


BOARD of SUPERVISORS



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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
LeeAnn Pelham, Executive Director, Ethics Commission
Carmen Chu, City Administrator, Office of the City Administrator

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

DATE: January 27, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED
June 7, 2022 Election

The Board of Supervisors' Rules Committee amended the following Charter Amendment for the June 7, 2022, Election. This matter is being **re-referred** to you in accordance with Rules of Order 2.22.4.

File No. 211285 (ver2)

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to 1) split the power to make appointments to the following bodies between the Mayor and the Board of Supervisors: Airport Commission, Arts Commission, Asian Art Commission, Civil Service Commission, Commission on the Environment, Commission on the Status of Women, Disability and Aging Services Commission, Fire Commission, Health Commission, Historic Preservation Commission, Human Rights Commission, Human Services Commission, Juvenile Probation Commission, Library Commission, Municipal Transportation Agency Board of Directors, Public Utilities Commission, Recreation and Park Commission, and War Memorial and Performing Arts Center Board of Trustees; subject Mayoral appointments to those bodies and to the Building Inspection Commission and the Small Business Commission to approval by the Board of Supervisors; and provide that the appropriate appointing authority (Mayor or Board of Supervisors, as applicable) may initiate removal of commissioners; and 2) specify the types of functions that the City Administrator may oversee; require that any agencies under the City Administrator be designated by ordinance; authorize the City Administrator to review City programs and services, and employment

practices, and to make recommendations to the Mayor, Board of Supervisors, and departments based on those reviews; prohibit the Mayor from placing functions under the City Administrator without authorization by ordinance; and authorize the City Administrator to recommend removal of any department head to the Mayor or a commission, and require the Mayor or commission to act on the recommendation within 30 days; at an election to be held on June 7, 2022.

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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
 Patrick Ford, Ethics Commission
 Ken Bukowski, Office of the City Administrator
 Vivian Po, Office of the City Administrator
 Bill Barnes, Office of the City Administrator
 Nicole Agbayani, Office of the City Administrator

1 [Charter Amendment - Split Appointment Authority for Boards and Commissions; Powers and
2 Duties of the City Administrator]

3 **Describing and setting forth a proposal to the voters at an election to be held on June 7,**
4 **2022, to amend the Charter of the City and County of San Francisco to 1) split the power to**
5 **make appointments to the following bodies between the Mayor and the Board of**
6 **Supervisors: Airport Commission, Arts Commission, Asian Art Commission, Civil Service**
7 **Commission, Commission on the Environment, Commission on the Status of Women,**
8 **Disability and Aging Services Commission, Fire Commission, Health Commission, Historic**
9 **Preservation Commission, Human Rights Commission, Human Services Commission,**
10 **Juvenile Probation Commission, Library Commission, Municipal Transportation Agency**
11 **Board of Directors, Public Utilities Commission, Recreation and Park Commission, and**
12 **War Memorial and Performing Arts Center Board of Trustees; subject Mayoral**
13 **appointments to those bodies and to the Building Inspection Commission and the Small**
14 **Business Commission to approval by the Board of Supervisors; and provide that the**
15 **appropriate appointing authority (Mayor or Board of Supervisors, as applicable) may**
16 **initiate removal of commissioners; and 2) specify the types of functions that the City**
17 **Administrator may oversee; require that any agencies under the City Administrator be**
18 **designated by ordinance; authorize the City Administrator to review City programs and**
19 **services, and employment practices, and to make recommendations to the Mayor, Board of**
20 **Supervisors, and departments based on those reviews; prohibit the Mayor from placing**
21 **functions under the City Administrator without authorization by ordinance; and authorize**
22 **the City Administrator to recommend removal of any department head to the Mayor or a**
23 **commission, and require the Mayor or commission to act on the recommendation within 30**
24 **days.**

1 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
2 and County, at an election to be held on June 7, 2022, a proposal to amend the Charter of the
3 City and County by revising Sections 3.100, 3.104, 4.102, 4.107, 4.108, 4.110, 4.111, 4.112,
4 4.113, 4.115, 4.118, 4.119, 4.120, 4.121, 4.129, 4.132, 4.134, 4.135, 5.102, 5.103, 5.104, 5.106,
5 7.102, 8.102, 8A.102, 10.100, 15.105, and D3.750-1. Those amended Sections are sequenced
6 below, first, as they relate to appointments to commissions (starting with Section 4.107 and
7 ending with Section D3.750-1), then second, as they relate to the City Administrator (starting
8 with Sections 3.100 and ending with Section 4.132), to read as follows:

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

13 **SEC. 4.107. HUMAN RIGHTS COMMISSION.**

14 (a) The Human Rights Commission shall consist of eleven members appointed ~~by the~~
15 ~~Mayor, pursuant to Section 3.100,~~ for four-year terms. Six of the members shall be appointed by
16 the Mayor, and five of the members shall be appointed by the Board of Supervisors. Each
17 nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be
18 the subject of a public hearing and vote within 60 days. If the Board fails to act on the
19 nomination within 60 days of the date the Clerk of the Board receives notice of the nomination
20 from the Mayor, the nominee shall be deemed approved. The appointment shall become effective
21 on the date the Board adopts a motion approving the nomination or on the 61st day after the
22 Clerk of the Board receives notice of the nomination, whichever is earlier. Members may be
23 removed by ~~the Mayor~~their appointing authority.

24 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
25 seat on the Commission. Seats 1-6 shall henceforth be appointed by the Mayor, and seats 7-11

1 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
2 sentence or any other provision of this Section 4.107, members of the Human Rights Commission
3 holding office on June 7, 2022, may serve the remainder of their term of office, subject to
4 removal during that term by the Mayor. Upon the end of a member's term, or if a seat on the
5 Commission becomes vacant before the end of a member's term, the seat shall be filled by the
6 appointing authority for that seat in accordance with the appointment process in subsection (a).

7 (c) The Commission shall:

8 (1)- Investigate complaints of unlawful discrimination against any person;

9 (2)- Ensure the civil rights of all persons;

10 (3)- Ensure that the affirmative action plans of each department of the City and
11 County are current and are being properly implemented; and report on the implementation of
12 such affirmative action plans to the Mayor and Board of Supervisors;

13 (4)- Promote understanding among the residents of the City and County and
14 work cooperatively with governmental agencies, community groups, and others to eliminate
15 discrimination and the results of past discrimination by furnishing information, guidance, and
16 technical assistance;

17 (5)- Study, investigate, mediate, and make recommendations with respect to the
18 solving of community-wide problems resulting in intergroup tensions and discrimination;

19 (6)- Implement the provisions of ordinances prohibiting discrimination in all
20 contracts and subsequent subcontracts, franchises, leases, concessions, or other agreements for or
21 on behalf of the City and County; and

22 (7)- Issue such rules and regulations for the conduct of its business, and prepare
23 such ordinances with respect to human rights for consideration by the Board of Supervisors, as
24 are necessary to carry out the purposes of this ~~§~~Section 4.107.

1 (d) In performing its duties, the Commission may hold hearings, issue subpoenas to
2 require witnesses to appear and require the production of evidence, administer oaths, take
3 testimony, and issue appropriate orders and petitions for court orders in such manner as may be
4 prescribed by law.

5
6 **SEC. 4.108. FIRE COMMISSION.**

7 (a) The Fire Commission shall consist of five members appointed ~~by the Mayor,~~
8 ~~pursuant to Section 3.100,~~ for four-year terms. Three of the members shall be appointed by the
9 Mayor, and two of the members shall be appointed by the Board of Supervisors. Each
10 nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be
11 the subject of a public hearing and vote within 60 days. If the Board fails to act on the
12 nomination within 60 days of the date the Clerk of the Board receives notice of the nomination
13 from the Mayor, the nominee shall be deemed approved. The appointment shall become effective
14 on the date the Board adopts a motion approving the nomination or on the 61st day after the
15 Clerk of the Board receives notice of the nomination, whichever is earlier. Members may be
16 removed by ~~the Mayor~~ their appointing authority.

17 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
18 seat on the Commission. Seats 1-3 shall henceforth be appointed by the Mayor, and seats 4-5
19 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
20 sentence or any other provision of this Section 4.108, members of the Fire Commission holding
21 office on June 7, 2022, may serve the remainder of their term of office, subject to removal during
22 that term by the Mayor. Upon the end of a member's term, or if a seat on the Commission
23 becomes vacant before the end of a member's term, the seat shall be filled by the appointing
24 authority for that seat in accordance with the appointment process in subsection (a).

1 (c) In addition to any other powers set forth in this Charter, the Fire Commission is
2 empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary
3 to provide for the efficiency of the Department, provided that the civil service and ethics
4 provisions of this Charter shall control in the event of any conflict with rules adopted under this
5 ~~§~~Section 4.108.

