

[Creating a Public Works Commission, setting its powers and duties; authorizing the Mayor to appoint the Director of Public Works.]

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 a new Section 4.121.5 and amending Sections 3.104, 4.130 and D3.750-4, to create a Public Works Commission and establish its powers and duties, and authorize the Mayor to appoint the Director of Public Works.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 4, 2008, a proposal to amend the Charter of the City and County by adding a new Section 4.121.5, and amending Sections 3.104, 4.130 and D3.750-4, to read as follows:

Note: Additions are *single-underline italics Times New Roman*.  
Deletions are ~~*strikethrough italics Times New Roman*~~.

Section 1. The San Francisco Charter Code is hereby amended by adding Section 4.121.5 and amending Sections 3.104, 4.130 and D3.750-4, to read as follows:

**SEC. 3.104. CITY ADMINISTRATOR.**

The Mayor shall appoint or reappoint a City Administrator, subject to confirmation by the Board of Supervisors. The appointee shall have at least ten years' governmental management or finance experience with at least five years at the City, County, or City and County level. The City Administrator shall have a term of office of five years, and may be removed by the Mayor subject to approval by the Board of Supervisors.

The City Administrator shall have responsibility for:

1. Administrative services within the executive branch, as assigned by the Mayor or by ordinance;

2. Administering policies and procedures regarding bonded or other long-term indebtedness, procurement, contracts and building and occupancy permits, and for assuring that all contracts and permits are issued in a fair and impartial manner and that any inspections involved with the issuance of permits shall be carried out in a like manner;

3. Coordinating all capital improvement and construction projects except projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions;

4. Preparing and recommending bond measures for consideration by the Mayor and Board of Supervisors; and

5. Administering, budgeting and control of publicity and advertising expenditures.

The City Administrator shall have power to:

6. With the concurrence of the Mayor, appoint and remove the ~~directors of the Departments~~ Director of Administrative Services, ~~Solid Waste,~~ and the Public Guardian/Administrator, ~~and Public Works,~~ and such other department heads which are placed under his or her direction;

7. Propose rules governing procurement and contracts to the Board of Supervisors for consideration;

8. Award contracts without interference from the Mayor or Board of Supervisors; and

9. Coordinate the issuance of bonds and notes for capital improvements, equipment and cash flow borrowings, except for projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions.

In those instances where contract awards are not subject to Board of Supervisors' review, the City Administrator shall award contracts in full compliance with applicable laws and this Charter. The City Administrator's decision in such cases shall be final.

**SEC. 4.121.5. PUBLIC WORKS COMMISSION.**

*(a) **General.** The Public Works Commission shall consist of five members nominated and appointed pursuant to this section. Three of the members shall be nominated by the Mayor, and two of the members shall be nominated by the President of the Board of Supervisors. Each nomination of the Mayor and the President of the Board is subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors. Members of the Commission shall serve for four-year terms. Vacancies shall be filled by the nominating authority. Members may only be removed by the nominating authority pursuant to Section 15.105.*

*(b) Persons appointed to the Commission shall have demonstrated experience, background or expertise in at least one of the following fields: capital project construction, public administration, public finance, architecture, land surveying, urban planning, land use, street repair and maintenance, street environmental services or civil engineering.*

*(c) **Powers and Duties.** The Public Works Commission shall be responsible for oversight of the operations and performance of the Department of Public Works, and shall have the general duties and powers of a commission in the executive branch as set forth elsewhere in this Article. The powers and duties of the Commission also shall include, but not be limited to:*

*1. Entering into and awarding contracts for public work or improvements, except for projects that the Charter places under the specific or exclusive jurisdiction of another board or commission.*

*2. Implementating and managing financial plans, rate analyses, accounting records, contracts, grants, budgets and other activities, subject to the budget and fiscal provisions of this*

Charter, in support of the performance of the Commission's powers and duties and all activities assigned to the Director of Public Works by ordinance or this Charter;

3. Operating, repairing, and maintaining City buildings that are not under the jurisdiction of another department, officer, or commission;

4. Constructing, reconstructing and maintaining City streets and right-of-ways, in consultation with the County Road Commissioner and the City Engineer and in cooperation, where appropriate, with other City departments having the right to use City streets;

5. Advising the Board of Supervisors on the budget for the Department of Public Works, including the Department's compliance with directives accompanying the current budget, as well as preparation of subsequent budgets; and

6. Exercising all other powers and duties otherwise delegated to the Commission by state or federal law, this Charter, or by ordinance.

