b) Upon certifying the sufficiency of the recall petition's signatures, the Director of Elections shall immediately call a special municipal election on the recall, to 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 recall shall be submitted at such general municipal or statewide election.

SECTION 49. Amending Section 15.105 of the Charter.

Section 15.105 of the San Francisco Charter is hereby amended to read as follows:

SEC SEC. 15.105. SUSPENSION AND REMOVAL.

(a) ~~ELECTIVE AND CERTAIN APPOINTED OFFICERS.~~ Any elective officer, and any member of the ~~Airport Commission, Asian Art Commission, Civil Service Commission, Commission on the Status of Women, Golden Gate Concourse Authority Board of Directors, Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal Transportation Agency Board of Directors, Port Commission, Public Utilities Commission, Recreation and Park Commission, Fine Arts Museums Board of Trustees, War Memorial and Performing Art Center Board of Trustees,~~ Board of Education or Community College Board is subject to suspension and removal for official misconduct as provided in this section. Such officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. Upon such suspension, the Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their next regular meetings following such suspension, and shall immediately furnish a copy of the same to such officer, who shall have the right to appear with counsel before the Ethics Commission in his or her defense. The Ethics Commission shall hold a hearing not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall thereby be reinstated.

(b) ~~BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD OF APPEALS, ELECTIONS COMMISSION, AND ETHICS COMMISSION, SHERIFF'S DEPARTMENT OVERSIGHT BOARD, AND ENTERTAINMENT COMMISSION.~~ Members of the ~~Building Inspection Commission, the Planning Commission, the Board of Appeals, the Elections Commission, and the Ethics Commission, the Sheriff's Department Oversight Board, and the Entertainment Commission~~ may be suspended and removed pursuant to the provisions of subsection (a) of this section except that the Mayor may initiate removal only of the Mayor's appointees and the appointing authority shall act in place of the Mayor for all other appointees.

(c) **REMOVAL FOR CONVICTION OF A FELONY CRIME INVOLVING MORAL TURPITUDE.**

(1) Officers Enumerated in Subsections (a) and (b).

(A) An appointing authority must immediately remove from office any official enumerated in subsections (a) or (b) upon:

(i) a court's final conviction of that official of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the official was convicted warrants removal.

(B) For the purposes of this subsection, the Mayor shall act as the appointing authority for any elective official.

(C) Removal under this subsection is not subject to the procedures in subsections (a) and (b) of this section.

(2) Other Officers and Employees.

(A) At will appointees. Officers and employees who hold their positions at the pleasure of their appointing authority must be removed upon:

(i) a final conviction of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal.

(B) For cause appointees. Officers and employees who by law may be removed only for cause must be removed upon:

(i) a final conviction of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal.

(3) Penalty for Failure to Remove. Failure to remove an appointee as required under this subsection shall be official misconduct.

(d) DISQUALIFICATION.

(1) (A) Any person who has been removed from any federal, state, County or City office or employment upon a final conviction of a felony crime involving moral turpitude shall be ineligible for election or appointment to City office or employment for a period of ten years after removal.

(B) Any person removed from any federal, state, County or City office or employment for official misconduct shall be ineligible for election or appointment to City office or employment for a period of five years after removal.

(2) (A) Any City department head, board, commission or other appointing authority that removes a City officer or employee from office or employment on the grounds of official misconduct must invoke the disqualification provision in subsection (d)(1)(B) and provide notice of such disqualification in writing to the City officer or employee.

(B) Upon the request of any former City officer or employee, the Ethics Commission may, after a public hearing, overturn the application of the disqualification provision of subsection (d)(1)(B) if: (i) the decision that the former officer or employee engaged in official misconduct was not made after a hearing by a court, the Board of Supervisors, the Ethics Commission, an administrative body, an administrative hearing officer, or a labor arbitrator; and (ii) if the officer or employee does not have the right to appeal his or her restriction on holding future office or employment to the San Francisco Civil Service Commission.

(e) OFFICIAL MISCONDUCT. Official misconduct means any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct that

falls below the standard of decency, good faith and right action impliedly required of all public officers and including any violation of a specific conflict of interest or governmental ethics law. When any City law provides that a violation of the law constitutes or is deemed official misconduct, the conduct is covered by this definition and may subject the person to discipline and/or removal from office.

SECTION 50. Amending Section 16.107 of the Charter.

Section 16.107 of the San Francisco Charter is hereby amended to read as follows:

SEC. 16.107. PARK, RECREATION AND OPEN SPACE FUND.

(a) Establishment of Fund. There is hereby established the Park, Recreation and Open Space Fund ("Fund") to be administered by the Recreation and Park Department ("Department") as directed by the Recreation and Park Commission ("Commission"). Monies in the Fund shall be expended or used solely by the Department, subject to the budgetary and fiscal provisions of the Charter, to provide park and recreational services and facilities. The Department embraces socio-economic and geographic equity as a guiding principle and commits to expending the funds across its open space and recreational programs to provide park and recreational access to all of San Francisco's diverse neighborhoods and communities.

(b) Annual Set-aside. The City will continue to set aside from the annual tax levy, for a period of forty-five years starting with the fiscal year 2000-2001 and through and including fiscal year 2045-2046, an amount equivalent to an annual tax of two and one-half cents (\$0.025) for each \$100 assessed valuation. Beginning in fiscal year 2016-2017, revenues from the set-aside, together with interest, shall be deposited into the Park, Recreation and Open Space Fund. Revenues from the set-aside shall be in addition to the baseline appropriation required by subsection (c).

The Controller shall set aside and maintain such an amount, together with any interest earned thereon, in the Fund, and any amount unspent or uncommitted at the end of the fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the purposes specified in this Section 16.107.

(c) Baseline Maintenance of Effort. The annual set-aside shall be used exclusively to increase the aggregate City appropriations to and expenditures by the Recreation and Park Department for Department purposes. To this end, beginning in fiscal year 2016-2017 and thereafter through fiscal year 2045-2046, the City shall not reduce the baseline general fund support amount appropriated to the Department below the amount appropriated in fiscal year 2015-2016, as calculated by the Controller, except that the baseline amount shall be adjusted as follows:

(1) Each year in fiscal years 2016-2017 through 2025-2026, the City shall increase the baseline appropriation by \$3 million over the prior year.

(2) Each year in fiscal years 2026-2027 through 2045-2046, the City shall adjust the baseline by the percentage increase or decrease in aggregate City discretionary revenues, as determined by the Controller, based on calculations consistent from year to year. In determining aggregate City discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3,

2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. The Controller is authorized to increase or reduce budgetary appropriations as required by this subsection (c) to align the baseline amount to the amount required by formula based on actual revenues received during the fiscal year.

(3) The City may suspend growth in the baseline funding pursuant to subsection (c)(1) in fiscal year 2016-2017 if the City's projected budget deficit for that year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds 200 million. For fiscal year 2017-2018 through fiscal year 2045-2046, the City may suspend growth in baseline funding pursuant to subsections (c)(1) and (c)(2) when the projected budget deficit for the upcoming fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds \$200 million adjusted annually by changes in aggregate City discretionary revenues.