6
7 **SEC. 4.110. HEALTH COMMISSION.**

8 (a) The Health Commission shall consist of seven members appointed ~~by the Mayor,~~
9 ~~pursuant to Section 3.100,~~ for four-year terms. Four of the members shall be appointed by the
10 Mayor, and three of the members shall be appointed by the Board of Supervisors. Each
11 nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be
12 the subject of a public hearing and vote within 60 days. If the Board fails to act on the
13 nomination within 60 days of the date the Clerk of the Board receives notice of the nomination
14 from the Mayor, the nominee shall be deemed approved. The appointment shall become effective
15 on the date the Board adopts a motion approving the nomination or on the 61st day after the
16 Clerk of the Board receives notice of the nomination, whichever is earlier. The Commission shall
17 have less than a majority of direct care providers. Members may be removed by ~~the Mayor~~their
18 appointing authority only pursuant to Section 15.105. The Commission shall control the property
19 under its jurisdiction.

20 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
21 seat on the Commission. Seats 1-4 shall henceforth be appointed by the Mayor, and seats 5-7
22 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
23 sentence or any other provision of this Section 4.110, members of the Health Commission
24 holding office on June 7, 2022, may serve the remainder of their term of office, subject to
25 removal pursuant to Section 15.105 during that term by the Mayor. Upon the end of a member's

1 term, or if a seat on the Commission becomes vacant before the end of a member's term, the seat
2 shall be filled by the appointing authority for that seat in accordance with the appointment
3 process in subsection (a).

4 (c) The Commission and the Department shall manage and control the City and County
5 hospitals, emergency medical services, and in general provide for the preservation, promotion
6 and protection of the physical and mental health of the inhabitants of the City and County, except
7 where the Charter grants such authority to another officer or department. The Commission and
8 the Department may also determine the nature and character of public nuisances and provide for
9 their abatement.

10
11 **SEC. 4.111. HUMAN SERVICES COMMISSION.**

12 (a) The Human Services Commission shall consist of five members appointed ~~by the~~
13 ~~Mayor, pursuant to Section 3.100,~~ for four-year terms. Three of the members shall be appointed
14 by the Mayor, and two of the members shall be appointed by the Board of Supervisors. Each
15 nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be
16 the subject of a public hearing and vote within 60 days. If the Board fails to act on the
17 nomination within 60 days of the date the Clerk of the Board receives notice of the nomination
18 from the Mayor, the nominee shall be deemed approved. The appointment shall become effective
19 on the date the Board adopts a motion approving the nomination or on the 61st day after the
20 Clerk of the Board receives notice of the nomination, whichever is earlier. Members may be
21 removed by ~~the Mayor~~their appointing authority only pursuant to Section 15.105.

22 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
23 seat on the Commission. Seats 1-3 shall henceforth be appointed by the Mayor, and seats 4-5
24 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
25 sentence or any other provision of this Section 4.111, members of the Human Services

1 Commission holding office on June 7, 2022, may serve the remainder of their term of office,
2 subject to removal pursuant to Section 15.505 during that term by the Mayor. Upon the end of a
3 member's term, or if a seat on the Commission becomes vacant before the end of a member's
4 term, the seat shall be filled by the appointing authority for that seat in accordance with the
5 appointment process in subsection (a).

6
7 **SEC. 4.112. PUBLIC UTILITIES COMMISSION.**

8 (a) The Public Utilities Commission shall consist of five members appointed ~~by the~~
9 ~~Mayor, subject to confirmation by a majority of the Board of Supervisors. Each of the members~~
10 ~~shall serve~~ for a term of four years. Three of the members shall be appointed by the Mayor, and
11 two of the members shall be appointed by the Board of Supervisors. Each nomination of the
12 Mayor shall be subject to approval by the Board of Supervisors, and shall be the subject of a
13 public hearing and vote within 60 days. If the Board fails to act on the nomination within 60
14 days of the date the Clerk of the Board receives notice of the nomination from the Mayor, the
15 nominee shall be deemed approved. The appointment shall become effective on the date the
16 Board adopts a motion approving the nomination or on the 61st day after the Clerk of the Board
17 receives notice of the nomination, whichever is earlier. Members may be removed by ~~the~~
18 ~~Mayor~~their appointing authority only pursuant to Section 15.105.

19 (b) Seat 1 on the Commission shall be a member with experience in environmental
20 policy and an understanding of environmental justice issues. Seat 2 shall be a member with
21 experience in ratepayer or consumer advocacy. Seat 3 shall be a member with experience in
22 project finance. Seat 4 shall be a member with expertise in water systems, power systems, or
23 public utility management, and Seat 5 shall be an at-large member. Seats 1, 2, and 3 shall be
24 appointed by the Mayor, and seats 4 and 5 shall be appointed by the Board of Supervisors.
25 Notwithstanding the previous sentence or any other provision of this Section 4.112, members of

1 the Public Utilities Commission holding office on June 7, 2022, may serve the remainder of their
2 term of office, subject to removal pursuant to Section 15.105 during that term by the Mayor.
3 Upon the end of a member's term, or if a seat on the Commission becomes vacant before the end
4 of a member's term, the seat shall be filled by the appointing authority for that seat in
5 accordance with the appointment process in subsection (a).

6 (c) The respective terms of office of members of the Public Utilities Commission who
7 hold office on August 1, 2008 shall expire at noon on that date, and the members appointed
8 pursuant to the amendments to this Section 4.112 approved at the June 2008 election shall
9 succeed to said office at that time. In order to provide for staggered terms, the members
10 appointed to Seats 2 and 4 shall serve for an initial term of two years from August 1, 2008. The
11 remaining three members appointed to Seats 1, 3, and 5 shall serve for an initial term of four
12 years from August 1, 2008, and thereafter the terms of all members shall be four years.

13 (d) The Commission shall have charge of the construction, management, supervision,
14 maintenance, extension, operation, use and control of all water and energy supplies and utilities
15 of the City as well as the real, personal, and financial assets, which are under the Commission's
16 jurisdiction on the operative date of this Charter, or assigned pursuant to Section 4.132.

17
18 **SEC. 4.113. RECREATION AND PARK COMMISSION.**

19 (a) The Recreation and Park Commission shall consist of seven members appointed ~~by~~
20 ~~the Mayor, pursuant to Section 3.100,~~ for four-year terms. Four of the members shall be
21 appointed by the Mayor, and three of the members shall be appointed by the Board of
22 Supervisors. Each nomination of the Mayor shall be subject to approval by the Board of
23 Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board
24 fails to act on the nomination within 60 days of the date the Clerk of the Board receives notice of
25 the nomination from the Mayor, the nominee shall be deemed approved. The appointment shall

1 become effective on the date the Board adopts a motion approving the nomination or on the 61st
2 day after the Clerk of the Board receives notice of the nomination, whichever is earlier.

3 Members may be removed by ~~the Mayor~~their appointing authority only pursuant to Section
4 15.105.

5 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
6 seat on the Commission. Seats 1-4 shall henceforth be appointed by the Mayor, and seats 5-7
7 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
8 sentence or any other provision of this Section 4.113, members of the Recreation and Park
9 Commission holding office on June 7, 2022, may serve the remainder of their term of office,
10 subject to removal pursuant to Section 15.105 during that term by the Mayor. Upon the end of a
11 member's term, or if a seat on the Commission becomes vacant before the end of a member's
12 term, the seat shall be filled by the appointing authority for that seat in accordance with the
13 appointment process in subsection (a).

14 (c) Pursuant to the policies and directives set by the Commission and under the direction
15 and supervision of the General Manager, the Recreation and Park Department shall manage and
16 direct all parks, playgrounds, recreation centers and all other recreation facilities, avenues, and
17 grounds under the Commission's control or placed under its jurisdiction thereafter, unless
18 otherwise specifically provided in this Charter.

19 * * * *

20
21 **SEC. 4.115. AIRPORT COMMISSION.**

22 (a) The Airport Commission shall consist of five members appointed ~~by the Mayor,~~
23 ~~pursuant to Section 3.100,~~ for four-year terms. Three of the members shall be appointed by the
24 Mayor, and two of the members shall be appointed by the Board of Supervisors. Each
25 nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be

1 the subject of a public hearing and vote within 60 days. If the Board fails to act on the
2 nomination within 60 days of the date the Clerk of the Board receives notice of the nomination
3 from the Mayor, the nominee shall be deemed approved. The appointment shall become effective
4 on the date the Board adopts a motion approving the nomination or on the 61st day after the
5 Clerk of the Board receives notice of the nomination, whichever is earlier. Members may be
6 removed by ~~the Mayor~~their appointing authority only pursuant to Section 15.105.

7 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
8 seat on the Commission. Seats 1-3 shall henceforth be appointed by the Mayor, and seats 4-5
9 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
10 sentence or any other provision of this Section 4.115, members of the Airport Commission
11 holding office on June 7, 2022, may serve the remainder of their term of office, subject to
12 removal pursuant to Section 15.105 during that term by the Mayor. Upon the end of a member's
13 term, or if a seat on the Commission becomes vacant before the end of a member's term, the seat
14 shall be filled by the appointing authority for that seat in accordance with the appointment
15 process in subsection (a).

16 (c) The Commission shall provide the Mayor with at least three qualified candidates for
17 Director of Airports, related on the basis of executive, administrative, and technical
18 qualifications.(d) The Commission shall have charge of the construction, management,
19 supervision, maintenance, extension, operation, use, and control of all property, as well as the
20 real, personal, and financial assets which are under the Commission's jurisdiction.