#### **SEC. 4.130. DEPARTMENT OF PUBLIC WORKS.**

(a) The Department of Public Works shall be administered by the Director of Public Works. The Commission shall nominate candidates for the position of Director pursuant to Section 4.102(5) and the Mayor shall appoint the Director pursuant to Section 3.100(18). The Director may be removed at the pleasure of either the Mayor or the Public Works Commission.

(b) The Director shall carry out the following duties and functions, as well as any additional duties and functions assigned by ordinance or pursuant to Section 4.132:

1. The Director of Public Works shall perform all activities necessary for and incidental to the design and construction of public buildings, structures and facilities, and shall coordinate and administer all capital improvement and construction projects, except projects that the Charter places under the specific or exclusive jurisdiction of another board or commission.

2. The Director of Public Works or his or her designee shall prepare all examinations, plans, estimates and construction administration services required by the City and County in

connection with any public improvements, exclusive of those that the Charter places under the specific or exclusive jurisdiction of another board or commission, and shall, when requested to do so, furnish information and data for the use of the Board of Supervisors.

~~The duties and functions of the Department of Public Works shall be assigned by the City Administrator, by ordinance or pursuant to Section 4.132.~~

#### **SEC. D3.750-4. POWERS AND DUTIES.**

(a) The Building Inspection Commission shall organize, reorganize, and manage the Department of Building Inspection which shall have responsibility for the enforcement, administration, and interpretation of the city's Housing, Building, Mechanical, Electrical, and Plumbing Codes, except where this Charter specifically grants that power to another department. The Central Permit Bureau, formerly within the Bureau of Building Inspection, shall also be managed by the commission.

(b) The commission shall inspect and regulate additions, alterations, and repairs in all buildings and structures covered by the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes. Nothing in this chapter shall diminish or alter the jurisdiction of the Planning Department over changes of use or occupancy under the Planning Code. The commission shall ensure the provision of minimum standards to safeguard life or limb, health, property, and the public welfare by regulating and controlling the safe use of such buildings and structures. The commission shall ensure the vigorous enforcement of city laws mandating the provision of heat and hot water to residential tenants. The commission shall also ensure the enforcement of local, state, and federal disability access laws. The commission shall be a policy-making and supervisory body with all the powers provided for in Section 3.500 of this Charter.

(c) The commission shall constitute the Abatement Appeals Board, and shall assume all powers granted to this entity under this Charter and the San Francisco Building Code. The commission shall appoint and may remove at its pleasure members of the Board of Examiners,

Access Appeals Board, and Code Advisory Committee, all of which shall have the powers and duties to the extent set forth in the San Francisco Building Code.

*(d) The commission shall have the power to hold hearings and hear appeals on all decisions made by the Department of Public Works regarding permits under one or more of the codes enumerated in this section and on sidewalk or encroachment permits.* The commission may reverse, affirm or modify determinations made by the *Department of Public Works*, Water Department, or Department of Building Inspection on all permits required for a final certificate of completion. The commission's jurisdiction under this section, however, shall not extend to permits appealable to the Planning Commission or Board of Permit Appeals. Departmental decisions on permits subject to commission review shall be made within the time mandates of the state Permit Streamlining Act. Appeals of decisions must be filed with the commission within fifteen days of the challenged determination. The commission shall act on the appeal within a reasonable time. The commission's action shall be final.

Section 2. In order to provide for staggered terms, one of the members first nominated by the Mayor and one of the members first nominated by the President of the Board of Supervisors shall be nominated for an initial two-year term. The remaining two members first nominated by the Mayor and the other member first nominated by the President of the Board shall be nominated for initial four-year terms, and thereafter all terms shall be for four years.

This Charter amendment shall become operative and the members of the Public Works Commission shall begin their terms on the date the fifth and final nomination takes effect pursuant to subsection (a) of Section 4.121.5.

The incumbent Director of Public Works at the time this Charter amendment becomes operative may continue to serve as Director until such time as he or she is removed and/or the Mayor appoints a new Director pursuant to subsection (a) of Section 4.130.

APPROVED AS TO FORM:  
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By: \_\_\_\_\_  
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