

File No. 230860

Committee Item No. 5

Board Item No. 6

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee

Date Oct 16, 2023

Board of Supervisors Meeting

Date October 31, 2023

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Completed by: Victor Young Date October 12, 2023

Completed by: _____ Date _____

1 [Administrative Code - Library Laureate Programs]

2

3 **Ordinance amending the Administrative Code to establish the Library Laureate**
4 **Programs, and authorizing the Library to grant stipends to individuals selected through**
5 **a competitive process as Laureates or Finalists in recognition of their achievements,**
6 **leadership, and cultural contributions, and in exchange for their service to the City.**

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

11

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

13 Section 1. Findings.

14 The City and County of San Francisco ("City") wishes to establish a framework to honor
15 those individuals whose artistic and cultural contributions are integral to the unique character
16 of San Francisco. The San Francisco Public Library has established a model process to
17 identify and select Poet Laureates, which has been replicated in the selection of a Drag
18 Laureate.

19 Artists and members of the drag community make significant cultural contributions to
20 the unique character of San Francisco without direct compensation. In order to foster
21 sustained cultural and artistic development, the City will highlight individuals who best
22 represent our values, and provide those individuals with stipends through the Library
23 Laureates Program. In exchange, Laureates will serve as cultural ambassadors of the City.

24 Section 2. The Administrative Code is hereby amended by adding Chapter 123,
25 consisting of Sections 123.1, 123.2, 123.3, 123.4, and 123.5 to read as follows:

1 **CHAPTER 123: LIBRARY LAUREATE PROGRAMS**

2 **SEC. 123.1. DEFINITIONS.**

3 *For purposes of this Chapter 123, the following definitions shall apply:*

4 *“Applicant” means an individual who submitted an Application in response to an*
5 *Invitation for Applications, or is the subject of a third-party nomination submitted in response to an*
6 *Invitation for Applications.*

7 *“Application” means a response to an Invitation for Applications following guidelines*
8 *outlined in the Invitation for Applications.*

9 *“City” means the City and County of San Francisco.*

10 *“Finalist” means one or more individuals selected for the Laureate Program who enter*
11 *into a Laureate Agreement with the Library.*

12 *“Invitation for Applications” means an invitation to submit Applications for individuals*
13 *to become a Laureate or Finalist(s).*

14 *“Laureate” means an individual selected for a Laureate Program who enters into a*
15 *Laureate Agreement with the Library.*

16 *“Laureate Agreement” means a written agreement between the Library and the*
17 *Laureate or Finalist wherein the Library agrees to provide a stipend to the Laureate or Finalist in*
18 *recognition of their leadership and achievements and in exchange for their service to the City.*

19 *“Laureate Program” means an honorary program through which the City selects*
20 *individuals through a competitive process to become a Laureate or Finalist to receive a stipend in*
21 *recognition of the Laureate’s or Finalist’s achievements, leadership, and cultural contributions, and in*
22 *exchange for their service to the City.*

23 *“Library” means the San Francisco Public Library.*

24 **SEC. 123.2. LIBRARY LAUREATE PROGRAMS.**

1 The City Librarian or designee may establish one or more Library Laureate Programs,
2 including but not limited to Laureate Programs to select a poet Laureate and a drag Laureate.

3 (a) **Number of Laureates and Finalists.** For each term of a Laureate Program the City shall
4 select one Laureate and may select one or more Finalists under the process identified in this Chapter
5 123.

6 (b) **Term.** The City Librarian or designee shall set the fixed term of each Laureate Program,
7 which term shall not be less than one year.

8 (c) **Laureate Agreement and Stipend.** The Library shall enter into a Laureate Agreement with
9 each Laureate selected. The Library shall enter into a Laureate Agreement with any Finalist selected
10 who will receive a stipend. Stipend funds shall be disbursed according to the terms of the Laureate
11 Agreement. Notwithstanding any other provision of this Code, Laureate Agreements and stipend funds
12 distributed under this Chapter 123 are not subject to the requirements contained in Chapter 21G of the
13 Administrative Code, or any other contracting restrictions or obligations contained in the Municipal
14 Code. Notwithstanding this exemption, the Library may determine that it is in the public interest to
15 apply a Municipal Code provision that would otherwise be exempted.

16 **SEC. 123.3. LAUREATE PROGRAM APPLICATION AND SELECTION PROCESS.**

17 (a) **Publication of Invitation for Applications.**

18 (1) The Library shall publish an Invitation for Applications for each term of each
19 Laureate Program in accordance with Section 2.98 of the Administrative Code.

20 (2) The deadline for the submission of Applications in response to an Invitation for
21 Applications shall not be less than 21 days following publication of the Invitation for Applications.