21 (e) Subject to the approval, amendment, or rejection of the Board of Supervisors of each
22 issue, the Commission shall have exclusive authority to plan and issue revenue bonds for airport-
23 related purposes.

24
25 **SEC. 4.118. COMMISSION ON THE ENVIRONMENT.**

1 (a) The Commission on the Environment shall consist of seven members appointed ~~by~~
2 ~~the Mayor, pursuant to Section 3.100,~~ for four-year terms. Four of the members shall be
3 appointed by the Mayor, and three of the members shall be appointed by the Board of
4 Supervisors. Each nomination of the Mayor shall be subject to approval by the Board of
5 Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board
6 fails to act on the nomination within 60 days of the date the Clerk of the Board receives notice of
7 the nomination from the Mayor, the nominee shall be deemed approved. The appointment shall
8 become effective on the date the Board adopts a motion approving the nomination or on the 61st
9 day after the Clerk of the Board receives notice of the nomination, whichever is earlier.

10 Members may be removed by ~~the Mayor~~ their appointing authority.

11 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
12 seat on the Commission. Seats 1-4 shall henceforth be appointed by the Mayor, and seats 5-7
13 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
14 sentence or any other provision of this Section 4.118, members of the Commission on the
15 Environment holding office on June 7, 2022, may serve the remainder of their term of office,
16 subject to removal during that term by the Mayor. Upon the end of a member's term, or if a seat
17 on the Commission becomes vacant before the end of a member's term, the seat shall be filled by
18 the appointing authority for that seat in accordance with the appointment process in subsection

19 (a).

20 (c) The Department of the Environment shall regularly produce an assessment of San
21 Francisco's environmental condition. It shall also produce and regularly update plans for the
22 long-term environmental sustainability of San Francisco.

23 * * * *

24
25 **SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.**

1 (a) The Commission on the Status of Women shall consist of seven members-
2 ~~Commission members shall be appointed by the Mayor, pursuant to Section 3.100, appointed~~ for
3 four-year terms. Four of the members shall be appointed by the Mayor, and three of the members
4 shall be appointed by the Board of Supervisors. Each nomination of the Mayor shall be subject
5 to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote
6 within 60 days. If the Board fails to act on the nomination within 60 days of the date the Clerk of
7 the Board receives notice of the nomination from the Mayor, the nominee shall be deemed
8 approved. The appointment shall become effective on the date the Board adopts a motion
9 approving the nomination or on the 61st day after the Clerk of the Board receives notice of the
10 nomination, whichever is earlier. Members may be removed by ~~the Mayor~~ their appointing
11 authority only pursuant to Section 15.105.

12 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
13 seat on the Commission. Seats 1-4 shall henceforth be appointed by the Mayor, and seats 5-7
14 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
15 sentence or any other provision of this Section 4.119, members of the Commission on the Status
16 of Women holding office on June 7, 2022, may serve the remainder of their term of office, subject
17 to removal pursuant to Section 15.105 during that term by the Mayor. Upon the end of a
18 member's term, or if a seat on the Commission becomes vacant before the end of a member's
19 term, the seat shall be filled by the appointing authority for that seat in accordance with the
20 appointment process in subsection (a).

21 (c) The Commission shall develop and recommend policies and practices for the City
22 and County to reduce the particular impacts on women and girls of problems such as domestic
23 violence, sexual harassment, employment and health care inequity, and homelessness, as well as
24 advocate on behalf of women and girls in such areas. The Commission may be assigned
25 additional duties and functions by ordinance or pursuant to Section 4.132.

1
2 **SEC. 4.120. DISABILITY AND AGING SERVICES COMMISSION.**

3 (a) The Disability and Aging Services Commission shall consist of seven members
4 appointed ~~by the Mayor, pursuant to Section 3.100,~~ for four-year terms. Four of the members
5 shall be appointed by the Mayor, and three of the members shall be appointed by the Board of
6 Supervisors. Each nomination of the Mayor shall be subject to approval by the Board of
7 Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board
8 fails to act on the nomination within 60 days of the date the Clerk of the Board receives notice of
9 the nomination from the Mayor, the nominee shall be deemed approved. The appointment shall
10 become effective on the date the Board adopts a motion approving the nomination or on the 61st
11 day after the Clerk of the Board receives notice of the nomination, whichever is earlier.

12 Members may be removed by ~~the Mayor~~their appointing authority. The Commission shall
13 oversee the Department of Disability and Aging Services, including the functions of the Public
14 Guardian/Administrator, as well as carry out any additional duties and functions assigned to the
15 Commission by ordinance or pursuant to Section 4.132.

16 (b) ~~As of January 15, 2020,~~ Seat 1 on the Commission shall be held by a person who
17 is 60 years old or older; Seat 2 shall be held by a person with a disability, as defined under the
18 Americans With Disabilities Act, who is 18 years old or older; and Seat 3 shall be held by a
19 person who served in the United States military and who was discharged or released under
20 conditions other than dishonorable. Seats 4, 5, 6, and 7, shall have no required qualifications in
21 addition to those set forth in Section 4.101. Seats 1, 3, 5, and 7 shall be appointed by the Mayor,
22 and seats 2, 4, and 6 shall be appointed by the Board of Supervisors. Notwithstanding the
23 previous sentence or any other provision of this Section 4.120, members of the Disability and
24 Aging Services Commission holding office on June 7, 2022, may serve the remainder of their
25 term of office, subject to removal during that term by the Mayor. Upon the end of a member's

1 term, or if a seat on the Commission becomes vacant before the end of a member's term, the seat
2 shall be filled by the appointing authority for that seat in accordance with the appointment
3 process in subsection (a).

4 (c) The Commission shall oversee the Department of Disability and Aging Services,
5 including the functions of the Public Guardian/Administrator, as well as carry out any additional
6 duties and functions assigned to the Commission by ordinance or pursuant to Section 4.132.

7 ~~—(c)—For the purpose of calculating the terms of particular seats on the Commission,~~
8 ~~Seats 1, 2, and 3 are hereby designated as the seats with terms ending on January 15, 2020.~~
9 ~~Notwithstanding Charter Section 4.101.5, members in those seats who do not as of January 15,~~
10 ~~2020 hold the qualifications set forth in subsection (b) respectively may no longer serve in those~~
11 ~~seats.~~

12
13 **SEC. 4.121. BUILDING INSPECTION COMMISSION.**

14 (a) The Building Inspection Commission shall consist of seven members. Four members
15 shall be appointed by the Mayor for a term of two years. Three members shall be appointed by
16 the President of the Board of Supervisors for a term of two years. *Each Mayoral nomination*
17 *made after June 7, 2022 shall be subject to approval by the Board of Supervisors, and shall be*
18 *the subject of a public hearing and vote within 60 days. If the Board fails to act on the*
19 *nomination within 60 days of the date the Clerk of the Board receives notice of the nomination,*
20 *the nominee shall be deemed approved. The appointment shall become effective on the date the*
21 *Board adopts a motion approving the nomination or on the 61st day after the Clerk of the Board*
22 *receives notice of the nomination, whichever is earlier.* Members may be removed by their
23 appointing ~~officer~~ authority only pursuant to Section 15.105. Vacancies occurring in the offices
24 of ~~appointive~~ members, either during or at the expiration of a term, shall be filled by the
25

1 appointing ~~officer~~ authority for the vacant seat in accordance with the appointment process in
2 this subsection (a).

3 (b) The four Mayoral appointments shall consist of a structural engineer, a licensed
4 architect, a residential builder, and a representative of a community-based non-profit housing
5 development corporation. The three ~~Supervisorial~~ appointments by the President of the Board of
6 Supervisors shall consist of a residential tenant, a residential landlord, and a member of the
7 general public. The members of the Commission shall serve without compensation.

8 Pursuant to California Government Code Section 87103, individuals appointed to the
9 commission under this Section 4.121 are intended to represent and further the interest of the
10 particular industries, trades, or professions specified herein. Accordingly, it is found that for
11 purposes of persons who hold such office, the specified industries, trades, or professions are
12 tantamount to and constitute the public generally within the meaning of California Government
13 Code Section 87103.

14 (c) Notwithstanding any other provision of the Charter, the Commission shall have the
15 power to appoint and remove a department head.

16 17 **SEC. 4.134. SMALL BUSINESS COMMISSION.**

18 (a) There shall be a Small Business Commission to oversee the San Francisco Office of
19 Small Business. The Commission shall consist of seven members, who shall serve at the pleasure
20 of the appointing authority. All commissioners shall serve for four-year terms. The Mayor shall
21 appoint four members of the Commission; the Board of Supervisors shall appoint the remaining
22 three members. ~~The Mayor shall designate two of his or her initial appointments to serve for~~
23 ~~two year terms; the Board of Supervisors shall designate one of its initial appointments to serve~~
24 ~~a two year term. Thereafter, all commissioners shall serve for four year terms.~~ Each Mayoral
25 nomination made after June 7, 2022 shall be subject to approval by the Board of Supervisors,

1 and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on
2 the nomination within 60 days of the date the Clerk of the Board receives notice of the
3 nomination from the Mayor, the nominee shall be deemed approved. The appointment shall
4 become effective on the date the Board adopts a motion approving the nomination or on the 61st
5 day after the Clerk of the Board receives notice of the nomination, whichever is earlier.