(4) Monies from the baseline appropriation required by this subsection (c) shall not be appropriated or expended for services provided to the Recreation and Park Department by other City departments and agencies unless: (A) the City department or agency charged the Recreation and Park Department for that service in fiscal year 2015-2016 and the amount the Recreation and Park Department paid the City department or agency for that service was included in the baseline amount for fiscal year 2015-2016, although increases in the cost of such services may be paid out of the baseline appropriation, or (B) the Recreation and Park Department requests or agrees to a new service from a City department or agency.

(5) At the end of the fiscal year 2015-2016 and every year thereafter, any excess general fund Departmental revenue, including any Department expenditure savings or revenue surpluses deposited prior to fiscal year 2015-2016, shall be reserved to be used for one-time Departmental expenditures. "General fund Departmental revenue" is defined as all revenues credited to the Department's general fund budget other than the baseline contribution defined in subsection (c).

(d) The City shall implement its efforts to increase revenues in a manner consistent with the City's policy of charging City residents a lower fee than that charged nonresidents for the use and enjoyment of Department property.

(e) Revenue Bond Authority. Notwithstanding the limitations set forth in Sections 9.107, 9.108, and 9.109 of this Charter, the Commission may request, and upon recommendation of the Mayor the Board of Supervisors may authorize, the issuance of revenue bonds or other evidences of indebtedness, or the incurrence of other obligations, secured by the Park, Recreation and Open Space Fund for acquisition, construction, reconstruction, rehabilitation and/or improvement of real property and/or facilities and for the purchase of equipment.

(f) Fund Expenditures on Commission Property. Any real property acquired with monies from the Fund, including the proceeds of obligations issued pursuant to subsection (e), above, shall be placed under the jurisdiction of the Commission within the meaning of Section 4.113. Fund expenditures to improve, construct, reconstruct or rehabilitate real property shall be limited to property under the jurisdiction of the Commission or property under the jurisdiction of another City department or public agency and subject to an agreement with the Department for its use, management and maintenance.

(g) Use and Allocation of the Fund. Each year, the Commission shall adopt a budget for the allocation and expenditure of the Fund in compliance with the budget and fiscal provisions of the Charter. The annual budget for allocation of the Fund that is adopted by the Commission and submitted by the Mayor to the Board of Supervisors shall include:

(1) Allocations for after-school recreation programs, urban forestry, community gardens, volunteer programs, and a significant natural areas management program in the amounts allocated for each of those programs from the Park and Open Space Fund in the Department's fiscal year 2015-2016 budget, to the extent that such programs are not so funded in the Department's operating budget or in the budget of another City department.

(2) An allocation necessary to ensure that 3% of the monies to be deposited in the Fund during the upcoming fiscal year pursuant to subsection (b), above, be available at the start of the fiscal year as an undesignated contingency reserve. No later than September 1, 2017, the Commission shall adopt a policy for expenditures from the contingency reserve. Thereafter, the Commission shall submit a report to the Mayor and the Board of Supervisors on any expenditures from the contingency reserve during the previous budget cycle along with its proposed budget for allocation of the Fund.

(3) An allocation of not less than 5% of the monies to be deposited in the Fund during the upcoming fiscal year pursuant to subsection (b), above. These monies shall be dedicated to the acquisition of real property identified in the Capital Expenditure Plan discussed in subsection (h)(3), below. Any portion of these monies that remains unspent or uncommitted at the end of any fiscal year shall be carried forward, with interest thereon, to the next fiscal year for the purposes set forth herein.

(4) An allocation, as a separate line item, of funds required for preparation, monitoring, and evaluation of the plans required under subsection (h).

Prior to the adoption of the annual budget by the Recreation and Park Commission, the Department, ~~in conjunction with the Parks, Recreation, and Open Space Advisory Committee ("Advisory Committee") discussed in subsection (i), below,~~ shall conduct two public hearings in the evenings or on weekends to permit the public to comment on the Department's full budget and programming allocations.

The Board of Supervisors shall consider and apply the Planning and Reporting Measures, including equity metrics, required in subsection (h) when reviewing and approving the Department's budget.

(h) Planning and Reporting Measures. The Commission shall adopt several long-term plans that include, but are not limited to, the following:

(1) Metrics. The Department shall develop, and the Commission shall adopt, a set of equity metrics to be used to establish a baseline of existing Recreation and Park services and resources in low-income neighborhoods and disadvantaged communities, compared to services and resources available in the City as a whole. Following Commission approval, the Department shall submit its Equity Metrics to the Mayor and the Board of Supervisors.

(2) Strategic Plan. By February 1, 2017, and every five years thereafter, the Department shall prepare, for Commission consideration and approval, a five-year Strategic Plan that establishes or reaffirms the mission, vision, goals and objectives for the Department. The Strategic Plan shall include an equity analysis of Recreation and Park services and resources, using the equity metrics

adopted under subsection (h)(1), and shall include strategies to mitigate any equity deficiencies identified in the Plan.

The Department shall submit the proposed Strategic Plan to the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting the Plan to the Commission for its approval. Following Commission approval of the Strategic Plan, the Department shall submit the Strategic Plan to the Mayor and the Board of Supervisors. The Board of Supervisors shall consider and by resolution express its approval or disapproval of the Plan, but may not modify the Plan. If the Board expresses its disapproval of the Plan or makes recommendations regarding the Plan to the Department, the Department may modify and resubmit the Plan.

The Department will use the approved Strategic Plan to guide its work over each five-year period. Every two years after the approval of a Strategic Plan, the Department shall report to the Commission on the Department's progress under the Plan and, subject to the Commission's approval, may amend the Plan as appropriate. Following Commission approval of any amendments to the Strategic Plan, the Department may submit the amended Strategic Plan to the Mayor and the Board of Supervisors.

(3) Capital Expenditure Plan. By January 15, 2017 and for each annual or biennial budgetary cycle thereafter, as determined under Charter Section 9.101, the Department shall prepare, for Commission consideration and approval, an annual Capital Expenditure Plan that addresses the development, renovation, replacement and maintenance of capital assets, and the acquisition of real property projected during the life of the Department's five-year Strategic Plan. The Capital Expenditure Plan shall include an equity analysis of Recreation and Park capital expenditures, using the equity metrics adopted under subsection (h)(1), and shall include strategies to mitigate any equity deficiencies identified in the Plan. The Capital Expenditure Plan shall further address irrigation, water conservation, and urban forestry on park lands.

The Department shall submit the proposed Capital Expenditure Plan to the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting the Plan to the Commission for its approval. Following Commission approval, the Department shall submit the Capital Expenditure Plan to the Mayor and the Board of Supervisors. The Board of Supervisors shall consider and by resolution express its approval or disapproval of the Plan, but may not modify the Plan. If the Board expresses its disapproval of the Plan or makes recommendations regarding the Plan to the Department, the Department may modify and resubmit the Plan.

