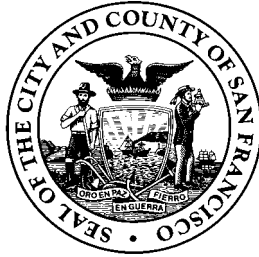


BOARD of SUPERVISORS



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MEMORANDUM

TO: Sheryl Evans Davis, Director, Human Rights Commission
Sophia Kittler, Mayor's Office

FROM: Victor Young, Assistant Clerk 
Rules Committee

DATE: May 14, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation on May 7, 2019:

File No. 190496

Ordinance amending the Administrative Code to change the Office of Sexual Harassment and Assault Response and Prevention ("Office") from a department directly under the Human Rights Commission to a division of the Human Rights Commission Department directly under the Executive Director of the Human Rights Commission; and modifying the appointment process for the Director of the Office.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

c: Kanishka Karunaratne Cheng, Mayor's Office
Clair Farley, Mayor's Office
Andres Power, Mayor's Office

1 [Administrative Code - Office of Sexual Harassment and Assault Response and Prevention]

2
3 **Ordinance amending the Administrative Code to change the Office of Sexual**
4 **Harassment and Assault Response and Prevention (“Office”) from a department**
5 **directly under the Human Rights Commission to a division of the Human Rights**
6 **Commission Department directly under the Executive Director of the Human Rights**
7 **Commission; and modifying the appointment process for the Director of the Office.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Section 1. Chapter 12A of the Administrative Code is hereby amended by revising
17 Section 12A.18, to read as follows:

18 **SEC. 12A.18. OFFICE OF SEXUAL HARASSMENT AND ASSAULT RESPONSE**
19 **AND PREVENTION.**

20 (a) **Creation of Office.** There is hereby created the Office of Sexual
21 Harassment and Assault Response and Prevention (“Office”), which shall be a *City department*
22 *division of the Human Rights Commission department* under the authority and direction of the
23 *Executive Director of the* Human Rights Commission.

24 * * * *

25 (c) **Appointment of Director.** *The Executive Director of the Human Rights*
Commission (“Executive Director”) shall appoint the Director of the Office. Before the *Executive*

1 ~~Director appoints a Director of the Office, the Executive Director Human Rights Commission submits~~
2 ~~nominations for the position of Director of the Office pursuant to Section 4.102(5) of the City Charter,~~
3 ~~the Commission shall first solicit recommendations regarding such nominations potential~~
4 ~~candidates from a three-member advisory committee, to be appointed by the Executive Director.~~
5 ~~Commission.~~ One member of this advisory committee shall be a sexual-assault survivor,
6 another member of the committee shall be a person who has engaged in community-based
7 advocacy on behalf of survivors of sexual assault or sexual harassment, and the remaining
8 member shall be an academic whose scholarship has focused on issues relating to sexual
9 assault or sexual harassment. The advisory committee shall be empowered to review
10 applications, interview applicants, and recommend that the ~~Commission~~ Executive Director
11 ~~appoint nominate~~ particular candidates for the Director position. ~~Any candidates so recommended~~
12 ~~by the advisory committee shall possess the qualifications of a "sexual assault counselor" within the~~
13 ~~meaning of Section 1035.2 of the California Evidence Code.~~ The Executive Director Commission shall
14 consider any recommendations made by the advisory committee, but nothing in this
15 subsection (c) shall be construed to interfere with the Executive Director's authority to appoint the
16 Director. ~~the Commission's authority to make nominations of its choosing under Charter Section~~
17 ~~4.102(5).~~ The Director shall possess the qualifications of a "sexual assault counselor" within the
18 meaning of Section 1035.2 of the California Evidence Code. If the Director does not already
19 possess the qualifications of a "sexual assault counselor" within the meaning of Section
20 1035.2 of the California Evidence Code at the time of appointment, the Director shall undergo
21 at least 40 hours of training as a sexual assault counselor, in a manner consistent with
22 Section 1035.2(a)(2) of the California Evidence Code, within one year of appointment.

23 * * * *

24 (e) **Powers and Duties of Human Rights Commission.** ~~In overseeing~~ With
25 respect to the work of the Office, the Human Rights Commission shall hold all the powers and

1 duties set forth in Section 12A.5 of this Administrative Code and Section 4.102 of the City
2 Charter. This includes, but is not limited to, the power to hold public hearings on any subject
3 relevant to the Office. In holding any such public hearing, the Commission shall maintain the
4 confidentiality of information required by law to be kept confidential, and shall respect a
5 complainant's wishes for confidentiality to the maximum extent permitted by law, in a manner
6 consistent with subsection (b)(8).

7 Section 2. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the "Note" that appears under
16 the official title of the ordinance.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By:


21 BRADLEY A. RUSSI
22 Deputy City Attorney

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