

File No. 111331

Committee Item No. 5
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 2/2/11

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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|-------------------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Charter Amendment</u> |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Linda Wong

Date 1/30/11

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Charter - Analyzing proposed legislation that may result in a net job loss]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 2.118, to require the Board of Supervisors to wait at least 60 days before adopting an ordinance that may result in a significant net loss of jobs in San Francisco, and to refer the ordinance to the Small Business Commission and Planning Commission for analysis.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 5, 2012, a proposal to amend the Charter of the City and County by adding Section 2.118 to read as follows:

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

SEC. 2.118. PROPOSED LEGISLATION AND ITS IMPACT ON JOBS.

(a) If the Controller, in his or her sole discretion, determines that a proposed ordinance introduced at the Board of Supervisors is, if adopted, likely to have a material economic impact on San Francisco and result in a significant net loss of jobs, and if the Controller reports that determination to the Board of Supervisors, the Board may not finally adopt the ordinance for at least 60 days from the date the Controller submits the determination.

(b) The Clerk of the Board shall transmit the ordinance and the Controller's determination to the Small Business Commission and/or the Planning Commission, and any other City department or agency identified by the Board of Supervisors, for report to the Board on the measure's impact on the creation or retention of jobs in the City.

(c) The provisions of this Section shall not apply to: emergency ordinances; measures to be submitted to the voters; budget legislation, including amendments to existing fee ordinances

accompanying the annual budget, and the annual appropriations and salary ordinances or amendments to them; and ordinances approving transactions, settlements of claims or litigation, or collective bargaining agreements.

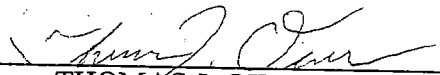
(d) The Board of Supervisors, in consultation with the Mayor, shall provide by ordinance for rules and guidelines governing the implementation of this Section. The Board of Supervisors shall adopt such ordinance no later than November 1, 2012.

(e) The City's failure to comply with the requirements of this Section shall not provide a basis to invalidate any legislation otherwise subject to this Section or any City action based on such legislation.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By:



THOMAS J. OWEN
Deputy City Attorney

LEGISLATIVE DIGEST
(Second Draft, dated 1/26/2012)

[Charter - Analyzing proposed legislation that may result in a net job loss]

A proposal to amend the Charter of the City and County of San Francisco at an election to be held on June 5, 2012 by adding Section 2.118, to require the Board of Supervisors to wait at least 60 days before adopting an ordinance that may result in a significant net loss of jobs in San Francisco, and to refer the ordinance to the Small Business Commission and Planning Department for analysis.

Existing Law

Currently, there is no law that requires special review of legislation that may result in a net job loss.

Amendments to Current Law

The proposal is a charter amendment that would provide for additional review of legislation that might result in a significant net job loss in San Francisco.

Under the proposal, if the Controller determined that a proposed ordinance introduced at the Board of Supervisors was likely to have a material economic impact on San Francisco and result in a significant net loss of jobs, and reported that determination to the Board of Supervisors, the Board would have to wait at least 60 days before finally adopting the ordinance.

During the 60-day hold, the Clerk of the Board would send the ordinance to the Small Business Commission and/or the Planning Department, and any other City department selected by the Board, for a report on the impact of the proposed legislation on the creation or retention of jobs in the City.

The new procedure would not apply to: emergency ordinances; measures to be submitted to the voters; budget legislation, including amendments to existing fee ordinances accompanying the annual budget, and the annual appropriations and salary ordinances or amendments to them; and ordinances approving transactions, settlements of claims or litigation, or collective bargaining agreements.

The charter amendment would direct the Board of Supervisors and the Mayor to prepare and adopt an ordinance setting additional rules and guidelines for the jobs review process. The ordinance would be due by November 1, 2012.

A court could not set aside a City ordinance solely on the basis that the City failed to carry out the jobs review process.

* * *

The Second Draft, dated 1/24/2012, differs in a number of respects from the First Draft on file, dated 12/13/2011.

Overall, the Second Draft streamlines the proposal and reduces the level of detail set in the Charter, and instead requires the Mayor and the Board to adopt an ordinance establishing procedures for implementing the amendment.

The Second Draft eliminates the provision requiring the President of the Board of Supervisors initially to identify legislation that would be subject to review under the proposal. The Controller's identification of an ordinance as likely to result in a net job loss, which was the second step in the process as originally proposed, would now trigger the referrals and review. The Second Draft also specifies "material" economic impact and "significant" net job loss as the relevant standards.

The Second Draft provides for referrals of subject ordinances to Planning and other City departments, in addition to referrals to the Small Business Commission. The Second Draft eliminates the provisions that specify that the Small Business Commission may submit alternative legislation, to be heard by the Board at the same meeting as the original ordinance, but the Second Draft would not prohibit such actions.