The Department shall further cooperate in the development of the City's Capital Expenditure Plan under Administrative Code Section 3.20, as amended, or any successor legislation.

(4) Operational Plan. By February 1, 2017, and for each annual or biennial budgetary cycle thereafter, as determined under Charter Section 9.101, the Department shall prepare, for Commission consideration and approval, an Operational Plan. The Department shall base the Operational Plan on the then-current Strategic Plan, and the Operational Plan shall be in addition to the Department's budget. The Department shall include in the Operational Plan a statement of the objectives and initiatives within the Strategic Plan that the Department plans to undertake and/or accomplish during the next budgetary period, including performance indicators and targets. The Operational Plan shall include an equity analysis of Recreation and Park services and resources, using the equity metrics adopted under subsection (h)(1). Each Operational Plan shall further include an assessment of the Department's progress on the previous Operational Plan.

The Department shall submit the proposed Operational Plan to the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting the Plan to the Commission for its approval. Following Commission approval, the Department shall submit the Operational Plan to the Mayor and the Board of Supervisors.

The Commission shall establish a community input process, which shall include the Parks, Recreation, and Open Space Advisory Committee discussed in section (i), below, through which citizens of the City and County of San Francisco will provide assistance to the Commission as it develops criteria and establishes the plans required by this subsection. Prior to the adoption of any Strategic Plan, the Department shall conduct at least five hearings in locations distributed geographically throughout the City to receive and to consider the public's comments upon the plan. The Commission shall ensure that at least two of these hearings are held in the evenings or on weekends for the public's convenience.

In the fourth year of each Strategic Plan under subsection (h)(2), the Controller's City Services Auditor shall conduct a performance audit of the Department to assess the Department's progress under the Strategic Plan and to inform the development of the Department's next Strategic Plan. The audit shall include an analysis of the Department's compliance with the planning and reporting measures in this subsection (h). The costs of the audit may be charged to the baseline established in subsection (c).

If the audit finds that the Department has not complied with the requirements in this subsection (h), the Board of Supervisors may place up to 5% of the baseline appropriation under subsection (c) for the next fiscal year on reserve, pending subsequent release of the reserve by Board action upon finding progress toward these requirements. The preceding sentence is not intended to modify the Board's authority under the fiscal and budgetary provisions of the Charter.

The Commission may modify any deadlines contained in this subsection (h) by resolution adopted by a two-thirds vote of its members, and a resolution adopted by the Board of Supervisors and approved by the Mayor.

~~(i) Parks, Recreation, and Open Space Advisory Committee. The Board of Supervisors shall establish, by ordinance, a Parks, Recreation, and Open Space Advisory Committee, such as the committee established in Park Code Section 13.01, as amended, or any successor legislation.~~

~~(j) Equity Fund. The City shall establish an Equity Fund to accept and expend private gifts, grants, and donations received by the Department and intended to support initiatives and programs addressing unmet program and capital needs identified in the equity analyses required under subsection (h).~~

~~(k) Environmental and Design Guidelines. The Department shall maintain written environmental and design guidelines for new facilities, parks, and open spaces and the renovation or rehabilitation of existing facilities, parks, and open spaces.~~

~~(l) Capital Projects. Notwithstanding the provisions of Section 3.104 of this Charter, the Commission shall have the authority to prepare and approve the plans, specifications and estimates for all contracts and orders, and to award, execute and manage all contracts and orders, for capital projects on real property under its jurisdiction or management. Capital projects supported by the Fund, other than those projects identified by the Department as long-term projects, must be fully constructed within three years of the initial budget allocation for those projects. Long-term projects~~

must be fully constructed within five years of the initial budget allocation. Any exceptions to this provision must be authorized by a two-thirds vote of the Commission.

(ml) In addition to the requirements set forth by this Section 16.107, all expenditures from the Fund shall be subject to the budget and fiscal provisions of the Charter.

(mm) This Section 16.107 shall expire by operation of law at the end of fiscal year 2045-2046 and the City Attorney shall cause it to be removed from future editions of the Charter unless the Section is extended by the voters.

SECTION 51. Amending Section 16.108-1 of the Charter.

Section 16.108-1 of the San Francisco Charter is hereby amended to read as follows:

SEC. 16.108-1. CONSTRUCTION AND IMPLEMENTATIONCHILDREN, YOUTH AND THEIR FAMILIES OVERSIGHT AND ADVISORY COMMITTEE.

~~—(a) **Creation.** There shall be a Children, Youth and Their Families Oversight and Advisory Committee (“Oversight and Advisory Committee”) to review the governance and policies of the Department of Children, Youth and Their Families (“DCYF”), to monitor and participate in the administration of the Children and Youth Fund as provided in Charter Section 16.108 (“Fund”), and to take steps to ensure that the Fund is administered in a manner accountable to the community.~~

~~—(b) **Responsibilities.**~~

~~—(1) The Oversight and Advisory Committee shall develop recommendations for DCYF and the Fund regarding outcomes for children and youth services, the evaluation of services, common data systems, a process for making funding decisions, program improvement and capacity building of service providers, community engagement in planning and evaluating services, leveraging dollars of the Fund and the use of the Fund as a catalyst for innovation. The Oversight and Advisory Committee shall promote and facilitate transparency in the administration of the Fund.~~

~~—(2) As provided in Section 16.108, the Oversight and Advisory Committee shall review and approve the planning process for the Community Needs Assessment (“CNA”) and the final CNA, the Services and Allocation Plan, and DCYF’s overall spending plan (including, as separate items, approval of the departmental budget and of DCYF’s proposed grants as a package), and shall review the annual Data and Evaluation Report. Nothing in this Section shall limit the authority of the Mayor and the Board of Supervisors to propose, amend, and adopt a budget under Article IX of the Charter.~~

~~—(3) The Oversight and Advisory Committee shall participate in the evaluation of the Director of DCYF, assist in recruitment for the Director when the position is vacant, and may recommend candidates to the Mayor.~~

~~—(4) The Oversight and Advisory Committee shall establish and maintain a Service Provider Working Group as provided in subsection (e).~~

~~—(5) The Oversight and Advisory Committee shall meet at least six times a year.~~

~~—(e) **Composition.** The Oversight and Advisory Committee shall have eleven members. The Mayor shall appoint members for Seats 1 through 6. The Board of Supervisors shall appoint members for Seats 7 through 11. The Mayor and the Board of Supervisors shall appoint the initial members of the Committee by July 1, 2015. The terms of the initial appointees to the Committee~~

shall commence on the date of the first meeting of the Committee, which may occur when at least eight members have been appointed and are present.

