

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
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MEMORANDUM

Date: September 26, 2023
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee *Victor Young*
Subject: Board of Supervisors Legislation Referral - File No. 230987
Charter Amendment - Establishing the Department of Emergency Management in the Charter

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.



City and County of San Francisco

Master Report

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

File Number: 230987 **File Type:** Charter Amendment **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Charter Amendment - Establishing the Department of Emergency Management in the Charter **Date Introduced:** 09/19/2023

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to establish within the Charter the Department of Emergency Management, the position of the Director of the Department, and the Director’s qualifications and appointing authority; at an election to be held on March 5, 2024.

Sponsor: Safai

History of Legislative File 230987

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	09/19/2023	ASSIGNED UNDER 30 DAY RULE	Rules Committee	10/19/2023	

1 [Charter Amendment - Establishing the Department of Emergency Management in the Charter]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on March 5,**
4 **2024, to amend the Charter of the City and County of San Francisco to establish within the**
5 **Charter the Department of Emergency Management, the position of the Director of the**
6 **Department, and the Director’s qualifications and appointing authority.**

7
8 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
9 and County, at an election to be held on March 5, 2024, a proposal to amend the Charter of the
10 City and County by adding Section 4.130, to read as follows:

11 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
12 **Additions** are *single-underline italics Times New Roman font*.
13 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
Asterisks (* * * *) indicate the omission of unchanged Charter
subsections.

14 **SEC. 4.130. DEPARTMENT OF EMERGENCY MANAGEMENT.**

15 *(a) There shall be a Department of Emergency Management. The Mayor shall appoint a*
16 *Director of the Department of Emergency Management who shall serve as department head for*
17 *the Department. The Director, at the time of appointment, must have a total of at least ten years*
18 *of employment, experience, or professional service in any of the following fields, singly or*
19 *cumulatively: firefighting, law enforcement, public health, or military service, or in the fields of*
20 *disaster management or emergency preparedness and relief, at the local, state, and/or federal*
21 *level. At least five years of that employment, experience, or professional service must be at a*
22 *management level. The Director shall serve at the pleasure of the Mayor and shall report*
23 *directly to the Mayor. The Department shall include such officers and employees as are*
24 *authorized pursuant to the budgetary and fiscal provisions of the Charter.*

25 *(b) On the date this Section 4.130 is added to the Charter, the Director of the*
Department of Emergency Management or, if applicable, person serving in an acting capacity as

1 *Director, shall in the first case continue to be Director serving at the pleasure of the Mayor, and*
2 *in the second case shall continue to serve temporarily in an acting capacity as Director. If, at*
3 *that time, there is a person serving in an acting capacity as Director, and if at any time the*
4 *position of Director is vacant, the position shall be filled in accordance with subsection (a).*

5
6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: */s/ Christina Fletes-Romo* _____
9 CHRISTINA FLETES-RÓMO
Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment - Establishing the Department of Emergency Management in the Charter]

Describing and setting forth a proposal to the voters at an election to be held on March 5, 2024, to amend the Charter of the City and County of San Francisco to establish within the Charter the Department of Emergency Management, the position of the Director of the Department, and the Director’s qualifications and appointing authority.

Existing Law and Amendments to Current Law

The Department of Emergency Management was created via ordinance and is codified in Administrative Code Section 2A.200. Administrative Code Section 2A.200 (a) established the Department, the Department Director position, required qualifications for the Director, and the Director’s appointing authority. Subsections (b) – (d) include additional Department requirements.

Amendments to Current Law

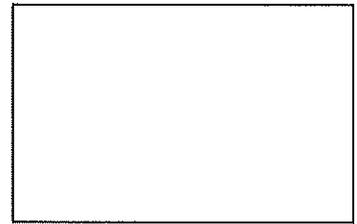
The Charter amendment does not make substantive changes to the Department of Emergency Management nor to the Department Director position. The Charter amendment essentially replicates the language in Administrative Code Section 2A.200 (a) in order to establish the Department and the position of Department Director within the Charter. The Charter amendment does not incorporate Administrative Code Section 2A.200 (b) – (d). Those sub-sections remain in the Administrative Code.

The Charter amendment also establishes that the individual serving as Department Director, or acting Department Director, on the date the Charter Amendment language is added to the Charter, can continue to serve in that capacity.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [] inquires..."
- 5. City Attorney Request
- 6. Call File No. [] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Safai

Subject:

Department of Emergency Management in the Charter

Long Title or text listed:

See attached.

Signature of Sponsoring Supervisor:

From: [Barnes, Bill \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [Carrillo, Lila \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [FLETES, CHRISTINA \(CAT\)](#)
Subject: FOR INTRODUCTION: Charter Amendment - Department of Emergency Management
Date: Tuesday, September 19, 2023 11:35:00 AM
Attachments: [CHARTER AM - Department of Emergency Management.DOCX](#)
[Legislative Digest - Department of Emergency Management Charter Amendment.DOCX](#)
[SIGNED DEM Introduction Form.pdf](#)

BOS Legislation:

Please find attached for introduction, a Charter Amendment to place the Department of Emergency Management in the Charter. The electronic signature acknowledgment from the Deputy City Attorney is included as an e-mail below.

BILL BARNES (*he/him/his*)

Chief of Staff

Supervisor Ahsha Safai

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

415.554.7896 (direct)

415.554.6975 (main line)

From: Fletes, Christina (CAT) <Christina.Fletes@sfcityatty.org>
Sent: Monday, September 18, 2023 11:20 AM
To: Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>
Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; ZAREFSKY, PAUL (CAT) <Paul.Zarefsky@sfcityatty.org>; BUTA, ODAYA (CAT) <Odaya.Buta@sfcityatty.org>; CHEESEBOROUGH, PAMELA (CAT) <Pamela.Cheeseborough@sfcityatty.org>; KIMBERLIN, KATE (CAT) <Kate.Kimberlin@sfcityatty.org>
Subject: Charter Amendment - Department of Emergency Management

Privileged and Confidential Information – Do Not Disclose

Hi Supervisor Safai and Bill,

Attached please find the Department of Emergency Management Charter amendment:

Describing and setting forth a proposal to the voters at an election to be held on March 5, 2024, to amend the Charter of the City and County of San Francisco to establish within the Charter the Department of Emergency Management, the position of the Director of the Department, and the Director's qualifications and appointing authority.

The Legislative Digest is also attached.

For the clerk of the board, please note that my electronic signature reflects that I have approved the Charter amendment as to form.

Thank you,

Christina Fletes-Romo

(she/her/ella)

Deputy City Attorney

Office of City Attorney David Chiu

(415) 554-4637 Direct (e-mail preferred)

www.sfcityattorney.org

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