6 (b) At least five of the individuals appointed to the Commission shall be owners,
7 operators, or officers of San Francisco small businesses. One of the individuals appointed to the
8 Commission may be either a current or former owner, operator, or officer of a San Francisco
9 small business. One member of the Commission may be an officer or representative of a
10 neighborhood economic development organization or an expert in small business finance.

11 Pursuant to California Government Code Section 87103, individuals appointed to the
12 Commission under this Section 4.134 are intended to represent and further the interest of the
13 particular industries, trades, or professions specified herein. Accordingly, it is found that for
14 purposes of persons who hold such office, the specified industries, trades, or professions are
15 tantamount to and constitute the public generally within the meaning of California Government
16 Code Section 87103.

17 (c) The Mayor and the Board of Supervisors shall select Commission members who
18 reflect the diversity of neighborhood and small business interests in the City.

19
20 **SEC. 4.135. HISTORIC PRESERVATION COMMISSION.**

21 (a) GENERAL. There is hereby created a Historic Preservation Commission, which
22 shall advise the City on historic preservation matters, participate in processes that involve
23 historic or cultural resources, and take such other actions concerning historic preservation as may
24 be prescribed by ordinance.

1 **(b)** The Historic Preservation Commission shall consist of seven members *nominated by*
2 *the Mayor and subject to approval by a majority of the Board of Supervisors.*

3 ~~*—The term and tenure of all members sitting on the Landmarks Preservation Advisory*~~
4 ~~*Board, created under Article 10 of the Planning Code, as of the effective date of this section*~~
5 ~~*shall terminate on December 31, 2008. Of the original appointments to the Historic Preservation*~~
6 ~~*Commission, four shall be for a four year term and three for a two year term as follows; the*~~
7 ~~*odd numbered seats shall be for four year terms and the even numbered seats shall be for two-*~~
8 ~~*year terms. After the expiration of the original terms, all appointments shall be appointed for*~~
9 ~~*four-year terms. Four members shall be appointed by the Mayor, and three members shall be*~~
10 ~~*appointed by the Board of Supervisors. Each nomination of the Mayor shall be subject to*~~
11 ~~*approval by the Board of Supervisors, and shall be the subject of a public hearing and vote*~~
12 ~~*within 60 days. If the Board fails to act on the nomination within 60 days of the date the Clerk of*~~
13 ~~*the Board receives notice of the nomination from the Mayor, the nominee shall be deemed*~~
14 ~~*approved. The appointment shall become effective on the date the Board adopts a motion*~~
15 ~~*approving the nomination or on the 61st day after the Clerk of the Board receives notice of the*~~
16 ~~*nomination, whichever is earlier.*~~ There shall be no limit on the number of terms a member may
17 serve.

18 ~~*The original nominations shall be made no later than 31 days after the date of the*~~
19 ~~*election creating this section. If the Mayor fails to nominate an original appointment within said*~~
20 ~~*period, the nomination for the original appointment may be made by the President of the Board*~~
21 ~~*of Supervisors, subject to the approval of a majority of the Board of Supervisors.*~~

22 ~~*Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a*~~
23 ~~*qualified person to fill the vacant seat for the term, or the remainder of the term, subject to*~~
24 ~~*approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on*~~
25 ~~*the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the*~~

1 ~~Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination~~
2 ~~may be made by the President of the Board of Supervisors, subject to the approval of a majority~~
3 ~~of the Board of Supervisors. The appointment shall become effective on the date the Board of~~
4 ~~Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor~~
5 ~~transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors~~
6 ~~fails to act.~~

7 Members may be removed by their appointing ~~officer~~ authority only pursuant to Section
8 15.105.

9 (c) Seats 1, 3, 5, and 7 shall be appointed by the Mayor, and seats 2, 4, and 6 shall be
10 appointed by the Board of Supervisors. Notwithstanding the previous sentence or any other
11 provision of this Section 4.135, members of the Historic Preservation Commission holding office
12 on June 7, 2022, may serve the remainder of their term of office, subject to removal pursuant to
13 Section 15.105 during that term by the Mayor. Upon the end of a member's term, or if a seat on
14 the Commission becomes vacant before the end of a member's term, the seat shall be filled by the
15 appointing authority for that seat in accordance with the appointment process in subsection (a).

16 (d) QUALIFICATIONS. In addition to the specific requirements set forth below,
17 members of the Historic Preservation Commission shall be persons specially qualified by reason
18 of interest, competence, knowledge, training, and experience in the historic, architectural,
19 aesthetic, and cultural traditions of the City, interested in the preservation of its historic
20 structures, sites, and areas, and residents of the City. Six of the members of the Historic
21 Preservation Commission shall be specifically qualified in the following fields:

22 (1) Seats 1 and 2: licensed architects meeting the Secretary of the Interior's
23 Professional Qualifications Standards for historic architecture;

1 (2)- Seat 3: an architectural historian meeting the Secretary of the Interior's
2 Professional Qualifications Standards for architectural history with specialized training and/or
3 demonstrable experience in North American or Bay Area architectural history;

4 (3)- Seat 4: an historian meeting the Secretary of the Interior's Professional
5 Qualifications Standards for history with specialized training and/or demonstrable experience in
6 North American or Bay Area history;

7 (4)- Seat 5: an historic preservation professional or professional in a field such as
8 law, land use, community planning or urban design with specialized training and/or
9 demonstrable experience in historic preservation or historic preservation planning;

10 (5)- Seat 6 shall be specially qualified in one of the following fields or in one of
11 the fields set forth for Seats 1, 2, or 3:

12 (A)- A professional archeologist meeting the Secretary of the Interior's
13 Professional Qualification Standards for Archeology;

14 (B)- A real estate professional or contractor who has demonstrated a
15 special interest, competence, experience, and knowledge in historic preservation;

16 (C)- A licensed structural engineer with at least four years of experience
17 in seismic and structural engineering ~~principals~~ principles applied to historic structures; or

18 (D)- A person with training and professional experience with materials
19 conservation;

20 (6). Seat 7 shall be an at-large seat subject to the minimum qualifications set
21 forth above.

22 (e) LANDMARK AND HISTORIC DISTRICT DESIGNATIONS. The Historic
23 Preservation Commission shall have the authority to recommend approval, disapproval, or
24 modification of landmark designations and historic district designations under the Planning Code
25 to the Board of Supervisors. The Historic Preservation Commission shall send recommendations

1 regarding landmarks designations to the Board of Supervisors without referral or
2 recommendation of the Planning Commission. The Historic Preservation Commission shall refer
3 recommendations regarding historic district designations to the Planning Commission, which
4 shall have 45 days to review and comment on the proposed designation, which comments, if any,
5 shall be forwarded to the Board of Supervisors together with the Historic Preservation
6 Commission's recommendation. Decisions of the Historic Preservation Commission to
7 disapprove designation of a landmark or historic district shall be final unless appealed to the
8 Board of Supervisors.

9 (f) CERTIFICATES OF APPROPRIATENESS. The Historic Preservation Commission
10 shall approve, disapprove, or modify certificates of appropriateness for work to designated
11 landmarks or within historic districts. For minor alterations, the Historic Preservation
12 Commission may delegate this function to staff, whose decision may be appealed to the Historic
13 Preservation Commission.

14 For projects that require multiple planning approvals, the Historic Preservation
15 Commission must review and act on any Certificate of Appropriateness before any other
16 planning approval action. For projects that (1) require a conditional use permit or permit review
17 under Section 309 et seq., of the Planning Code and (2) do not concern an individually
18 landmarked property, the Planning Commission may modify any decision on a Certificate of
19 Appropriateness by a ~~2/3~~ two-thirds vote, provided that the Planning Commission shall apply all
20 applicable historic resources provisions of the Planning Code.

21 For projects that are located on vacant lots, the Planning Commission may modify any
22 decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning
23 Commission shall apply all applicable historic resources provisions of the Planning Code.

24 The Historic Preservation Commission or Planning Commission's decision on a
25 Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may

1 modify the decision by a ~~4/5~~ four-fifths vote; provided, however, that if the project requires
2 Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use,
3 the decision shall not be appealable to the Board of Appeals, but rather to the Board of
4 Supervisors, which may modify the decision by a majority vote.

5 (g) SIGNIFICANT OR CONTRIBUTORY BUILDING AND CONSERVATION
6 DISTRICT DESIGNATIONS IN THE C-3 DISTRICTS. The Historic Preservation Commission
7 shall have the authority to recommend approval, disapproval, or modification of Significant or
8 Contributory building and Conservation District designations under the Planning Code to the
9 Board of Supervisors. The Historic Preservation Commission shall send recommendations
10 regarding Significant or Contributory Buildings to the Board of Supervisors without referral or
11 recommendation of the Planning Commission. The Historic Preservation Commission shall refer
12 recommendations regarding Conservation District designations to the Planning Commission,
13 which shall have 45 days to review and comment on the proposed designation, which comments,
14 if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation
15 Commission's recommendation. Decisions of the Historic Preservation Commission to
16 disapprove designation of a Significant or Contributory building or Conservation District shall be
17 final unless appealed to the Board of Supervisors.