~~—(d) **Implementation.** The Board of Supervisors shall further provide by ordinance for the membership, structure, functions, appointment criteria, terms and support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such legislation to be effective by July 1, 2015.~~

~~—(e) **Service Provider Working Group.** The Oversight and Advisory Committee shall create a Service Provider Working Group (“Working Group”) to advise the Oversight and Advisory Committee on funding priorities, policy development, the planning cycle, evaluation design and plans, and any other issues of concern to the Working Group related to the Fund or the responsibilities of DCYF or other departments receiving monies from the Fund. The Working Group shall engage a broad cross section of service providers in providing information, education and consultation to the Oversight and Advisory Committee. All members of the Working Group shall be actively providing services to children, youth and their families. The Working Group shall be supported by DCYF staff, and shall meet at least four times a year. The Oversight and Advisory Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible for developing the structure of the Working Group and facilitating the meetings. After the terms of the initial co chairs expire, the Working Group shall select its own chairs. Working Group meetings shall be open and encourage widespread participation.~~

(a) All references in Section 16.108 of this Charter to a “Children, Youth and Their Families Oversight and Advisory Committee” or to an “Oversight and Advisory Committee” shall hereafter refer to the DCYF or to any agency or commission designated by the Board of Supervisors in any ordinance adopted pursuant to Section 4.101, subdivisions (e), (f), or (g), of this Charter.

(b) To the extent that subsections (i)(1)(B), (i)(2)(A), or (i)(2)(D) of Section 16.108 require that the DCYF provide copies of reports or other materials to the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, or the Commission on the Status of Women, and to the extent those commissions are not retained or reconstituted by the Board of Supervisors pursuant to section 4.100, subsection (e), (f), or (g), of this Charter, the DCYF shall instead provide copies to such other departments or appointive boards or commissions as are appropriate and consistent with the purposes of Section 16.108.

SECTION 52. Amending Section 16.123-4 of the Charter.

Section 16.123-4 of the San Francisco Charter is hereby amended to read as follows:

SEC. 16.123-4. UNIVERSAL ACCESS TO EARLY EDUCATION.

(a) Universal Access to Early Education. It shall be the goal of the City and County of San Francisco to provide all children between the ages of three and five years who are City residents the opportunity to attend quality early education programs, giving priority to four year old children. It is the goal of the people in adopting this measure to expand such access beginning no later than September 1, 2015, building upon the work of the City’s existing Preschool for All program. This portion of the Fund may also be used to support the development of services for children from birth to three years old.

(b) Planning Process. No later than January 1, 2016, the OECE, in consultation with the San Francisco Child Care Planning and Advisory Council, the First Five Commission, the San Francisco Unified School District, the San Francisco Human Services Agency, the San Francisco

Department of Children, Youth and Their Families, and community stakeholders, shall submit to the Board of Supervisors a proposal for expanding quality universal early education for San Francisco. The Board of Supervisors shall approve the plan by resolution; if the Board does not approve the plan, it may refer the plan back to the OECE for revision.

In preparing the plan, the OECE may consult with the First Five Commission to develop universal early education funding guidelines consistent with the findings of the 2012-2013 Child Care Planning and Advisory Council's San Francisco Child Care Needs Assessment, the 2012 San Francisco Citywide Plan for Early Education, First 5 San Francisco's 2013 Evaluations of the Preschool for All program, the San Francisco Unified School District's 2014 Kindergarten Readiness Data, and the Office of Early Care and Education's 2014 Financing Study.

The plan shall include goals for the quality of early care and education programs, shall align with emerging developments in state and/or federal early care and education policy, and shall address the professional development needs of center-based and family child care providers. "Professional development" as used in this Section 16.123-4 includes education, technical assistance and coaching, training, and supports, and shall be aligned with the City's goals for early care and education program quality. Additionally, in preparing the plan, the OECE shall develop guidelines designed to meet neighborhood-specific needs, including school readiness, subsidy availability, children's dual language development, facility development, parent engagement and education, inclusion of children with special needs, and provider support for both family child care homes and child care centers. Such funding guidelines also shall address the unmet need for universal early education and child care slots in specific City neighborhoods.

The plan shall also include an equity analysis of services and resources for children and families. The OECE ~~Citizens' Advisory Committee~~ shall develop a set of equity metrics to be used to compare existing services and resources in low-income and disadvantaged communities with services and resources available in the City as a whole.

Following the Board of Supervisors' approval of the plan, the OECE, in collaboration with the San Francisco Unified School District and First Five Commission, shall develop an evaluation plan for tracking the results of the City's investments in early care and education.

(c) Annual Disbursements. For Fiscal Year 2014-2015, the City shall appropriate one-third of the money in the Public Education Enrichment Fund to the First Five Commission for universal preschool programs administered by the Commission. Beginning July 1, 2015, the City each year shall appropriate one-third of the money in the Public Education Enrichment Fund to the OECE for early education programs to be administered by that office or entity or its successor.

~~—(d) Citizens Advisory Committee. No later than March 1, 2015, the Board of Supervisors shall establish, by ordinance, a Citizens Advisory Committee to provide recommendations to the OECE on universal access to early education and the funds appropriated under this Section.~~

SECTION 53. Repealing Section 16.127-1 of the Charter.

Section 16.127-1 of the San Francisco Charter is hereby repealed:

~~SEC. 16.127-1. OUR CHILDREN, OUR FAMILIES COUNCIL; PREAMBLE.~~

~~—(a) San Francisco has historically shown great concern and compassion for its most vulnerable residents—its children. The City and the community have demonstrated this commitment through~~

~~the adoption of progressive, innovative and creative ideals supporting the well being of San Francisco's children and families.~~

~~—(b) To continue its legacy as a champion of children, it is imperative for San Francisco to further invest in the City's children and families.~~

~~—(c) The people of the City and County of San Francisco previously supported the passage of the unprecedented Children's Amendment in 1991 and 2000 and the Public Education Enrichment Fund in 2004. While these initiatives dedicated funding to services, the level of unmet needs in providing critical programming and services still falls short.~~

~~—(d) In order to advance a Citywide vision and long term set of goals, City leaders, departments, the San Francisco Unified School District ("SFUSD"), and community partners must come together to align needs with services, coordinate across agencies, and develop a strategy.~~

~~—(e) The Our Children, Our Families Council, comprised of department heads from the City and SFUSD, and community stakeholders, will build a platform that will place children and families at the center of every policy decision.~~

~~—(f) With the renewal of the Children and Youth Fund and the Public Education Enrichment Fund in November 2014, the City must seize this opportunity to develop a long term Citywide vision, create a set of strategies, coordinate services, and identify shared goals to not only ensure that all children and families already here are able to thrive, but to encourage other families to live here.~~

~~—(g) The percentage of children under the age of 18 in San Francisco has steadily declined. As of 2010, 13.4 percent of the City's total population was under the age of 18, the lowest percentage of any major city nationwide.~~

~~—(h) Families continue to leave San Francisco, especially those families in the low to moderate income brackets.~~

~~—(i) San Francisco's children population is declining, with over 10 percent of 1 to 4 year olds moving out of the City annually and fewer children moving in.~~

~~—(j) The declining numbers of children and families in the City cost the community financially as less money is spent on the local economy.~~

~~—(k) This measure will put in place a collaborative approach around the following points of unity:~~

~~—(1) Ensuring equity, and giving priority to children and youth with the highest needs;~~

~~—(2) Empowering parents, youth, and community stakeholders by giving them a voice in the implementation of this Citywide vision; and,~~

~~—(3) Building public trust through transparency and accountability meeting the needs of children and families.~~

SECTION 54. Repealing Section 16.127-2 of the Charter.

