

BOARD of SUPERVISORS




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MEMORANDUM

Date: June 22, 2022

To: The Honorable Members, Board of Supervisors

From:  Angela Calvillo, Clerk of the Board

Subject: Charter Amendment - Public Works Department and Commission,
Sanitation and Streets Commission (File No. 220635)

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided:

*File No. 220635 Charter Amendment - Public Works Department and Commission,
Sanitation and Streets Commission*

The proposed Charter Amendment would eliminate the Department of Sanitation and Streets and would transfer all the powers and duties of that department back to the Department of Public Works.

The proposed Charter Amendment would also terminate the two commissions established by Proposition B and replace them with two new commissions bearing the same respective names.

- Does a current body address the same or similar subject matter?

Yes. The proposed Charter Amendment would terminate the two commissions established by Proposition B and replace them with two new commissions bearing the same respective names.



- Language requiring the body to meet at least once every four months

No. The Charter Amendment does not address or set a minimum meeting requirement. It is suggested that the Charter Amendment be amended to insert “shall meet at least once every four months thereafter” for both bodies.

- Language indicating members serve at the pleasure of the appointing authority

Yes. Sanitation and Streets Commission - Section 4.139 states “Commissioners may be removed from office at will by their respective appointing authority.”

Yes. Public Works Commission – Section 4.141 states “Commissioners may be removed from office at will by their respective appointing authority.”

- Language establishing attendance requirements

No. The Charter Amendment does not address attendance requirements. It is suggested that the Charter Amendment be amended to insert “Any member who misses three regular meetings Commission within any 12-month period without the express approval of the Commission at or before each missed meeting shall be deemed to have resigned from the Oversight Committee ten days after the third unapproved absence” for both bodies.

- Number of seats and qualifications

The Sanitation and Streets Commission shall consist of seven (7) members, as follows:

Seats 1, 2, and 3 shall be appointed by the Board of Supervisors.

Sets 4, 5, and 6 shall be appointed by the Mayor, subject to confirmation by the Board of Supervisors within 60 days or deemed approved.

Seat 7 shall be appointed by the Controller, subject to confirmation by the Board of Supervisors within 60 days or deemed approved.

The Public Works Commission shall consist of seven (7) members, as follows:

Seats 1, 2 and 3, shall be appointed by the Board Supervisors.

Seats 4, 5 and 6, shall be appointed by the Mayor, subject to confirmation by the Board of Supervisors within 60 days or deemed approved.

Seat 7 shall be appointed by the Controller, subject to confirmation by the Board of Supervisors within 60 days or deemed approved.



Qualifications for Public Works Commissioners that are desirable, but not required, include background or experience in cleaning and maintaining public spaces, urban forestry, urban design, construction, skilled crafts and trades, finance and audits, architecture, landscape architecture, engineering, or performance measurement and management.

- Term limits (i.e., commencement date? staggered terms?)

Members of the Sanitation and Streets Commission shall serve four-year terms, beginning at noon on March 15, 2023, except that the initial term of the appointees in Seats 1, 4, and 7 shall expire at noon on March 15, 2025. The initial term of the appointees in Seats 2, 3, 5, and 6 shall expire at noon on March 15, 2027. No term limits indicated.

Members of the Public Works Commission shall serve four-year terms, beginning at noon on March 15, 2023, except that the initial term of the appointees in Seats 1, 4, and 7 shall expire at noon on March 15, 2025. The initial term of the appointees in Seats 2, 3, 5, and 6 shall expire at noon on March 15, 2027.

- Administering department

No. There is no Department listed for either body to provide administrative support. It is suggested that the Department of Public Works provide administrative support.

- Transition

Sanitation and Streets Commission –

The five-member Sanitation and Streets Commission established under Proposition B, approved by the voters at the November 3, 2020 election, shall dissolve and cease to exist on January 1, 2023. The Mayor and Controller shall make initial appointments to the seven-member Sanitation and Streets Commission no later than January 15, 2023, and the Board of Supervisors shall make initial appointments no later than February 15, 2023. The Commission shall come into existence at noon on March 15, 2023, or when four members of the Commission have assumed office, whichever is later.

Public Works Commission –

The five-member Public Works Commission established under Proposition B, approved by the voters at the November 3, 2020 election, shall dissolve and cease to exist on January 1, 2023. The Mayor and Controller shall make initial appointments to the seven-member Public Works Commission under this Section 4.141 no later than January 15, 2023, and the Board of Supervisors shall make initial appointments no later than



February 15, 2023. The Commission shall come into existence at noon on March 15, 2023, or when four members of the Commission have assumed office, whichever is later. During the period between January 1, 2023, and when the Commission comes into existence, the Department of Public Works shall operate as a department in the executive branch without a commission.

- **Reporting requirements**

The Sanitation and Streets Commission shall hold public hearings and set policies for the Department of Public Works regarding sanitation standards and protocols, and maintenance of the public right of way.

The Public Works Commission shall exercise all the powers and duties of boards and commissions set forth in Charter, Sections 4.102, 4.103, and 4.104, except for the authority to set policy relating to sanitation standards and protocols, and maintenance of the public right of way as set forth in Section 4.139, and may take other actions as prescribed by ordinance.

- **Sunset date**

No sunset date listed for either body.