18 (h) ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR
19 BUILDINGS IN CONSERVATION DISTRICTS IN THE C-3 DISTRICTS. The Historic
20 Preservation Commission shall have the authority to determine if a proposed alteration is a Major
21 Alteration or a Minor Alteration. The Historic Preservation Commission shall have the authority
22 to approve, disapprove, or modify applications for permits to alter or demolish designated
23 Significant or Contributory buildings or buildings within Conservation Districts. For Minor
24 Alterations, the Historic Preservation Commission may delegate this function to staff, whose
25 decision may be appealed to the Historic Preservation Commission.

1 For projects that require multiple planning approvals, the Historic Preservation
2 Commission must review and act on any permit to alter before any other planning approval
3 action. For projects that (1) require a conditional use permit or permit review under Sections 309,
4 et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and
5 II) or Contributory (Category III only) building, the Planning Commission may modify any
6 decision on a permit to alter by a ~~2/3~~ two-thirds vote, provided that the Planning Commission
7 shall apply all applicable historic resources provisions of the Planning Code.

8 For projects that are located on vacant lots, the Planning Commission may modify any
9 decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall
10 apply all applicable historic resources provisions of the Planning Code.

11 The Historic Preservation Commission's or Planning Commission's decision on a
12 permit to alter shall be final unless appealed to the Board of Appeals, which may modify the
13 decision by a ~~4/5~~ four-fifths vote; provided, however, that if the project requires Board of
14 Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision
15 shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which
16 may modify the decision by a majority vote.

17 (i) MILLS ACT CONTRACTS. The Historic Preservation Commission shall have the
18 authority to recommend approval, disapproval, or modification of historical property contracts to
19 the Board of Supervisors, without referral or recommendation of the Planning Commission.

20 (j) PRESERVATION ELEMENT OF THE GENERAL PLAN. The Historic
21 Preservation Commission shall recommend to the Planning Commission a Preservation Element
22 of the General Plan and shall periodically recommend to the Planning Commission proposed
23 amendments to such Preservation Element of the General Plan. Other objectives, policies, and
24 provisions of the General Plan and special area, neighborhood, and other plans designed to carry
25 out the General Plan, and proposed amendments thereto, that are not contained within such

1 Preservation Element but that concern historic preservation shall be referred to the Historic
2 Preservation Commission for its comment and recommendations prior to action by the Planning
3 Commission. When the Planning Commission recommends to the Board of Supervisors for
4 approval or rejection proposed amendments to the General Plan that concern historic
5 preservation, any recommendation or comments of the Historic Preservation Commission on
6 such proposed amendments shall be forwarded to the Board of Supervisors for its information.

7 (k) REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to
8 passage by the Board of Supervisors, be submitted for written report by the Historic Preservation
9 Commission regarding effects upon historic or cultural resources: ordinances and resolutions
10 concerning historic preservation issues and historic resources; redevelopment project plans;
11 waterfront land use and project plans; and such other matters as may be prescribed by ordinance.
12 If the Planning Commission is required to take action on the matter, the Historic Preservation
13 Commission shall submit any report to the Planning Commission as well as to the Board of
14 Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the
15 Board of Supervisors.

16 (l) OTHER DUTIES. For proposed projects that may have an impact on historic or
17 cultural resources, the Historic Preservation Commission shall have the authority to review and
18 comment upon environmental documents under the California Environmental Quality Act and
19 the National Environmental Policy Act. The Historic Preservation Commission shall act as the
20 City's local historic preservation review commission for the purposes of the Certified Local
21 Government Program, may recommend properties for inclusion in the National Register of
22 Historic Places, and may review and comment on federal undertakings where authorized under
23 the National Historic Preservation Act. The Historic Preservation Commission shall review and
24 comment upon any agreements proposed under the National Historic Preservation Act where the
25 City is a signatory prior to any approval action on such agreement. The Historic Preservation

1 Commission shall have the authority to oversee and direct the survey and inventory of historic
2 properties.

3 ~~—Once a quorum of members of the Historic Preservation Commission has been~~
4 ~~originally appointed and approved, the Historic Preservation Commission shall assume any~~
5 ~~powers and duties assigned to the Landmarks Preservation Advisory Board until the Municipal~~
6 ~~Code has been amended to reflect the creation of the Historic Preservation Commission.~~

7 (m) BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter
8 subsections 4.102(3), 4.102(4), 4.102(5), and 4.102(6) shall not apply to the Historic
9 Preservation Commission. The Historic Preservation Commission may review and make
10 recommendations on the Planning Department budget and on any rates, fees, and similar charges
11 with respect to appropriate items coming within the Historic Preservation Commission's
12 jurisdiction to the department head of the Planning Department or the Planning Commission. The
13 department head of the Planning Department shall assume the powers and duties that would
14 otherwise be executed by an Historic Preservation Commission department head. The Planning
15 Department shall render staff assistance to the Historic Preservation Commission.

16
17 **SEC. 5.102. CITY MUSEUMS.**

18 When the term "museums" is used in this Article V, unless otherwise specified, it refers
19 to both the Asian Art Museum of San Francisco and The Fine Arts Museums of San Francisco.

20 Trustees and commissioners of the museums are exempt from the requirement of
21 Section 4.101(~~2b~~) of this Charter, except that at least a majority of The Fine Arts Museum Board
22 of Trustees shall be residents of the City and County. Members shall serve for three-year terms,
23 and may be removed by the Mayor or the Board of Supervisors, as specified, only pursuant to
24 Section 15.105. Members shall serve without compensation.

25 * * * *

1
2 **SEC. 5.103. ARTS COMMISSION.**

3 (a) The Arts Commission shall consist of fifteen members appointed ~~by the Mayor,~~
4 ~~pursuant to Section 3.100,~~ for four-year terms. Eight of the members shall be appointed by the
5 Mayor, and seven of the members shall be appointed by the Board of Supervisors. Each
6 nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be
7 the subject of a public hearing and vote within 60 days. If the Board fails to act on the
8 nomination within 60 days of the date the Clerk of the Board receives notice of the nomination
9 from the Mayor, the nominee shall be deemed approved. The appointment shall become effective
10 on the date the Board adopts a motion approving the nomination or on the 61st day after the
11 Clerk of the Board receives notice of the nomination, whichever is earlier. Eleven members shall
12 be practicing arts professionals including two architects, a landscape architect, and
13 representatives of the performing, visual, literary and media arts; and four members shall be lay
14 members. The President of the Planning Commission, or a member of the Commission
15 designated by the President, shall serve ex officio. Members may be removed by ~~the Mayor~~their
16 appointing authority.

17 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
18 seat on the Commission. Seats 1, 3, 5, 7, 9, 11, 13, and 15 shall henceforth be appointed by the
19 Mayor, and seats 2, 4, 6, 8, 10, 12, and 14 shall henceforth be appointed by the Board of
20 Supervisors; provided, however, that, also determined by the Clerk by lot, the two architects
21 shall serve in seats 10 and 11 and the four lay members shall serve in seats 12, 13, 14, and 15.
22 Notwithstanding the previous sentence or any other provision of this Section 5.103, members of
23 the Arts Commission holding office on June 7, 2022, may serve the remainder of their term of
24 office, subject to removal during that term by the Mayor. Upon the end of a member's term, or if
25 a seat on the Commission becomes vacant before the end of a member's term, the seat shall be

1 filled by the appointing authority for that seat in accordance with the appointment process in
2 subsection (a).

3 (c) The Commission shall appoint and may remove a director of the department. The
4 Commission shall encourage artistic awareness, participation, and expression; education in the
5 arts; assist independent local groups with the development of their own programs; promote the
6 employment of artists and those skilled in crafts, in the public and private sectors; provide liaison
7 with state and federal agencies to ensure increased funding for the arts from these agencies as
8 well as represent arts issues and policy in the respective governmental bodies; promote the
9 continued availability of living and working space for artists within the City and County; and
10 enlist the aid of all City and County governmental units in the task of ensuring the fullest
11 expression of artistic potential by and among the residents of San Francisco.

12 (d) In furtherance of the foregoing, the Arts Commission shall:

13 (1) Approve the designs for all public structures, any private structure which
14 extends over or upon any public property and any yards, courts, set-backs or usable open spaces
15 which are an integral part of any such structures;

16 (2) Approve the design and location of all works of art before they are acquired,
17 transferred, or sold by the City and County, or are placed upon or removed from City and County
18 property, or are altered in any way; maintain and keep an inventory of works of art owned by the
19 City and County; and maintain the works of art owned by the City and County;

20 (3) Promote a neighborhood arts program to encourage and support an active
21 interest in the arts on a local and neighborhood level, assure that the City and County-owned
22 community cultural centers remain open, accessible, and vital contributors to the cultural life of
23 the City and County, establish liaison between community groups, and develop support for
24 neighborhood artists and arts organizations; and

1 (4) Supervise and control the expenditure of all appropriations made by the
2 Board of Supervisors for the advancement of the visual, performing, or literary arts.