Section 16.127-2 of the San Francisco Charter is hereby repealed:

SEC. 16.127-2. OUR CHILDREN, OUR FAMILIES COUNCIL; CREATION.

~~—There shall be an Our Children, Our Families Council (“the Council”) to advise the City on the unmet needs, services, and basic needs infrastructure of children and families in San Francisco through the creation of a Children and Families Plan for the City.~~

SECTION 55. Repealing Section 16.127-3 of the Charter.

Section 16.127-3 of the San Francisco Charter is hereby repealed:

~~SEC. 16.127-3. OUR CHILDREN, OUR FAMILIES COUNCIL; PURPOSE.~~

~~—In order to advance a Citywide vision centered on the needs of children and families, City leaders and departments, SFUSD, and community partners must come together to coordinate their efforts across agencies and develop a strategy for achieving shared goals. The purpose of the Children and Families Plan to be developed by the Council will be to create an aligned and connected system of programs and services, in order to strengthen the City’s ability to best serve children, youth and their families, with the specific goals of promoting coordination among and increased accessibility to such programs and services, and enhancing their overall effectiveness.~~

SECTION 56. Repealing Section 16.127-4 of the Charter.

Section 16.127-4 of the San Francisco Charter is hereby repealed:

~~SEC. 16.127-4. OUR CHILDREN, OUR FAMILIES COUNCIL; COMPOSITION.~~

~~—The Mayor shall chair the Council, and shall invite the Superintendent of SFUSD to serve as co-chair of the Council. Other members of the Council shall include the heads of City departments with responsibilities for services to children and families, members of the community, and stakeholders. The Mayor shall also invite the heads of SFUSD divisions identified by the Superintendent to serve as members of the Council.~~

SECTION 57. Repealing Section 16.127-5 of the Charter.

Section 16.127-5 of the San Francisco Charter is hereby repealed:

~~SEC. 16.127-5. OUR CHILDREN, OUR FAMILIES COUNCIL; RESPONSIBILITIES.~~

~~—(a) In order to ensure that all children in every neighborhood, especially those neighborhoods with the greatest needs, have access to the resources to achieve, the Council will be responsible for developing a Citywide vision, Citywide shared priorities, Citywide program goals, and Citywide best practices for addressing those needs.~~

~~—(b) The San Francisco Children and Families Plan. The Council shall craft a San Francisco Children and Families Plan (“the Plan”) and identify relevant goals and strategies to align and coordinate the services to children and families provided by City departments, SFUSD, and community partners and to maximize support for children and families. The Plan shall consider the following elements:~~

- ~~—(1) Ease of access for children, youth and families in receiving services;~~
- ~~—(2) Educational milestones developed by SFUSD and youth development milestones developed by the Department of Children, Youth, and Their Families (“DCYF”) and the Council;~~
- ~~—(3) Existing quality of service benchmarks established by City and SFUSD departments;~~
- ~~—(4) Framework for a basic needs infrastructure, including, but not limited to, housing, transit, and job placement resources; and~~

~~—(5) Fairness in prioritizing the delivery of services to the children and families with the most need.~~

~~—The Plan shall also include an equity analysis of services and resources for children, youth, and families. The Council shall develop a set of equity metrics to be used to compare existing services and resources in low-income and disadvantaged communities with services and resources available in the City as a whole. The Council may draw upon metrics used by departments including DCYF and the Office of Early Care and Education (or any successor agency).~~

~~—(c) No later than May 1, 2016, and every fifth year thereafter, the Council shall develop and adopt a set of proposed Citywide outcomes for services to children and families, including an outcomes framework responsive to the evolving needs of the community. No later than July 1, 2016, and every fifth year thereafter, the Council shall prepare and adopt a Children and Families Plan for the City, which shall include a comprehensive assessment of City policies and programs, both public and private, addressing the needs of children and families in San Francisco, and policy-level recommendations for making the City more supportive of children and families. The Council shall emphasize solicitation and incorporation of community input in the development of the initial Plan and subsequent Plans.~~

~~—(d) No later than October 1, 2017, and each year thereafter, the Board of Supervisors shall conduct a noticed public hearing to review the Council's performance and the City's overall progress under the current Plan and to update interested parties on the status of the next Plan.~~

~~—(e) All City Departments shall consider the Plan in developing their own strategic plans to make the City more supportive of children and families.~~

~~—(f) Planning. Following the adoption of implementing legislation under Section 16.126-71, the Mayor shall appoint members to the Council and the Council shall convene to make initial decisions regarding staffing, organization, and implementation. The Council shall also begin planning for the start of the five-year planning cycle in Fiscal Year 2016-2017. The Council may recommend, and the Board of Supervisors may approve by ordinance, changes to the due dates and timelines provided in this Section 16.127-5.~~

~~—(g) Coordination of Stakeholders. The Council shall ensure that various community groups, agencies, and organizations responsible for providing support, including the City, SFUSD, and community partners, work together in aligned, coherent, and effective ways.~~

~~—(h) Coordination of Departments. The Council shall facilitate cooperation and coordination between relevant departments of the City and SFUSD to maximize alignment and improve outcomes for children and youth. The Council shall oversee development and implementation of a data-sharing agreement between SFUSD and relevant City departments. The Council, in cooperation with the Board of Supervisors, the San Francisco Board of Education, and community groups, shall work to ensure that funds spent to benefit children and families are targeted to those most in need of specific services and that the funds are used strategically to leverage and complement existing and anticipated federal, state, and local resources.~~

~~—(i) Continued Autonomy of City and SFUSD. The Council will be a policy-coordinating body dedicated to improving coordination between the City and its departments, SFUSD and its departments, and community-based organizations funded by those agencies. While the Council will make recommendations to the City and SFUSD, the City and SFUSD will each retain its full independence and authority regarding programmatic and funding decisions.~~

SAN FRANCISCO
FILED
MAY 10 2017

~~—(j) Evaluation. Every five years, the Controller shall review the Council’s operations and the Plan. The Controller shall submit the results of the review to the Council, the Board of Supervisors, and the Board of Education. The Council shall consider the results of the Controller’s review in the preparation of the next Plan. The Council shall also report to the general public on the Council’s efforts and achievements through the creation of an annual San Francisco Children and Families First Progress Report. The Progress Report shall provide the results of the efforts of the City, SFUSD, and the community to serve children and families under the Plan, measured against quantifiable standards and metrics and in light of the Council’s previously adopted goals and priorities.~~

SECTION 58. Repealing Section 16.127-6 of the Charter.

