

FILE NO. 000478

5/15/00

ORDINANCE NO. 118-00

1 [Implementation Ordinance]
 2 AMENDING PART II, CHAPTER VI OF THE SAN FRANCISCO MUNICIPAL CODE (PARK
 3 CODE) BY ADDING ARTICLE 13, WHICH IMPLEMENTS NEW CHARTER SECTION 16.107
 4 BY CREATING A NEW OPEN SPACE ADVISORY COMMITTEE, SETTING THE
 5 MEMBERSHIP CRITERIA FOR THE COMMITTEE AND DUTIES AND TERMS OF
 6 COMMITTEE MEMBERS, DIRECTING THE RECREATION AND PARK DEPARTMENT TO
 7 CONSIDER USING AN INDEPENDENT CONSULTANT TO DEVELOP ITS STRATEGIC
 8 PLAN, ESTABLISHING CRITERIA FOR THE DEPARTMENT TO CONSIDER IN DECIDING
 9 WHICH PROPERTIES TO ACQUIRE, PROVIDING GUIDELINES FOR THE DEPARTMENT
 10 TO USE IN DEVELOPING PERFORMANCE STANDARDS AND ENVIRONMENTAL AND
 11 DESIGN STANDARDS, PROVIDING GUIDANCE TO THE DEPARTMENT OF PUBLIC
 12 WORKS AND THE RECREATION AND PARK DEPARTMENT IN PREPARING THEIR
 13 PROGRAM FOR IMPLEMENTATION OF THE RECREATION AND PARK DEPARTMENT'S
 14 CAPITAL PLAN, AND ALLOWING THE RECREATION AND PARK COMMISSION TO
 15 DEFINE TERMS CONTAINED IN THIS ORDINANCE; AMENDING CHAPTER V OF PART I
 16 OF THE MUNICIPAL CODE (ADMINSTRATIVE CODE) BY DELETING THE PROVISIONS
 17 RELEVANT TO THE OLD OPEN SPACE ADVISORY COMMITTEE; AMENDING SECTIONS
 18 2A.111, 2A.190 AND 6.2 OF THE ADMINISTRATIVE CODE TO CLARIFY THAT THE
 19 RECREATION AND PARK COMMISSION, RATHER THAN THE DEPARTMENT OF PUBLIC
 20 WORKS, HAS AUTHORITY TO AWARD, EXECUTE AND MANAGE CONTRACTS FOR
 21 CAPITAL PROJECTS ON PARK LAND.

22 Note: Additions are underlined; deletions
 23 are in ((double parenthesis)).

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

25

SUPERVISOR NEWSOM , AMMIANO , BIERMAN , LENO , BECERRIL , BROWN
 BOARD OF SUPERVISORS

1 Section 1. Part II, Chapter VI of the San Francisco Municipal Code (Park Code) is
2 hereby amended by adding Article 13 as follows:

3 **Article 13 Implementation of Charter Section 16.107**

4 **SEC. 13.01. Citizens' Advisory Committee.**

5 (a) **Membership.** There is hereby established a Park, Recreation and Open Space
6 Advisory Committee ("Committee") comprised of twenty-three members. Twenty-two
7 members shall be appointed by the members of the Board of Supervisors and approved by
8 the full Board, with one member appointed by each Supervisor from his or her supervisorial
9 district and one member appointed by each Supervisor from a list, maintained by the
10 Recreation and Park Commission ("Commission"), of individuals nominated by organizations
11 having as a primary focus park, environmental, recreational, cultural, sports, youth or senior
12 citizen issues. Four of the members chosen from the list maintained by the Commission shall
13 be individuals nominated by an environmental organization. If the system of district elections
14 set forth in Charter Section 13.110 is discontinued, each Supervisor shall appoint one
15 member of the Committee from the list maintained by the Commission and one member
16 without restriction. One member of the Committee shall be appointed by the Mayor.

17 (b) **Terms.** The Committee members shall serve for terms of two years, at the will of
18 the appointing authority, except that at the first meeting of the Committee the General
19 Manager of the Recreation and Park Department ("Department") shall, by lot, designate
20 twelve members to serve terms of one year. Thereafter, all members shall be appointed to
21 two-year terms and no member shall serve more than four consecutive terms.