3 (e) Nothing in this Section 5.103 shall be construed to limit or abridge the powers or
4 exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences
5 or the Library Commission over their activities; the land and buildings set aside for their use; or
6 over the other assets entrusted to their care.

7
8 **SEC. 5.104. ASIAN ART MUSEUM OF SAN FRANCISCO.**

9 (a) The Asian Art Commission shall consist of ~~twenty-seven~~ 27 trustees ~~appointed by~~
10 ~~the Mayor. Fourteen of the trustees shall be appointed by the Mayor, and thirteen of the trustees~~
11 ~~shall be appointed by the Board of Supervisors. Each nomination of the Mayor shall be subject~~
12 ~~to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote~~
13 ~~within 60 days. If the Board fails to act on the nomination within 60 days of the date the Clerk of~~
14 ~~the Board receives notice of the nomination from the Mayor, the nominee shall be deemed~~
15 ~~approved. The appointment shall become effective on the date the Board adopts a motion~~
16 ~~approving the nomination or on the 61st day after the Clerk of the Board receives notice of the~~
17 ~~nomination, whichever is earlier. In filling vacancies, the Mayor and the Board of Supervisors~~
18 shall solicit nominations from the Commission and shall give due consideration to such
19 nominees in filling such vacancies to the end that the members of the Commission shall be
20 representative of the fields of Asian art and culture by reason of their knowledge, experience,
21 education, training, interest, or activity therein. Members may be removed by their appointing
22 authority only pursuant to Section 15.105.

23 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
24 seat on the Asian Art Commission. Seats 1-14 shall henceforth be appointed by the Mayor, and
25 seats 15-27 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the

1 previous sentence or any other provision of this Section 5.104, trustees holding office on June 7,
2 2022, may serve the remainder of their term of office, subject to removal pursuant to Section
3 15.105 during that term by the Mayor. Upon the end of a trustee's term, or if a seat on the
4 Commission becomes vacant before the end of a trustee's term, the seat shall be filled by the
5 appointing authority for that seat in accordance with the appointment process in subsection (a).

6 (c) The Commission shall:

7 (1)- Develop and administer that museum which is known as the "Asian Art
8 Museum of San Francisco," or by such other title as may be chosen by not less than two-thirds of
9 the members of the Commission;

10 (2)- Control and manage the City and County's Asian art with the Avery
11 Brundage Collection as its nucleus, consistent with the conditions applicable to the Brundage
12 Collection and other gifts;

13 (3)- Maintain a charitable foundation or other legal entity for the purpose of
14 developing the Asian Art Museum;

15 (4)- Promote, establish, and develop an acquisition fund for Asian art objects;
16 and

17 (5)- Collaborate with other groups and institutions to extend and deepen the
18 activities necessary to establish the Asian Art Museum as the outstanding center of Asian art and
19 culture in the western world.

20
21 **SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.**

22 (a) The governing board of the War Memorial and Performing Arts Center shall consist
23 of eleven trustees appointed ~~by the Mayor, pursuant to Section 3.100,~~ for four-year terms. Six of
24 the trustees shall be appointed by the Mayor, and five of the trustees shall be appointed by the
25 Board of Supervisors. Each nomination of the Mayor shall be subject to approval by the Board

1 of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board
2 fails to act on the nomination within 60 days of the date the Clerk of the Board receives notice of
3 the nomination from the Mayor, the nominee shall be deemed approved. The appointment shall
4 become effective on the date the Board adopts a motion approving the nomination or on the 61st
5 day after the Clerk of the Board receives notice of the nomination, whichever is earlier. In
6 making appointments, the Mayor and the Board of Supervisors shall give due consideration to
7 veterans and others who have a special interest in the purposes for which the Center exists.
8 Members may be removed by ~~the Mayor~~ their appointing authority only pursuant to Section
9 15.105.

10 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
11 seat on the War Memorial and Performing Arts Center Board of Trustees. Seats 1-6 shall
12 henceforth be appointed by the Mayor, and seats 7-11 shall henceforth be appointed by the
13 Board of Supervisors. Notwithstanding the previous sentence or any other provision of this
14 Section 5.106, trustees holding office on June 7, 2022, may serve the remainder of their term of
15 office, subject to removal pursuant to Section 15.105 during that term by the Mayor. Upon the
16 end of a trustee's term, or if a seat on the Board of Trustees becomes vacant before the end of a
17 trustee's term, the seat shall be filled by the appointing authority for that seat in accordance with
18 the appointment process in subsection (a).

19 (c) The governing board shall appoint and may remove a director.
20

21 **SEC. 7.102. JUVENILE PROBATION.**

22 (a) The Juvenile Probation Commission shall consist of seven members who shall be
23 appointed ~~by the Mayor, pursuant to Section 3.100,~~ for staggered four-year terms. Four of the
24 members shall be appointed by the Mayor, and three of the members shall be appointed by the
25 Board of Supervisors. Each nomination of the Mayor shall be subject to approval by the Board

1 of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board
2 fails to act on the nomination within 60 days of the date the Clerk of the Board receives notice of
3 the nomination from the Mayor, the nominee shall be deemed approved. The appointment shall
4 become effective on the date the Board adopts a motion approving the nomination or on the 61st
5 day after the Clerk of the Board receives notice of the nomination, whichever is earlier. ~~Two of~~
6 ~~the members~~Seats 1 and 2 shall be appointed from lists of eligibles submitted to the Mayor by
7 the Superior Court. The Juvenile Probation Department shall be a part of the executive branch.

8 Members may be removed by ~~the Mayor~~their appointing authority only pursuant to
9 Section 15.105.

10 Any member may serve concurrently as a member of the Juvenile Justice Commission
11 created by state law and as a member of the Juvenile Probation Commission herein created.

12 (b) By July 1, 2022, the Clerk of the Board shall determine by lot the number of each
13 seat on the Commission. Seats 1-4 shall henceforth be appointed by the Mayor, and seats 5-7
14 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the previous
15 sentence or any other provision of this Section 7.102, members of the Juvenile Probation
16 Commission holding office on June 7, 2022, may serve the remainder of their term of office,
17 subject to removal pursuant to Section 15.105 during that term by the Mayor. Upon the end of a
18 member's term, or if a seat on the Commission becomes vacant before the end of a member's
19 term, the seat shall be filled by the appointing authority for that seat in accordance with the
20 appointment process in subsection (a).

21 (c) The Chief Juvenile Probation Officer, assistants, and deputies shall have the powers
22 and duties conferred upon such Chief Juvenile Probation Officers, assistants, and deputies by
23 state law; and they shall perform all of the duties prescribed by such laws, and such additional
24 duties as may be prescribed by ordinances ~~of the Board of Supervisors~~.

1 * * * *

2 **SEC. 8A.102. GOVERNANCE AND DUTIES.**

3 (a) The Agency shall be governed by a board of seven directors *appointed for four-*
4 *year terms by the Mayor and confirmed after public hearing by the Board of Supervisors. Four*
5 *of the members shall be appointed by the Mayor and three of the members shall be appointed by*
6 *the Board of Supervisors. All initial appointments must be made by the Mayor and submitted to*
7 *the Board of Supervisors for confirmation no later than February 1, 2000. The Board of*
8 *Supervisors shall act on those initial appointments no later than March, 1, 2000 or those*
9 *appointments shall be deemed confirmed. Each nomination of the Mayor shall be subject to*
10 *approval by the Board of Supervisors, and shall be the subject of a public hearing and vote*
11 *within 60 days. If the Board fails to act on the nomination within 60 days of the date the Clerk of*
12 *the Board receives notice of the nomination from the Mayor, the nominee shall be deemed*
13 *approved. The appointment shall become effective on the date the Board adopts a motion*
14 *approving the nomination or on the 61st day after the Clerk of the Board receives notice of the*
15 *nomination, whichever is earlier.*

16 At least four of the directors must be regular riders of the Municipal Railway, and
17 must continue to be regular riders during their terms. The directors must possess significant
18 knowledge of, or professional experience in, one or more of the fields of government, finance, or
19 labor relations. At least two of the directors must possess significant knowledge of, or
20 professional experience in, the field of public transportation. During their terms, all directors
21 shall be required to ride the Municipal Railway on the average once a week.

22 —*Directors shall serve four year terms, provided, however, that two of the initial*
23 *appointees shall serve for terms ending March 1, 2004, two for terms ending March 1, 2003, two*
24 *for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be*
25 *designated by the Mayor.* No person may serve more than three terms as a director. A director

1 may be removed by their appointing authority only for cause pursuant to ~~Article XV~~Section
2 15.105. The directors shall annually elect a chair. The chair shall serve as chair at the pleasure of
3 the directors. Directors shall receive reasonable compensation for attending meetings of the
4 Agency which shall not exceed the average of the two highest compensations paid to the
5 members of any board or commission with authority over a transit system in the nine Bay Area
6 counties. By July 1, 2022, the Clerk of the Board of Supervisors shall determine by lot the
7 number of each seat on the Commission. Seats 1-4 shall henceforth be appointed by the Mayor,
8 and seats 5-7 shall henceforth be appointed by the Board of Supervisors. Notwithstanding the
9 previous sentence or any other provision of this Section 8A.102, members of the Municipal
10 Transportation Agency Board of Directors holding office on June 7, 2022, may serve the
11 remainder of their term of office, subject to removal pursuant to Section 15.105 during that term
12 by the Mayor. Upon the end of a member's term, or if a seat on the Board of Directors becomes
13 vacant before the end of a member's term, the seat shall be filled by the appointing authority for
14 that seat in accordance with the appointment process in subsection (a).