22 (b) **Content of Invitation for Applications.** An Invitation for Applications shall contain, in
23 addition to any other information that the City Librarian or designee deems appropriate:

24 (1) A description of the Laureate Program, the deadline for submitting Applications,
25 any minimum qualifications, and Library contact information;

1 (2) A statement of the process for submitting Applications and for evaluating
2 Applications, including the evaluation criteria for the ranking of Applicants and the process for
3 selection of one Applicant to be the Laureate, and when applicable, one or more Applicants to be a
4 Finalist; and

5 (3) A specification of the materials and information that must include in the
6 Application.

7 (c) **Evaluation.** The Library shall evaluate Applicants based on the criteria and process
8 identified in the Invitation for Applications.

9 (d) **Cancellations and Amendments.** The Library may cancel any Invitation for Applications,
10 or reject all Applications, at any time prior to execution of the Laureate Agreement(s). The Library
11 may in its discretion republish the Invitation for Applications under subdivision (a) of this Section
12 123.3. The Library may amend any Invitation for Applications prior to the date that Applications
13 become due; provided that if the Library determines that an amendment is material, the Library shall
14 provide a reasonable amount of additional time to all potential Applicants, as determined by the
15 Library, to respond to the Invitation for Applications as amended.

16 (e) **Final Selection by Mayor.** The Library shall provide the Mayor with a recommendation for
17 the final selection of the Laureate and, if applicable, one or more Finalists comprised of the top-ranked
18 Applicant(s) based on the Library's selection process. The Mayor shall make the final selection of the
19 Laureate and any Finalist(s) from the Library's recommendation(s) for each term of each Laureate
20 Program.

21 **SEC. 123.4. LAUREATE AGREEMENT.**

22 The Laureate Agreement shall specify the duties of the Laureate or Finalist in serving and
23 representing the City, including any specific performance requirements, the manner and timing of the
24 stipend payment or payments, and the Library's remedies for default, breach, or any misrepresentation
25 by the Laureate or Finalist. If the Laureate or Finalist is a minor under the age of 18, the Laureate

1 Agreement shall also be entered into with a parent or guardian of such minor and may provide that the
2 stipend will be paid in the form of a qualified tuition program under Title 26 United States Code
3 Section 529. The Laureate Agreement shall be subject to the Controller’s certification of funds, the
4 City Attorney’s approval as to form, and the fiscal provisions of the Charter.

5 **SEC. 123.5. RULES AND REGULATIONS.**

6 The Library shall implement the provisions of this Chapter 123, and in doing so may adopt
7 rules and regulations that are not inconsistent with this Chapter. The Library may update these rules
8 and regulations from time to time, as needed.

9 Section 3. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor’s veto of the ordinance.

13
14 APPROVED AS TO FORM:
15 DAVID CHIU, City Attorney

16 By: /s/ _____
17 JEN HUBER
18 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Library Laureate Programs]

Ordinance amending the Administrative Code to establish the Library Laureate Programs, authorizing the Library to grant stipends to individuals selected through a competitive process as Laureates or Finalists in recognition of their achievements, leadership, and cultural contributions, and in exchange for their service to the City.

Existing Law

Existing law imposes certain contracting requirements and restrictions on the City's award of grants set forth in Chapter 21G of the Administrative Code. Under existing law, stipends granted to individuals through an honorary laureate program are subject to Chapter 21G.

Amendments to Current Law

The proposed ordinance adds Chapter 123 to the Administrative Code to establish the Library Laureate Programs. The ordinance would authorize the Library to enter into agreements with, and grant stipends to, individuals selected through a competitive process as Laureates or Finalists, while exempting the Programs from certain restrictions imposed by Chapter 21G. The proposed ordinance sets forth requirements for the Laureate Programs, including the publication of invitations for applications, evaluation and ranking of applicants based upon criteria established by the Library, final selection of Laureates and Finalists by the Mayor, and that Laureate agreements with selected individuals contain certain specified terms.

Background Information

The Library has established a model process to identify and select Poet Laureates, which has been replicated in the selection of a Drag Laureate. The stipends granted to Laureates are subject to certain requirements contained in Chapter 21G that do not fit the Program. For example, Chapter 21G requires that a City grantee be registered to do business in the State and City, and that grantee maintain certain insurance, but Laureate Agreements are entered into with individuals who may not maintain a business license or such insurance.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Michael Lambert, City Librarian

FROM: Victor Young, Assistant Clerk

A handwritten signature in black ink that reads "Victor Young".

DATE: August 3, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 230860

Ordinance amending the Administrative Code to establish the Library Laureate Programs, and authorizing the Library to grant stipends to individuals selected through a competitive process as Laureates or Finalists in recognition of their achievements, leadership, and cultural contributions, and in exchange for their service to the City.

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.

cc: Almer Castillo, City Library