22 (c) **Transition Period.** From the effective date of Proposition C, which appeared on
23 the March 7, 2000 ballot, and until January 31, 2001, the Open Space Advisory Committee
24 created by former Charter Section 16.107 shall serve as the Committee created in section (a),
25 above. During this transition period the Open Space Advisory Committee shall take all steps

1 necessary to ensure a smooth transition to the new Committee. The Mayor and the members
2 of the Board of Supervisors may fill vacancies on the Committee that occur during this
3 transition period according to the requirements of former Administrative Code section 590(a).
4 By July 1, 2000, the Commission shall prepare, and the Board of Supervisors shall approve or
5 modify, a list of organizations qualified to nominate individuals for Committee membership.
6 Changes to the list shall be made by the Commission and approved or modified by the Board
7 of Supervisors annually. The Board of Supervisors and the Mayor shall make their first
8 appointments to the Committee by February 1, 2001.

9 (d) **Duties.** The Committee shall have the following duties:

10 (1) The Committee shall submit written comments to the Department on its
11 proposed Strategic, Capital and Operational Plans, and all updates to such plans. The
12 Committee shall submit comments on each such plan within 30 days after the plan is
13 delivered to the Committee.

14 (2) The Committee shall assist the Department in conducting at least two public
15 hearings on evenings or on weekends to permit the public to comment on the
16 Department's full budget and programming allocations prior to adoption by the
17 Commission.

18 (3) Members of the Committee appointed from supervisorial districts shall serve
19 as liaisons between the Commission and the residents, neighborhood groups and
20 organizations dedicated to park and recreational issues in their districts. Members may
21 also serve as liaisons to the public at large and to citywide organizations that are
22 concerned with park and recreational issues, and may assist the Department to
23 arrange meetings with neighborhood groups, citywide organizations and the public at
24 large to discuss such issues.

1 (4) The Committee shall select a representative of the Committee to make the
2 Committee's quarterly report to the Commission on all significant park and recreational
3 issues that have come to the attention of the Committee or its members.

4 (5) The Committee shall hold meetings at least once a month and shall adopt its
5 own rules of procedure.

6 (6) In addition to the duties described in Charter section 16.107 and set forth
7 below, the Committee shall have such duties as may be fixed by the Commission or
8 the Board of Supervisors.

9 **SEC. 13.02 Planning and Accountability.**

10 (a) **Strategic Plan.** By December 1, 2000, with input from the Committee, the
11 Department shall prepare, for Commission consideration and approval, a five-year Strategic
12 Plan, to be updated annually, that establishes or reaffirms the mission, vision, goals and
13 objectives for the Department. The Department shall consider using an independent planning
14 consultant to assist with preparation of the Strategic Plan.

15 (b) **Capital Plan.** By December 1, 2000, with input from the Committee, the
16 Department shall prepare, for Commission consideration and approval, a five-year Capital
17 Plan, to be updated annually, for the development, renovation, replacement and maintenance
18 of capital assets, and the acquisition of real property. In its Capital Plan the Department shall
19 propose specific properties to be acquired for open space, recreation facilities, significant
20 natural areas, and other recreational purposes and shall prioritize capital and maintenance
21 improvements and provide budgets associated with such improvements. In identifying
22 properties for acquisition under the Capital Plan the Department shall consider, among other
23 things, the following criteria, in this order:

1 (1) Acquisition of open space, facilities and other real property in neighborhoods
2 designated as "high need areas" in the "Recreation and Open Space Element" of the
3 City's General Plan;

4 (2) Acquisition of open space, facilities, and other real property in
5 neighborhoods that are experiencing a significant increase in residential population and
6 that have few open space or recreational resources; and

7 (3) Acquisition of significant natural areas that are not otherwise protected from
8 degradation or development.

9 Commencing on July 1, 2000, the Department shall make a monthly report to the
10 Commission on the status of all capital projects.