15 (b) The Agency shall:

16 (1)- Have exclusive authority over the acquisition, construction, management,
17 supervision, maintenance, extension, operation, use, and control of all property, as well as the
18 real, personal, and financial assets of the Agency; and have exclusive authority over contracting,
19 leasing, and purchasing by the Agency, provided that any Agency contract for outside services
20 shall be subject to Charter Sections 10.104(12) and 10.104(15) and that the Agency may not
21 transfer ownership of any of the real property of the City and County without approval from the
22 Board of Directors and the Board of Supervisors;

23 (2)- Have exclusive authority to enter into such arrangements and agreements for
24 the joint, coordinated, or common use with any other public entity owning or having jurisdiction
25

1 over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance
2 facilities, and transit electrical power facilities;

3 ~~(3)~~ Have exclusive authority to make such arrangements as it deems proper to
4 provide for the exchange of transfer privileges, and through-ticketing arrangements, and such
5 arrangements shall not constitute a fare change subject to the requirements of Sections 8A.106
6 and 8A.108;

7 ~~(4)~~ Notwithstanding any restrictions on contracting authority set forth in the
8 Administrative Code, have exclusive authority to enter into agreements for the distribution of
9 transit fare media and media for the use of parking meters or other individual parking services;

10 ~~(5)~~ Have exclusive authority to arrange with other transit agencies for bulk fare
11 purchases, provided that if passenger fares increase as a result of such purchases, the increase
12 shall be subject to review by the Board of Supervisors pursuant to Sections 8A.106 and 8A.108;

13 ~~(6)~~ Notwithstanding Section 2.109, and except as provided in Sections 8A.106
14 and 8A.108, have exclusive authority to fix the fares charged by the Municipal Railway, rates for
15 off-street and on-street parking, and all other~~;~~ rates, fees, fines, penalties and charges for services
16 provided or functions performed by the Agency;

17 ~~(7)~~ Notwithstanding any provision of the San Francisco Municipal Code (except
18 requirements administered by the Department of Public Works governing excavation, street
19 design~~,~~ and official grade)~~,~~ have exclusive authority to adopt regulations that control the flow
20 and direction of motor vehicle, bicycle~~,~~ and pedestrian traffic, including regulations that limit the
21 use of certain streets or traffic lanes to categories of vehicles and that limit the speed of traffic;
22 and to design, select, locate, install, operate, maintain~~,~~ and remove all official traffic control
23 devices, signs, roadway features~~,~~ and pavement markings that control the flow of traffic with
24 respect to streets and highways within City jurisdiction, provided that:

1 (~~A~~) Notwithstanding the authority established in subsection 7, the Board
2 of Supervisors may by ordinance establish procedures by which the public may seek Board of
3 Supervisors review of any Agency decision with regard to the installation or removal of a stop
4 sign or the creation or elimination of a bicycle lane. In any such review, the Agency's decision
5 shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60
6 days after submission of a request to the Board of Supervisors.

7 (~~B~~) Nothing in this subsection 7 shall modify the authority of ISCOTT,
8 or any successor body, over the temporary use or occupancy of public streets, or the authority of
9 the Board of Supervisors to hear appeals regarding the temporary use or occupancy of public
10 streets.

11 (~~C~~) Nothing in subsection 7 shall modify the power of the Board of
12 Supervisors to establish civil offenses, infractions, and misdemeanors.

13 (~~D~~) Notwithstanding the authority established in subsection 7, to the
14 extent state law contemplates that Agency action authorized by subsection 7 be effectuated by
15 ordinance, such action shall be effectuated by resolution of the Board of Directors and shall be
16 subject to referendum in accordance with Article ~~XIV~~14, and, if a referendum petition contains
17 the requisite number of signatures, the Board of Supervisors shall have the power to reconsider
18 or repeal the action as provided in Article ~~XIV~~14;

19 (8)- Have exclusive authority to adopt regulations limiting parking, stopping,
20 standing, or loading as provided by state law and to establish parking privileges and locations
21 subject to such privileges for categories of people or vehicles as provided by state law; to
22 establish parking meter zones, to set parking rates, and to select, install, locate, and maintain
23 systems and equipment for payment of parking fees, provided that:

24 (~~A~~) Notwithstanding the authority established in subsection 8, the Board
25 of Supervisors may by ordinance establish procedures by which the public may seek Board of

1 Supervisors review of any Agency decision with regard to the creation or elimination of any
2 preferential parking zone, the creation or elimination of any parking meter zone, the adoption of
3 any limitation on the time period for which a vehicle may be parked, or reservation of any
4 parking space for persons with a disability that qualifies for parking privileges under state law. In
5 any review of a decision of the Agency pursuant to this Section 8A.102, the Agency's decision
6 shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60
7 days after submission of a request to the Board of Supervisors.

8 (B~~ii~~) Nothing in subsection 8 shall modify the power of the Board of
9 Supervisors to establish civil offenses, infractions, and misdemeanors.

10 (C~~iii~~) Notwithstanding the authority established in subsection 8, to the
11 extent state law contemplates that any Agency action authorized by subsection 8 be effectuated
12 by ordinance, such action shall be effectuated by resolution of the Board of Directors and, if a
13 referendum petition contains the requisite number of signatures, shall be subject to referendum in
14 accordance with Article XIV~~14~~, and the Board of Supervisors shall have the power to reconsider
15 or repeal the action as provided in Article XIV ~~14~~;

16 (9)~~-~~ Have exclusive authority to establish policies regarding and procure goods
17 and services for the enforcement of regulations limiting parking, stopping, standing, or loading
18 and the collection of parking-related revenues and, along with the Police Department, have
19 authority to enforce parking, stopping, standing, or loading regulations;

20 (10)~~-~~ Be responsible for chairing the Interdepartmental Staff Committee on
21 Traffic and Transportation (ISCOTT) or any successor body;

22 (11)~~-~~ Be responsible for cooperating with and assisting the Police Department in
23 the promotion of traffic safety; studying and responding to complaints related to street design,
24 traffic control devices, roadway features, and pavement markings; collecting, compiling, and
25

1 analyzing traffic data and traffic accident data and planning improvements to improve the safety
2 of the City's roadways; and conducting traffic research and planning;

3 (12)- Have exclusive authority to apply for, accept, and expend state, federal, or
4 other public or private grant funds for Agency purposes;

5 (13)- To the maximum extent permitted by law, with the concurrence of the
6 Board of Supervisors, and notwithstanding the requirements and limitations of Sections 9.107,
7 9.108, and 9.109, have authority without further voter approval to incur debt for Agency
8 purposes and to issue or cause to be issued bonds, notes, certificates of indebtedness, commercial
9 paper, financing leases, certificates of participation, or any other debt instruments. Upon
10 recommendation from the Board of Directors, the Board of Supervisors may authorize the
11 Agency to incur on behalf of the City such debt or other obligations provided: ~~(A)~~ the
12 Controller first certifies that sufficient unencumbered balances are expected to be available in the
13 proper fund to meet all payments under such obligations as they become due; and ~~(B)~~ any debt
14 obligation, if secured, is secured by revenues or assets under the jurisdiction of the Agency;

15 (14)- Have the authority to conduct investigations into any matter within its
16 jurisdiction through the power of inquiry, including the power to hold public hearings and take
17 testimony, and to take such action as may be necessary to act upon its findings; and

18 (15)- Exercise such other powers and duties as shall be prescribed by ordinance
19 ~~of the Board of Supervisors.~~

20 (c) The Agency's Board of Directors shall:

21 (1)- Appoint a Director of Transportation, who shall serve at the pleasure of the
22 Board. The Director of Transportation shall be employed pursuant to an individual contract. ~~His~~
23 ~~or her~~ The Director's compensation shall be comparable to the compensation of the chief
24 executive officers of the public transportation systems in the United States which the Board of
25 Directors, after an independent survey, determines most closely resemble the Agency in size,

1 mission, and complexity. In addition, the Board of Directors shall provide an incentive
2 compensation plan consistent with the requirements of Section 8A.104(k) under which a portion
3 of the Director's compensation is based on achievement of service standards adopted by the
4 Board of Directors.

5 (2)- Appoint an executive secretary who shall be responsible for administering
6 the affairs of the Board of Directors and who shall serve at the pleasure of the Board.

7 (3)- In addition to any training that may be required by City, State, or federal
8 law, attend a minimum of four hours of training in each calendar year, provided by the City
9 Attorney and the Controller regarding the legal and financial responsibilities of the Board and the
10 Agency.

11 (d) The Director of Transportation shall appoint all subordinate personnel of the
12 Agency, including deputy directors. The deputy directors shall serve at the pleasure of the
13 Director of Transportation.