Section 16.127-6 of the San Francisco Charter is hereby repealed:

~~SEC. 16.127-6. OUR CHILDREN, OUR FAMILIES COUNCIL; STAFFING.~~

~~—(a) Staffing Support. Subject to the fiscal and budgetary provisions of the Charter, the City shall provide staff to the Council (“Council Staff”) for administrative, organizational, policy, and research support. Funding for Council Staff shall come from the General Fund; provided, however, that SFUSD, participating City departments, and members of the public may provide additional support and contributions.~~

~~—(b) Staff Roles and Responsibilities. Subject to the direction of the Council, Council Staff shall:~~

~~—(1) Provide administrative, organizational, policy, planning, and research support to the Council and its outcomes framework;~~

~~—(2) Engage department heads from the City and SFUSD to coordinate the implementation of services;~~

~~—(3) Provide support for the Council, including developing a joint data sharing agreement between the City and SFUSD, monitoring the planning cycle, providing technical support, and developing policy briefs on key issues relevant to implementation of the Plan;~~

~~—(4) Support the development of an inventory of all Citywide services for children and youth, including state and federally funded programs; and,~~

~~—(5) Support the development of the Children and Families First Progress Report.~~

~~—(e) Funding. It shall be the policy of the City to provide sufficient funding and administrative support for the Council and Council Staff to perform these functions. Funding for administrative support for the Council shall come from the General Fund; provided, however, that SFUSD, participating City departments, and members of the public may provide additional support and contributions.~~

SECTION 59. Repealing Section 16.127-7 of the Charter.

Section 16.127-7 of the San Francisco Charter is hereby repealed:

~~SEC. 16.127-7. OUR CHILDREN, OUR FAMILIES COUNCIL; IMPLEMENTATION.~~

~~—The Board of Supervisors shall further provide by ordinance for the membership, structure, functions and support of the Council, consistent with the provisions of Sections 16.126-1 through 16.126-61.~~

SECTION 60. Amending Section 16.128-11 of the Charter.

Section 16.128-11 of the San Francisco Charter is hereby amended to read as follows:

SEC. 16.128-11. CONSTRUCTION AND IMPLEMENTATION ~~ADVISORY COMMITTEE.~~

~~—(a) **Creation.** There shall be a Dignity Fund Oversight and Advisory Committee (“Oversight and Advisory Committee”) to monitor and participate in the administration of the Dignity Fund as provided in Charter Sections 16.128-1 *et seq.*, and to take steps to ensure that the Fund is administered in a manner accountable to the community.~~

~~—(b) **Responsibilities.**~~

~~—(1) The Oversight and Advisory Committee shall develop recommendations for DAAS and the Fund regarding outcomes for services to Seniors and Adults with Disabilities, the evaluation of services, common data systems, a process for making funding decisions, program improvement and capacity building of service providers, community engagement in planning and evaluating services, leveraging dollars of the Fund, and the use of the Fund as a catalyst for innovation. The Oversight and Advisory Committee shall promote and facilitate transparency and accountability in the administration of the Fund and in the planning and allocation process.~~

~~—(2) As provided in Section 16.128-6, the Oversight and Advisory Committee shall provide input into the planning process for the Community Needs Assessment (“CNA”) and the final CNA, the Services and Allocation Plan, and the over-all spending plan for the Fund to be presented to the Disability and Aging Services Commission, and shall review the annual Data and Evaluation Report. Nothing in this Section 16.128-11 shall limit the authority of the Mayor and the Board of Supervisors to propose, amend, and adopt a budget under Article IX of the Charter.~~

~~—(3) The Oversight and Advisory Committee shall establish and maintain a Service Provider Working Group as provided in subsection (e).~~

~~—(4) The Oversight and Advisory Committee shall meet at least six times a year.~~

~~—(c) **Composition.** The Oversight and Advisory Committee shall have 11 members. The Disability and Aging Services Commission shall appoint two of its members to the Oversight and Advisory Committee. The Advisory Council to the Department of Disability and Aging Services shall appoint three of its members to the Oversight and Advisory Committee. And the Long Term Care Council shall appoint three of its members to the Oversight and Advisory Committee. The Mayor shall appoint the remaining three at large members of the Oversight and Advisory Committee, subject to rejection by the Board of Supervisors within 30 days following transmittal of the Notice of Appointment.~~

~~—The appointing authorities shall appoint the initial members by February 1, 2017. The terms of the initial appointees to the Committee shall commence on the date of the first meeting of the Committee, which may occur when at least eight members have been appointed and are present.~~

~~—(d) **Implementation.** The Board of Supervisors shall further provide by ordinance for the membership, structure, functions, appointment criteria, terms, and administrative and clerical support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such legislation to be effective by January 1, 2017.~~

~~—(e) **Service Provider Working Group.** The Oversight and Advisory Committee shall create a Service Provider Working Group (“Working Group”) to advise the Oversight and Advisory~~

SAN FRANCISCO
FILED
JUL 27 2011
CITY CLERK

~~Committee on funding priorities, policy development, the planning cycle, evaluation design and plans, and any other issues of concern to the Working Group related to the Fund or the responsibilities of DAAS or other departments receiving monies from the Fund. The Working Group shall engage a broad cross section of service providers in providing information, education, and consultation to the Oversight and Advisory Committee. All members of the Working Group shall be actively providing services to Seniors, Adults with Disabilities, and their caregivers. DAAS staff shall provide administrative and clerical support to the Working Group. The Working Group shall meet at least four times a year. The Oversight and Advisory Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible for developing the structure of the Working Group and facilitating the meetings. After the terms of the initial co-chairs expire, the Working Group shall select its own chairs. Working Group meetings shall be open to the public and encourage widespread participation.~~

(a) All references in Sections 16.128-1 to 16.128-10 of this Charter to a "Dignity Fund Oversight and Advisory Committee" or to an "Oversight and Advisory Committee" shall hereafter refer to the Department of Disability and Aging Services, or to any agency or commission designated by the Board of Supervisors in any ordinance adopted pursuant to Section 4.101, subdivisions (e), (f), or (g), of this Charter.

(b) To the extent that subsections (b) or (c)(1) of Section 16.128-6 require that the DAAS provide copies of reports or other materials to the Health Commission, the Human Services Commission, the Veterans Affairs Commission, or the Commission on the Status of Women, and to the extent those commissions are not retained or reconstituted by the Board of Supervisors pursuant to section 4.100, subsection (e), (f), or (g), of this Charter, the DAAS shall instead provide copies to such other departments or appointive boards or commissions as are appropriate and consistent with the purposes of Section 16.108.

SECTION 61. Repealing Section 18.111 of the Charter.

Section 18.111 of the San Francisco Charter is hereby repealed:

~~SEC. 18.111. ASIAN ART MUSEUM STATUS.~~

~~—During such time as the Asian Art Museum is located in a wing of the M. H. de Young Memorial Museum, the Commission shall control and manage the collections housed in that wing as provided for in the July 2, 1969 Management Agreement between the Committee of Asian Art and Culture and the Board of Trustees of the de Young Museum, a copy of which is on file with the Clerk of the Board of Supervisors.~~

SECTION 62. Amending Section A8.400 of the Charter.