11 (c) **Operational Plan.** By December 1, 2001, with input from the Committee, the
12 Department shall prepare, for Commission consideration and approval, a five-year
13 Operational Plan, to be updated annually, detailing proposed improvements to the
14 Department's services and responsiveness to customer needs. The annual Operational Plan
15 will serve as a tool for improving the operational efficiency of the Department and will include
16 measurable performance standards for the Department. In developing its performance
17 standards the Department shall consider, among other matters, the following issues:

18 (1) Public safety, which shall include the reduction of environmental and other
19 hazards, safe equipment operations and safe pesticide use;

20 (2) Detailed maintenance work plans for each facility, including preventative
21 maintenance;

22 (3) Arboreal maintenance and reforestation of all parks;

23 (4) Facility and landscape cleanliness, including timely graffiti removal;

24 (5) Availability and cleanliness of restrooms; and

25 (6) Maintenance of park and facility signage, furniture and amenities.

1 (d) Environmental and Design Guidelines. The Commission shall adopt written
2 environmental and design guidelines for new facilities, parks, and open spaces and the
3 renovation or rehabilitation of existing facilities, parks, and open spaces. In developing its
4 guidelines, the Commission shall consider measures that will accomplish, the following goals,
5 among others:

6 (1) Maximizing the visual appeal and natural values of the landscape as
7 appropriate;

8 (2) Utilizing low-maintenance, long-lived, water-conserving plant materials
9 where possible without compromising the aesthetic values of sound landscape design
10 and public preferences;

11 (3) Encouraging the use of ecologically-appropriate landscape materials to
12 expand and enhance habitat for wildlife;

13 (4) Providing consistent, attractive and durable furniture, signage, and park
14 amenities; and

15 (5) Incorporating environmentally-efficient building design materials, operation,
16 and maintenance for all new construction and building renovation.

17 **SEC. 13.03 Capital Implementation Program.**

18 (a) Preparation of the Program. Annually and prior to the submission of their fiscal
19 year budgets, the Department of Public Works ("DPW") and the Recreation and Park
20 Department ("Department") will convene a committee ("Capital Implementation Committee")
21 to prepare and/or revise a written, Capital Implementation Program. The Capital
22 Implementation Committee, which will include a representative of the Open Space Advisory
23 Committee, will determine the best method of project delivery for capital projects and the roles
24 and responsibilities of each department and its staff. To make that determination, the Capital
25 Implementation Committee will consider the following factors, among others:

1 (1) The Department's Strategic Plan and the scope, schedule and cost of
2 projects included in the Department's Capital Plan;

3 (2) The staffing levels in each department, the workload of staff in each
4 department, and the ability of that staff to ensure that long-term projects are fully
5 constructed within five years of the budget allocation for design and construction and
6 that all other projects are fully constructed within three years of such allocation;

7 (3) The work or projects to be performed in-house by each department's
8 maintenance or repair staff;

9 (4) The availability of other resources, including, but not limited to, existing
10 as-needed professional service or construction contracts; and

11 (5) Any project or group of projects that would be best delivered by
12 contracting with consultants or contractors in accordance with City contracting
13 requirements and policies.

14 (b) **Modifications to the Program.** DPW shall consult with the Department quarterly
15 to review the operation of the Capital Implementation Program and to recommend to the
16 Commission any necessary modifications or adjustments to the Program.

17 **SEC. 13.04 Definitions.** After review and comment by the Advisory Committee, the
18 Commission shall adopt such definitions of word and phrases as the Commission deems
19 necessary for the consistent implementation of these provisions.

20 Section 2. Chapter V of Part I of the San Francisco Municipal Code (Administrative
21 Code) is hereby amended by amending Section 2A.111 as follows:

22 **SEC. 2A.111. Recreation and Park; New Facilities.**

23 The Recreation and Park Department shall have power to construct new parks,
24 playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and
25 maintain buildings and structures on parks, playgrounds, squares, avenues and grounds.