Executive Director

Tim Paulson

President

Mike Casey
Unite Here 2

Secretary Treasurer

Olga Miranda
SEIU 87

VP for Political Activities

Conny Ford
OPEIU 3

VP for Affiliate Support

Larry Mazzola, Sr.
Plumbers 38

VP for Community Activities

Howard Wallace
Pride at Work

Executive Committee

Alan Benjamin
OPEIU 3

Rafael Cabrera
TWU 250-A

Vince Courtney
Laborers 261

FX. Crowley
IATSE 16

Sanjay Garla
AFSCME 3299

Gus Goldstein
AFT 2121

Art Gonzalez
IAM 1414

Maria Guillen
SEIU 1021

Michael Hardeman
Sign & Display 510

Dennis Kelly
United Educators of SF

Gunnar Lundeborg
Sailors Union of the Pacific

Rosa Faye Marshall
CLUW

Frank Martin del Campo
LCLAA

Larry Mazzola, Jr.
Plumbers 38

Robert Morales
Teamsters 350

Bob Muscat
IFPTE 21

Ken Oku
Operating Engineers 3

Thomas O'Connor
IAFF 798

John O'Rourke
IBEW 6

Fred Pecker
ILWU 6

Eileen Prendiville
California Nurses Association

Michael Sharpe
UFCW 648

Michael Theriault
SF Building Trades Council

John Ulrich
UFCW 5

James Wright
SEIU 1877

Sergeant at Arms

Hene Kelly
United Educators of SF

Trustees

Ron Lewis, IBEW 6
David Williams, SEIU 1021
Claire Zvanski, IFPTE 21

Secretary Treasurer Emeritus

Walter L. Johnson



Educate. Empower.

*File # 111331
Received in
Committee
1/26/12*

January 25, 2012

Supervisor David Campos
City Hall
1 Dr. Carlton B. Goodlett Place Room 279
San Francisco, CA 94102

RE: Mayor's Charter Legislation Regarding Jobs - OPPOSE

Dear Supervisor Campos:

On Monday night (1/23/12), both the Executive Committee and the delegate body of the San Francisco Labor Council took two unanimous votes to oppose the Charter Amendment proposed by the Mayor's office. This amendment would enshrine in the City's Charter that the Small Business Commission be "authorized to draft alternative legislation" if the Controller determines that a proposed piece of legislation "will result in a net job loss."

✓ We oppose this proposal for a variety of reasons starting with acknowledgement that this undermines the legislative duties and function of the Board of Supervisors.

✓ But most importantly this legislation implies the false premise that the Small Business Commission is the caretaker for determining what constitutes job creation and what good jobs mean to our economy. A long list of workers rights legislation passed by the Supervisors over the last 15 years, such as the historic Health Care Security Ordinance, the Sweat Free Ordinance, Minimum Compensation, Sick Days, and Minimum Wage, for example, (all which were passed unanimously or by a supermajority of the Board) were opposed by this Commission.

✓ This would be a much different town if this proposal had been in the Charter. Despite the constant cry that these pieces of legislation are "job killers" study after study have shown that these historic pieces of legislation have not resulted in job loss. The above referenced legislation and others have raised the bar for workers who live in poverty and, frankly, need to have better jobs in order to survive in San Francisco.

The proposed Charter Amendment would have the effect of tipping the scale in favor of the business community on legislation related to economic development and quality jobs. Such an imbalance is contrary to San Francisco's history and values.

The irony of seeing legislation like this proposed in liberal, compassionate San Francisco is that this tool is right out of the Tea Party/Republican handbook. The core of their beliefs is that any regulation of business is a "job killer" — a tactic used to scare the unemployed and poor.



As the rest of the country is moving toward fighting for the 99% and making the 1% accountable to fixing this economy and creating jobs, San Francisco is moving in the other direction.

At a time we should be moving forward in improving the quality of jobs in San Francisco, this legislation will move us in reverse. Please vote against putting this proposal on the ballot.

Sincerely,

Timothy
EXECUTIVE DIRECTOR

[Signature]
SF BUILDING TRADES

[Signature]
OPEIU Local 3
[Signature]
SF/LCLAA

[Signature]
Larry Mazzola Sr.
[Signature]
Samuel

[Signature]
Walter M. Prandelli
[Signature]
John Muscat

[Signature]
Arthur J. Hough

[Signature]
F. X. Conroy

[Signature]
Fred Peters 1000 6
Rosemary Marshall Clouse

[Signature]
Local 2

[Signature]
WEST (AFL/CIO)
[Signature]
AFT 2121

[Signature]
SEIU Local 97
[Signature]
OPEIU, Local 3

Plumbers Local 38
Plumbers Local 38

SAILORS' UNION OF THE PACIFIC
CNA

SEIU Local 1021
Local 21 IFTSE

IAMAW Local 1914

IFTSE Local #16



Fw: Letter from Small Business Commission re: Charter Amendment
Chris Schulman to: Angela Calvillo
Cc: Linda Wong

01/26/2012 12:19 PM

Angela,

Please add this corrected copy to the official record.

I appreciate your call.