Section A8.400 of the San Francisco Charter is hereby amended to read as follows:

A8.400 GENERAL RULES FOR ESTABLISHING AND PAYING COMPENSATION

(a) (1) The Board of Supervisors shall have power and it shall be its duty to fix by ordinance from time to time, as provided in Section 8.401, all salaries, wages and compensations of every kind and nature, except pension or retirement allowances, for the positions, or places of employment, of all officers and employees of all departments, offices, boards and commissions of the City and County in all cases where such compensations are paid by the City and County.

(2) Except as otherwise explicitly provided in this Charter, or as necessary to comply with federal or state law, no person appointed to serve on an appointive board or commission, after the

effective date of this subsection, shall be permitted any compensation solely by virtue of that appointment. The foregoing sentence shall not be construed to exclude an individual from compensation if that person is otherwise eligible, such as an officer or permanent employee who is also appointed to serve on a board or commission in accordance with applicable law.

(b) The Board of Supervisors shall have power by ordinance to provide the periods when salaries and wages earned shall be paid provided, that until such ordinance becomes effective, all wages and salaries shall be paid semi-monthly. No salary or wage shall be paid in advance. It shall be official misconduct for any officer or employee to present or approve a claim for full-time or continuous personal service other than in the manner provided by this Charter.

(c) All personal services shall be paid by warrants on the basis of a claim, bill, timeroll or payroll approved by the head of the department or office employing such service. The claims, bills or payrolls, hereinafter designated as payrolls, for salaries, wages or compensation for personal services of all officers, assistants and employees of every class or description, without regard to the name or title by which they are known, for each department or office of the City and County shall be transmitted to the department of human resources before presentation to the controller.

(d) The human resources director shall verify that all persons whose names appear on payrolls have been legally appointed to or employed in positions legally established under this Charter. In performing such verification said director may rely upon the results of electronic data processing. Said director shall direct his attention to exception reports produced by such processing; he shall approve or disapprove each item thereon and transmit said exception reports to the controller. The controller shall not draw his warrant for any claim for personal services, salary, wages or compensation which has been disapproved by the said director.

(e) For the purpose of the verification of claims, bills, timerolls, or payrolls, contractual services represented by teams or trucks hired by any principal executive or other officer of the City and County shall be considered in the same manner as personal service items and shall be included on payrolls as approved by said principal executive or other officers, and shall be subject to examination and approval by the human resources director and the controller in the same manner as payments for personal services.

(f) The salary, wage or other compensation fixed for each officer and employee in, or as provided by this Charter, shall be in full compensation for all services rendered, and every officer and employee shall pay all fees and other moneys received by him, in the course of his office or employment, into the City and County treasury.

(g) No officer or employee shall be paid for a greater time than that covered by his actual service; provided, however, that the basic amount of salary, wage or other compensation, excluding premium pay differentials of any type whatsoever of any officer or employee who may be called upon for jury service in any municipal, state or federal court, shall not be diminished during the term of such jury service. There shall, however, be deducted from the amount of basic salary, wage or other compensation, excluding any pay premium differentials of any type whatsoever payable by the City and County to the officer or employee for such period as such officer or employee may be absent on account of jury service, any amounts which the officer or employee may receive on account of such jury service. Any absence from regular duty or

employment while on jury duty shall be indicated on timerolls by an appropriate symbol to be designated by the controller.

(h) Notwithstanding any other limitation in the Charter to the contrary, and subject to meet and confer obligations of state law, the Mayor may request that the Board of Supervisors enact, and the Board shall then have the power to so enact, an ordinance entitling City officers or employees called to active duty with a United States military reserve organization to receive from the City the following as part of the individual's compensation: for a period to be specified in the ordinance, the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the employee worked his or her normal work schedule, including any merit raises which otherwise would have been granted during the time the individual was on active duty. Any such ordinance shall be subject to the following limitations and conditions:

1. The individual must have been called into active service for a period greater than 30 consecutive days.
2. The purpose for such call to active service shall be extraordinary circumstances and shall not include scheduled training, drills, unit training assemblies, or similar events.
3. The amounts authorized pursuant to such an ordinance shall be offset by amounts required to be paid pursuant to any other law in order that there be no double payments.
4. Any individual receiving compensation pursuant to such an ordinance shall execute an agreement providing that if such individual does not return to City service within 60 days of release from active duty, or if the individual is not fit for employment at that time, within 60 days of return to fitness for employment, then that compensation shall be treated as a loan payable with interest at a rate equal to the greater of (i) the rate received for the concurrent period by the Treasurer's Pooled Cash Account or (ii) the minimum amount necessary to avoid imputed income under the Internal Revenue Code of 1986, as amended from time to time, and any successor statute. Such loan shall be payable in equal monthly installments over a period not to exceed 5 years, commencing 90 days after the individual's release from active service or return to fitness for employment, as the case may be.
5. Such an ordinance shall not apply to any active duty served voluntarily after the time that the individual is called to active service.
6. Such ordinance shall not be retroactive.

SECTION 63. Amending Section A8.420 of the Charter.

Section A8.420 of the San Francisco Charter is hereby amended to read as follows:

A8.420 ESTABLISHMENT OF AND MEMBERSHIP IN HEALTH SERVICE SYSTEM

(a) A health service system is hereby established. Said system shall be administered by the human resources department subject to the approval of the health service board. The members of the system shall consist of all permanent employees, which shall include officers of the City and County, of the San Francisco Unified School District, and of the Parking Authority of the City and County of San Francisco and such other employees as may be determined by ordinance, subject to such conditions and qualifications as the Board of Supervisors may impose, and such employees as may be determined by collective bargaining agreement. Any employee who adheres to the faith or teachings of any recognized religious sect, denomination or organization and, in accordance

with its creed, tenets or principles, depends for healing upon prayers in the practice of religion shall be exempt from the system upon filing annually with the human resources department an affidavit stating such adherence and dependence and disclaiming any benefits under the system. The human resources department shall have the power to exempt any person whose compensation exceeds the amount deemed sufficient for self coverage and any person who otherwise has provided for adequate medical care. Any claim or request for exemption denied by the human resources department may be appealed to the health services board.

(b) Notwithstanding subsection (a), and except as otherwise explicitly provided in this Charter, or as necessary to comply with federal or state law, the members of the System shall not include any person appointed or reappointed to serve on an appointive board or commission, after the effective date of this subsection, solely by virtue of that appointment. The foregoing sentence shall not be construed to exclude an individual from the System if that person is otherwise eligible, such as an officer or permanent employee who is also appointed to serve on a board or commission in accordance with applicable law.

SECTION 64. Amending Section A8.441 of the Charter.

Section A8.441 of the San Francisco Charter is hereby amended to read as follows:

A8.441 AUTHORIZATION TO TRANSFER VACATION CREDITS

(a) Employees of the City and County of San Francisco may transfer their vested vacation allowance credits to other employees of the City and County of San Francisco who have been determined to be catastrophically ill by the employee's head of department, in accord with the definition of catastrophic illness previously adopted by the Health Commission or to be provided by the Board of Supervisors by ordinance~~Health Commission~~, and who have exhausted their vacation allowance, sick leave and compensatory time off, provided that such transfer may be made only in compliance with the terms and conditions established by the Board of Supervisors.