1 Pursuant to Charter Section 16.107, the Recreation and Park Commission shall have the
2 authority to prepare and approve the plans, specifications and estimates for all contracts and
3 orders, and to award, execute and manage all contracts and orders for capital projects on real
4 property under its jurisdiction or management. ((, provided that all plans, specifications and
5 estimates in connection therewith shall be prepared by the Department of Public Works.

6 All contracts or orders for the work to be performed under such plans and
7 specifications shall be awarded and executed by the Director of Public Works with the
8 approval of the General Manager of the Recreation and Park Department and shall be
9 administered by the Director of Public Works.

10 It shall be the duty of the Recreation and Park Department to make provision for the
11 funds required for the operation and continuance of the duties herein assigned to the
12 Department of Public Works.))

13 Section 3. The Administrative Code is hereby amended by amending Section 2A.190
14 as follows:

15 **SEC. 2A.190. Department of Public Works.**

16 (a) The Department of Public Works shall administer all capital improvement and
17 construction projects, except projects solely under the Airport, Port, Public Utilities, Recreation
18 and Park and Public Transportation Commissions.

19 (b) All examinations, plans, estimates and construction administration services
20 required by the City and County in connection with any public improvements, exclusive of
21 those made by the Airport, Port, Public Utilities, Recreation and Park and Public
22 Transportation Commissions, shall be made by the Director of Public Works, and the Director
23 shall, when requested to do so, furnish information and data for the use of the Board of
24 Supervisors.

1 (c) The Director of Public Works shall designate a deputy or other employee as City
2 Engineer. The City Engineer shall possess the same power in the City and County in making
3 surveys, plats and certificates as is or may from time to time be given by law to city engineers
4 and to county surveyors, and the official acts and all plats, surveys and certificates of the City
5 Engineer shall have the same validity and be of the same force and effect as are or may be
6 given by law to those of city engineers and county surveyors.

7 Section 4. The Administrative Code is hereby amended by repealing Sections 5.90 and
8 5.91 as follows:

9 **((SEC. 5.90. Establishment; Composition; Appointment; Qualifications; Terms;**
10 **Selection Of Staff.**

11 (a) There is hereby established a committee to be known as the Park and Open Space
12 Advisory Committee (hereinafter referred to as Advisory Committee), which shall assist the
13 City Planning Commission and Recreation and Park Commission in the implementation of
14 Section 16.107 of the Charter of the City and County of San Francisco. The Advisory
15 Committee shall consist of 23 members. Each member shall be appointed to a two-year term,
16 as follows:

17 (1) One member shall be appointed by each Supervisor and approved by the
18 Board of Supervisors.

19 (2) A second member shall be appointed by each Supervisor and approved by
20 the Board of Supervisors from the list maintained pursuant to paragraph (b) below.

21 (3) One member shall be appointed by the Mayor.

22 (b) The Board of Supervisors shall maintain a list of individuals representing citizens'
23 organizations which have as a major goal the preservation and enhancement of San
24 Francisco's parks, open space and natural environment. Persons on this list shall be
25 nominated only by a qualifying organization.

1 (c) Compliance with this Section shall be accomplished as promptly as possible without
2 early termination of the term of any member of the Committee.

3 (d) The Committee shall choose its own chair, and establish its own rules of order. A
4 quorum shall be a majority of the members of the Committee.

5 (e) The Committee shall hold regularly scheduled meetings. The Committee shall send
6 a schedule of all Committee meetings for the calendar year to any person who so requests in
7 writing.

8 **SEC. 5.91. Powers And Duties.**

9 The Advisory Committee created pursuant to Charter Section 16.107(g) shall assist
10 and advise the General Manager of the Recreation and Park Department and the Director of
11 City Planning Department in establishing priorities for renovation, acquisition, development
12 and maintenance of properties in accordance with the "Recreation and Open Space
13 Programs" to implement the recreation and open space element of the Master Plan.

14 (a) The Advisory Committee shall hold at least one public hearing annually concerning
15 the establishment of priorities for properties to be acquired or renovated. Minutes of the
16 meetings and hearings shall be made by the secretary and approved at a subsequent
17 meeting.

