

File No. 190496

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date May 20, 2019

Board of Supervisors Meeting

Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|----------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (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"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date May 16, 2019

Completed by: _____ Date _____

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

23 n:\leganas2019\1900561\01358398.docx

LEGISLATIVE DIGEST

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

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.

Existing Law

Existing law provides that the Office of Sexual Harassment and Assault Response and Prevention (“Office”) is a separate department directly under the eleven member Human Rights Commission (“Commission”) that exists under Charter Section 4.107. Existing law also provides that the Director of the Office is appointed by the Mayor from nominations submitted by the Commission under Charter Section 4.102(5).

Amendments to Current Law

The proposed ordinance would change the status of the Office from a separate department under the Commission to a division of the Human Rights Commission department (“HRC”). The Executive Director of HRC would directly oversee the Office and would appoint the Director of the Office. The Commission would maintain a role in overseeing the Office through its existing oversight of HRC.

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BOARD of SUPERVISORS



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

MEMORANDUM

TO: Anabel Akwa-Asare, Committee on City Workforce Alignment and
Workforce Community Advisory Committee
Joaquin Torres, Director, Office of Economic and Workforce Development

FROM: Victor Young, Assistant Clerk
Rules Committee

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

DATE: May 14, 2019

SUBJECT: LEGISLATION INTRODUCED

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

File No. 190499

Ordinance amending the Administrative Code to dissolve the Workforce Community Advisory Committee and the Committee on City Workforce Alignment.

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: J'Well Vaughan, OEWD
Ken Rich, OEWD
Lisa Pagan, OEWD

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

Time stamp
or meeting date
MAY -7 PM 4:23

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Supervisor Ronen

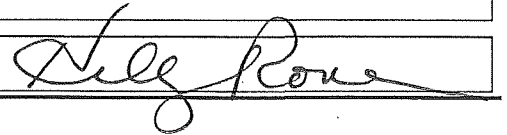
Subject:

Administrative Code - Office of Sexual Harassment and Assault Response and Prevention

The text is listed:

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

Signature of Sponsoring Supervisor: Ronen



For Clerk's Use Only