Chris

Chris Schulman | Senior Policy Analyst/Commission Secretary | Office of Small Business
chris.schulman@sfgov.org | D: 415.554.6408 | O: 415.554.6134 | F: 415.558.7844
City Hall, Suite 110 | San Francisco, CA 94102

----- Forwarded by Chris Schulman/MAYOR/SFGOV on 01/26/2012 12:10 PM -----

From: Chris Schulman/MAYOR/SFGOV
To: Jane Kim/BOS/SFGOV@SFGOV, Mark Farrell/BOS/SFGOV@SFGOV, David Campos/BOS/SFGOV@SFGOV
Cc: Matthias Mormino/BOS/SFGOV@SFGOV, Sunny Angulo/BOS/SFGOV@SFGOV, Margaux Kelly/BOS/SFGOV@SFGOV, Catherine Stefani/BOS/SFGOV@SFGOV, Hillary Ronen/BOS/SFGOV@SFGOV, Sheila Chung Hagen/BOS/SFGOV@SFGOV, Angela Calvillo/BOS/SFGOV@SFGOV, Linda Wong/BOS/SFGOV@SFGOV, Regina Dick-Endrizzi/MAYOR/SFGOV@SFGOV, Jason Elliott/MAYOR/SFGOV@SFGOV
Date: 01/26/2012 11:39 AM
Subject: Letter from Small Business Commission re: Charter Amendment

Honorable Supervisors,

Please kindly see the attached letter from Director Dick-Endrizzi regarding the proposed "Analyzing Proposed Legislation in Relation to Net Job Loss" Charter Amendment that is being heard before the Rules Committee today. This letter is in response to the San Francisco Labor Council letter dated January 25, 2012.

Regards,

Chris Schulman | Senior Policy Analyst/Commission Secretary | Office of Small Business
chris.schulman@sfgov.org | D: 415.554.6408 | O: 415.554.6134 | F: 415.558.7844
City Hall, Suite 110 | San Francisco, CA 94102



111331_SBC letter to rules.pdf



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

January 26, 2012

Honorable Members of the Rules Committee
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: File No. 111331 [Charter Amendment - Analyzing Proposed Legislation in Relation to Net Job Loss]

Dear Supervisors :

This letter is in response to the San Francisco Labor Council letter dated January 25, 2012.

While the Small Business Commission (SBC) respects the viewpoints of all stakeholders, the Commissions record in voting on legislation referenced in the Labor Councils letter is distorted and inaccurate. The Labor Council also indicated that all referenced ordinances were passed unanimously or by a super-majority of the Board of Supervisors. In fact, several of the laws were passed by the voters and were not before the Board. In order to provide your Committee with accurate facts, I have summarized the Commissions position on each referenced law.

Health Care Security Ordinance

The SBC voted unanimously to oppose the 2008 ordinance.

Sweat Free Procurement Ordinance

This ordinance was not heard at the Commission, therefore the SBC took no position on this policy.

Minimum Compensation Ordinance

This ordinance was not heard at the Commission, therefore the SBC took no position on this policy.

Proposition F- Paid Sick Leave



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

This ordinance was heard by the Commission. The Commission voted 3-2 to oppose this law with 2 commissioners absent. Since 4 votes are required to pass a motion, the Commission took no position on this ordinance. This ordinance was passed by the voters and was not voted on at the Board of Supervisors.

Proposition L- Minimum Wage Ordinance

This ordinance was not heard at the Commission, therefore the SBC took no position on this policy. This ordinance was passed by the voters through signature petitions and was not voted on at the Board of Supervisors.

The Small Business Commission has a strong record of working with the Board of Supervisors and in supporting laws and other policy measures that are proposed by the Board. In fact, over 90% of proposed ordinances that the Commission made a recommendation on in the past two years have been recommended for approval, or recommended for approval with modifications.

The Commission also has a strong record of working with stakeholders throughout the legislative process and looks forward to continuing this practice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Jason Elliot, Office of Mayor Ed Lee
Angela Calvillo, Clerk of the Board of Supervisors



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

C. Rules Committee member

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

January 25, 2012

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 JAN 26 AM 9:42
ABC

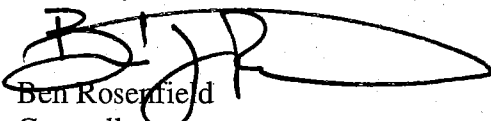
RE: File 111331 – Charter amendment requiring review of proposed legislation

Dear Ms. Calvillo,

Should the proposed charter amendment be approved by the voters, in my opinion, it would have a minimal impact on the cost of government.

The amendment provides for referral of certain legislation by the President of the Board of Supervisors to the Controller's Office for review. The Controller's Office determination as to whether referred legislation may result in a net job loss would subsequently trigger submission of alternative legislation by the Small Business Commission and required public hearing processes on the proposals. In general, the City departments affected by these changes already have staff who can perform the necessary analyses and processes as part of their job responsibilities.

Sincerely,


Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