18 (b) The General Manager of the Recreation and Park Department and the Director of
19 the City Planning Department shall consider the testimony presented at the hearings before
20 the Advisory Committee, and shall include a summary and analysis of the Advisory
21 Committee's recommendations in their reports to the Recreation and Park Commission and
22 City Planning Commission.

23 (c) Notice of hearings before the Advisory Committee shall be given by at least one
24 publication in the official newspaper of the City and County of San Francisco not less than 15
25 days prior to the date of such hearing. When acquisition of a particular parcel(s) is scheduled

1 for consideration at a hearing, notice of that fact and of the hearing shall be mailed at least 15
2 days prior to the hearing to the owner(s) of record of the property at the address listed on the
3 Assessor's published rolls and to the City's Director of Property. The Advisory Committee may
4 also give notice to any person or organization that it may deem appropriate.))

5 Section 5. The Administrative Code is hereby amended by amending Section 6.2 as
6 follows:

7 **SEC. 6.2. Departments Or Commissions Empowered To Contract For Public**
8 **Works Or Related Professional Services.**

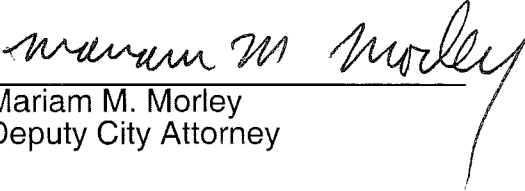
9 Except as otherwise provided, the departments or commissions empowered on behalf
10 of the City and County of San Francisco to contract for public works or improvements or
11 professional services related to a public work or improvement are the Department of Public
12 Works, and the Airport, Port, Public Utilities, Recreation and Park and Public Transportation
13 Commissions. All other departments or commissions must procure construction or related
14 professional services through the Department of Public Works.

15 Section 6. Severability.

16 If any part or provision of this Ordinance, or the application thereof to any person or
17 circumstance, is held invalid, the remainder of the Ordinance, including the application of such
18 part or provision to other persons or circumstances, shall not be affected thereby and shall
19 continue in full force and effect. To this end, provisions of this Ordinance are severable.

20
21
22 LOUSIE H. RENNE, City Attorney

23
24 By:


25 Mariam M. Morley
Deputy City Attorney

SUPERVISOR NEWSOM
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails

Ordinance

File Number: 000478

Date Passed:

Ordinance amending Part 11, Chapter VI of the San Francisco Municipal (Park Code) by adding Article 13, which implements new Charter Section 16.107 by creating a new Open Space Advisory Committee, setting the membership criteria for the committee and duties and terms of committee members, directing the Recreation and Park Department to consider using an independent consultant to develop its strategic plan, establishing criteria for the department to consider in deciding which properties to acquire, providing guidelines for the department to use in developing performance standards and environmental and design standards, providing guidance to the Department of Public Works and the Recreation and Park Department in preparing their program for implementation of the Recreation and Park Department's capital plan, and allowing the Recreation and Park Commission to define terms contained in this ordinance; amending Chapter V of Part I of the Municipal Code (Administrative Code) by deleting the provisions relevant to the old Open Space Advisory Committee; amending Sections 2A.111, 2A.190 and 6.2 of the Administrative Code to clarify that the Recreation and Park Commission, rather than the Department of Public Works, has authority to award, execute and manage contracts for capital projects on park land.

May 1, 2000 Board of Supervisors — SUBSTITUTED

May 15, 2000 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 15, 2000 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

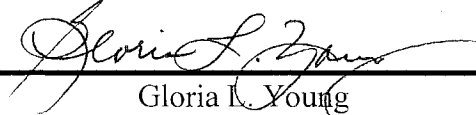
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 22, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Teng, Yaki, Yee
Absent: 2 - Katz, Newsom

File No. 000478

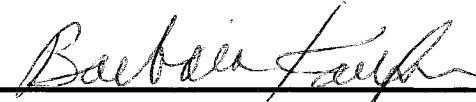
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on May 22, 2000 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

JUN - 2 2000

Date Approved



Mayor Willie L. Brown Jr.