By ordinance, the Board of Supervisors may extend such vacation credit transfer rights to City employees for use as family leave to care for catastrophically-ill spouses, domestic partners or other dependents as defined in the Internal Revenue Code (26 U.S.C. sec. 152), as amended from time to time.

(b) The Board of Supervisors is hereby empowered to enact any and all ordinances necessary to administer, interpret and regulate the provisions of this section.

SECTION 65. Repealing Section D3.750 of the Charter.

Section D3.750 of the San Francisco Charter is hereby repealed:

~~D3.750 AMENDMENT OF CHARTER PROVISIONS; TRANSITION~~

~~—The amendments of Section 4.121 and of provisions of this Appendix D, adopted at the June 7, 2022 election, shall become operative on July 1, 2023; provided, however, that the new process for nominating and confirming members to the Building Inspection Commission, along with the change in qualifications for members accompanying that new process, as specified in Section 4.121 as amended, shall commence sufficiently in advance of July 1, 2023 such that members may be appointed under the new process and be prepared to assume office on that date.~~

SECTION 66. Repealing Section D3.750-1 of the Charter.

Section D3.750-1 of the San Francisco Charter is hereby repealed:

~~D3.750-1 TERMS OF OFFICE OF BUILDING INSPECTION COMMISSION~~

~~—The terms of office of all members of the Commission who hold office as of July 1, 2023 shall expire at noon on that date, at which time the terms of office for members of the Commission appointed pursuant to the new process for nominating and confirming members as referenced in Section D3.750 shall commence. In order to stagger the terms, three members (appointees to Seats 3 and 4, as designated by the Mayor when nominated; and the appointee to Seat 7, as designated by the President of the Board of Supervisors when nominated) shall initially serve one year terms, and four members (appointees to Seats 1 and 2, as designated by the Mayor when nominated; and appointees to Seats 5 and 6, as designated by the President of the Board of Supervisors when nominated) shall initially serve two year terms. All subsequent terms of office for all members of the Commission shall be two years.~~

SECTION 67. Amending Section D3.750-2 of the Charter.

Section D3.750-2 of the San Francisco Charter is hereby amended to read as follows:

D3.750-2 DIRECTOR OF BUILDING INSPECTION

The Director of Building Inspection shall be the department head and appointing officer of the Department of Building Inspection and shall be qualified by either technical training or administrative experience in the enforcement of building and other construction codes. The Director shall serve as the building official of the City and County.

The Director shall not serve as an officer or member of any standing or ad hoc committee of any building industry or code development or enforcement organization or public agency other than the City and County of San Francisco without the prior approval of the Mayor ~~Commission~~.

SECTION 68. Amending Section D3.750-3 of the Charter.

Section D3.750-3 of the San Francisco Charter is hereby amended to read as follows:

D3.750-3 CODE PUBLICATION

The ~~Commission~~ Department of Building Inspection shall have the sole authority to contract for the publication of the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes, and any amendments thereto. Other provisions of this Charter and the Administrative Code notwithstanding, the selection of a publisher shall be based on the lowest retail cost to the public of a complete set of these codes.

SECTION 69. Repealing Section D3.750-4 of the Charter.

Section D3.750-4 of the San Francisco Charter is hereby repealed:

~~D3.750-4 APPROVAL OF BUDGETS~~

~~—The Director shall submit a proposed department budget for each upcoming fiscal year for approval by the Commission. The proposed budget shall be compiled in such detail as shall be required on uniform blanks furnished by the controller. The Commission must hold at least two public hearings on the respective budget proposal.~~

~~The final budget for the Department of Building Inspection must be approved by a favorable vote of at least five commissioners.~~

SECTION 70. Repealing Section D3.750-5 of the Charter.

Section D3.750-5 of the San Francisco Charter is hereby repealed:

~~D3.750-5 TECHNICAL BOARDS AND ADVISORY COMMITTEES~~

~~The technical boards and advisory committees established in the Building Code by ordinance of the Board of Supervisors shall continue in existence as boards and committees within the Department of Building Inspection. Members of the boards and committees shall be appointed by the commission. Incumbents legally appointed to these respective bodies prior to the commission's assumption of management of the department shall serve at the pleasure of the commission.~~

SECTION 71. Interpretation.

(a) 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.

(b) The fact that a provision of the Charter is amended by this measure to repeal or modify the creation or authorization for a given a commission shall not be deemed to bar the Board of Supervisors from retaining or reestablishing the body provided for in this section pursuant to section 4.100, subsection (e), (f) or (g), of the Charter.

SECTION 72. 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 73. Conflicting Ballot Measures.

(a) In the event that this Initiative and another measure or measures relating to the structure and powers of appointive 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 maximum extent permitted by law.

(b) Notwithstanding subdivision (a), the We Need SF to Work Initiative shall not be deemed a conflicting measure but shall be deemed complementary hereto, and to the extent both that the voters approve both that measure and this measure at the same election, and both measures amend the same Charter section, the voters intended 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 this Initiative shall prevail over the We Need SF to Work Initiative. The fact that a given provision of this Initiative does become operative immediately upon the Initiative's effective date, as provided in Section 74 hereof, shall not preclude corresponding amendments contained in the We Need SF to Work Initiative from taking effect as provided in that measure.

(c) Notwithstanding subdivision (a), a measure that imposes a tax or approves bonds, and which provides for oversight of the spending of the tax proceeds or of the expenditure of bond proceeds by an advisory committee, including but not limited to the existing Citizens General Obligation Bond Oversight Committee, shall not be deemed a conflicting measure, but the voters hereby express their intention that the Board of Supervisors may transfer the duties and functions of the advisory committee established by that tax or bond measure to another appointive board or commission in accordance with Section 4 of this Initiative, or transfer other duties and functions to an advisory committee established by that tax or bond measure, except to the extent otherwise prohibited by law, and notwithstanding the fact that the advisory committee is approved by a vote of the people.

SECTION 74. 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 75. Operative Dates.

Sections 1-10, 12-13, 16-18, 22, 33, 35, 37, 41-43, 47-49, 61-63, and 71-77 of this Initiative shall become operative immediately upon the effective date of the measure pursuant to Section 74 hereof. The remaining sections of this Initiative shall become operative on the date specified in section 4.100, subsection (b)(1), of the Charter, as added by Section 4 of this Initiative.

SECTION 76. 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.

SECTION 77. Effect on Current Terms.

No change to the method of appointing commissioners adopted by this measure shall be construed to cut short the term of any currently serving commissioner on the following commissions: the Public Utilities Commission, the Municipal Transportation Agency Board of Directors, the Airport Commission, the Fire Commission, the Police Commission, the Planning Commission, the Disability and Aging Services Commission, the Board of Appeals, and the Recreation and Park Commission.