

File No. 230987

Committee Item No. 4

Board Item No. 6

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Oct 23, 2023

Board of Supervisors Meeting

Date November 7, 2023

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Charter Amendment
- _____
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Completed by: Victor Young Date October 19, 2023

Completed by: _____ Date _____

1 [Charter Amendment - Establishing the Department of Emergency Management in the Charter]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on March 5,**
4 **2024, to amend the Charter of the City and County of San Francisco to establish within the**
5 **Charter the Department of Emergency Management, the position of the Director of the**
6 **Department, and the Director’s qualifications and appointing authority.**

7
8 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
9 and County, at an election to be held on March 5, 2024, a proposal to amend the Charter of the
10 City and County by adding Section 4.130, to read as follows:

11 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
12 **Additions** are *single-underline italics Times New Roman font*.
13 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
Asterisks (* * * *) indicate the omission of unchanged Charter
subsections.

14 **SEC. 4.130. DEPARTMENT OF EMERGENCY MANAGEMENT.**

15 *(a) There shall be a Department of Emergency Management. The Mayor shall appoint a*
16 *Director of the Department of Emergency Management who shall serve as department head for*
17 *the Department. The Director, at the time of appointment, must have a total of at least ten years*
18 *of employment, experience, or professional service in any of the following fields, singly or*
19 *cumulatively: firefighting, law enforcement, public health, or military service, or in the fields of*
20 *disaster management or emergency preparedness and relief, at the local, state, and/or federal*
21 *level. At least five years of that employment, experience, or professional service must be at a*
22 *management level. The Director shall serve at the pleasure of the Mayor and shall report*
23 *directly to the Mayor. The Department shall include such officers and employees as are*
24 *authorized pursuant to the budgetary and fiscal provisions of the Charter.*

25 *(b) On the date this Section 4.130 is added to the Charter, the Director of the*
Department of Emergency Management or, if applicable, person serving in an acting capacity as

1 *Director, shall in the first case continue to be Director serving at the pleasure of the Mayor, and*
2 *in the second case shall continue to serve temporarily in an acting capacity as Director. If, at*
3 *that time, there is a person serving in an acting capacity as Director, and if at any time the*
4 *position of Director is vacant, the position shall be filled in accordance with subsection (a).*

5
6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: */s/ Christina Fletes-Romo* _____
9 CHRISTINA FLETES-ROMO
Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment - Establishing the Department of Emergency Management in the Charter]

Describing and setting forth a proposal to the voters at an election to be held on March 5, 2024, to amend the Charter of the City and County of San Francisco to establish within the Charter the Department of Emergency Management, the position of the Director of the Department, and the Director's qualifications and appointing authority.

Existing Law and Amendments to Current Law

The Department of Emergency Management was created via ordinance and is codified in Administrative Code Section 2A.200. Administrative Code Section 2A.200 (a) established the Department, the Department Director position, required qualifications for the Director, and the Director's appointing authority. Subsections (b) – (d) include additional Department requirements.

Amendments to Current Law

The Charter amendment does not make substantive changes to the Department of Emergency Management nor to the Department Director position. The Charter amendment essentially replicates the language in Administrative Code Section 2A.200 (a) in order to establish the Department and the position of Department Director within the Charter. The Charter amendment does not incorporate Administrative Code Section 2A.200 (b) – (d). Those sub-sections remain in the Administrative Code.

The Charter amendment also establishes that the individual serving as Department Director, or acting Department Director, on the date the Charter Amendment language is added to the Charter, can continue to serve in that capacity.

BOARD of SUPERVISORS



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

MEMORANDUM

Date: September 26, 2023
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee *Victor Young*
Subject: Board of Supervisors Legislation Referral - File No. 230987
Charter Amendment - Establishing the Department of Emergency Management in the Charter

-
- California Environmental Quality Act (CEQA) Determination *(California Public Resources Code, Sections 21000 et seq.)* Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
 Ordinance / Resolution 10/02/2023 *[Signature]*
 Ballot Measure
- Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
 General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)
- General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 Landmark *(Planning Code, Section 1004.3)*
 Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
 Mills Act Contract *(Government Code, Section 50280)*
 Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.



OFFICE OF THE CONTROLLER
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield
Controller
Todd Rydstrom
Deputy Controller

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

October 18, 2023

RE: File 230987 – Charter amendment establishing the Department of Emergency Management in the City Charter

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would have no cost to government.

Sincerely,

Janice Levy FOR
Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.


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MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
Gayathri Thaikkendiyil, Acting Executive Director, Ethics Commission
Mary Ellen Carroll, Executive Director, Department of Emergency Management

FROM: Victor Young, Assistant Clerk, Rules Committee 
Board of Supervisors

DATE: September 26, 2023

SUBJECT: CHARTER AMENDMENT INTRODUCED
March 5, 2024

The Board of Supervisors' Rules Committee has received following Charter Amendment for the March 5, 2024, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.4.

File No. 230987 (ver1)

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to establish within the Charter the Department of Emergency Management, the position of the Director of the Department, and the Director's qualifications and appointing authority; at an election to be held on March 5, 2024.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
Michael Canning, Ethics Commission
Francis Zamora, Department of Emergency Management
Olivia Scanlon, Department of Emergency Management