14 (e) Upon recommendation of the City Attorney and the approval of the Board of
15 Directors, the City Attorney may compromise, settle, or dismiss any litigation, legal proceedings,
16 claims, demands, or grievances which may be pending for or on behalf of, or against the Agency
17 relative to any matter or property solely under the Agency's jurisdiction. Unlitigated claims or
18 demands against the Agency shall be handled as set forth in Charter Section 6.102. Any payment
19 pursuant to the compromise, settlement, or dismissal of such litigation, legal proceedings, claims,
20 demands, or grievances, unless otherwise specified by the Board of Supervisors, shall be made
21 from the Municipal Transportation Fund.

22 (f) The Agency's Board of Directors, and its individual ~~members~~directors, shall deal
23 with administrative matters solely through the Director of Transportation or ~~his or her~~
24 of the Director of Transportation. Any dictation, suggestion, or interference by a director in the
25 administrative affairs of the Agency, other than through the Director of Transportation or ~~his or~~

1 ~~her~~ designees of the Director of Transportation, shall constitute official misconduct; provided,
2 however, that nothing herein contained shall restrict the Board of Directors' powers of hearing
3 and inquiry as provided in this Section 8A.102.

4 (g) Notwithstanding any provision of Chapter 6 or 21 of the Administrative Code
5 establishing any threshold amount for exercise of executive authority to execute contracts, or any
6 successor provision of the San Francisco Municipal Code, the Agency's Board of Directors may
7 adopt threshold amounts under which the Director of Transportation and ~~his or her~~ designees of
8 the Director of Transportation may approve contracts.

9 (h) Except as provided in this Article VIIIA, the Agency shall be subject to the
10 provisions of this Charter applicable to boards, commissions, and departments of the City and
11 County, including Sections 2.114, 3.105, 4.101, 4.101.1, 4.101.5, 4.103, 4.104, 4.113, 6.102,
12 9.118, ~~16.100~~, and A8.346. Sections 4.102, 4.126, and 4.132 shall not be applicable to the
13 Agency.

14
15 **SEC. 10.100. CIVIL SERVICE COMMISSION.**

16 There is hereby established a Civil Service Commission which is charged with the duty
17 of providing qualified persons for appointment to the service of the City and County.

18 The Commission shall consist of five members appointed ~~by the Mayor, pursuant to~~
19 ~~Section 3.100~~, for six-year terms. Not less than two members of the Commission shall be
20 women. Three of the members shall be appointed by the Mayor, and two of the members shall
21 be appointed by the Board of Supervisors. Each nomination of the Mayor shall be subject to
22 approval by the Board of Supervisors, and shall be the subject of a public hearing and vote
23 within 60 days. If the Board fails to act on the nomination within 60 days of the date the Clerk of
24 the Board receives notice of the nomination from the Mayor, the nominee shall be deemed
25 approved. The appointment shall become effective on the date the Board adopts a motion

1 approving the nomination or on the 61st day after the Clerk of the Board receives notice of the
2 nomination, whichever is earlier.

3 By July 1, 2022, the Clerk of the Board shall determine by lot the number of each seat on
4 the Commission. Seats 1-3 shall henceforth be appointed by the Mayor, and seats 4-5 shall
5 henceforth be appointed by the Board of Supervisors. Notwithstanding the previous sentence or
6 any other provision of this Section 10.100, members of the Civil Service Commission holding
7 office on June 7, 2022, may serve the remainder of their term of office, subject to removal during
8 that term pursuant to Section 15.105 by the Mayor. Upon the end of a member's term, or if a seat
9 on the Commission becomes vacant before the end of a member's term, the seat shall be filled by
10 the appointing authority for that seat in accordance with the appointment process set forth in
11 this Section 10.100.

12 The persons so appointed shall, before taking office, make under oath and file in the
13 office of the County Clerk the following declaration: "I am opposed to appointments to the
14 public service as a reward for political activity and will execute the office of Civil Service
15 Commissioner in the spirit of this declaration."

16 ~~A commissioner may be removed only upon charges preferred in the same manner as in~~
17 ~~this Charter provided for elective officers.~~ Members may be removed by their appointing
18 authority only pursuant to Section 15.105.

19 The regular meetings of the Commission shall be open to the public and held at such a
20 time as will give the general public and employees of the City and County adequate time within
21 which to appear before the Commission after the regular daily working hours of 8:00 a.m. to
22 5:00 p.m. Such person or persons shall be given an opportunity to be heard by the Commission
23 before final action is taken in any case involving such person or persons.

24
25 **SEC. 15.105. SUSPENSION AND REMOVAL.**

1 (a) ELECTIVE AND CERTAIN APPOINTED OFFICERS. Any elective officer, and
2 any member of the ~~Airport Commission, Asian Art Commission, Civil Service Commission,~~
3 ~~Commission on the Status of Women,~~ Golden Gate Concourse Authority Board of Directors,
4 ~~Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal~~
5 ~~Transportation Agency Board of Directors,~~ Port Commission, ~~Public Utilities Commission,~~
6 ~~Recreation and Park Commission,~~ Fine Arts Museums Board of Trustees, ~~War Memorial and~~
7 ~~Performing Art Center Board of Trustees,~~ Board of Education, or Community College Board is
8 subject to suspension and removal for official misconduct as provided in this Section 15.105.
9 Such officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to
10 discharge the duties of the office during the period of suspension. Upon such suspension, the
11 Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in
12 writing and the cause thereof, and shall present written charges against such suspended officer to
13 the Ethics Commission and Board of Supervisors at or prior to their next regular meetings
14 following such suspension, and shall immediately furnish a copy of the same to such officer,
15 who shall have the right to appear with counsel before the Ethics Commission in his or her
16 defense. The Ethics Commission shall hold a hearing not less than five days after the filing of
17 written charges. After the hearing, the Ethics Commission shall transmit the full record of the
18 hearing to the Board of Supervisors with a recommendation as to whether the charges should be
19 sustained. If, after reviewing the complete record, the charges are sustained by not less than a
20 three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be
21 removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 30
22 days after the receipt of the record from the Ethics Commission, the suspended officer shall
23 thereby be reinstated.

24 (b) AIRPORT COMMISSION, ASIAN ART COMMISSION, BUILDING
25 INSPECTION COMMISSION, PLANNING COMMISSION, BOARD OF APPEALS, CIVIL

1 SERVICE COMMISSION, COMMISSION ON THE STATUS OF WOMEN, ELECTIONS
2 COMMISSION, ETHICS COMMISSION, HEALTH COMMISSION, HISTORIC
3 PRESERVATION COMMISSION, HUMAN SERVICES COMMISSION, JUVENILE
4 PROBATION COMMISSION, MUNICIPAL TRANSPORTATION AGENCY BOARD OF
5 DIRECTORS, PUBLIC UTILITIES COMMISSION, RECREATION AND PARK COMMISSION,
6 SHERIFF’S DEPARTMENT OVERSIGHT BOARD, ~~AND~~ ENTERTAINMENT
7 COMMISSION, AND WAR MEMORIAL AND PERFORMING ART CENTER BOARD OF
8 TRUSTEES. Members of the Airport Commission, Asian Art Commission, Building Inspection
9 Commission, the Planning Commission, the Board of Appeals, the Civil Service Commission, the
10 Commission on the Status of Women, the Elections Commission, the Ethics Commission, the
11 Health Commission, the Historic Preservation Commission, the Human Services Commission,
12 the Juvenile Probation Commission, the Municipal Transportation Agency Board of Directors,
13 the Public Utilities Commission, the Recreation and Park Commission, the Sheriff’s Department
14 Oversight Board, ~~and~~ the Entertainment Commission, and the War Memorial and Performing
15 Art Center Board of Trustees may be suspended and removed pursuant to the provisions of
16 subsection (a) of this ~~s~~Section 15.105 except that the Mayor may initiate removal only of the
17 Mayor’s appointees and the appointing authority shall act in place of the Mayor for all other
18 appointees.

19 * * * *

20
21 **APPENDIX D:**
22 **BUILDING INSPECTION PROVISIONS**

23 * * * *

24 **D3.750-1 COMMISSION; COMPOSITION**

1 The Department of Building Inspection shall be under the *management oversight* of a
2 Building Inspection Commission, *which is described more fully in Section 4.121.* ~~consisting of~~
3 seven members. ~~Four members shall be appointed by the mayor for a term of two years;~~
4 ~~provided that the respective terms of office of those first appointed shall be as follows: two for~~
5 ~~one year, and two for two years from the effective date of this section. Three members shall be~~
6 ~~appointed by the President of the Board of Supervisors for a term of two years; provided that the~~
7 ~~respective terms of office of those first appointed shall be as follows: three for one year from the~~
8 ~~effective date of this section. The initial appointments shall be made no later than fifteen days~~
9 ~~after the effective date of this section, and the commission's management shall begin no later~~
10 ~~than forty five days after the effective date of this section. Vacancies occurring in the offices of~~
11 ~~appointive members, either during or at expiration of term, shall be filled by the electoral office~~
12 ~~that made the appointment. The four mayoral appointments shall be comprised of a structural~~
13 ~~engineer, a licensed architect, a residential builder, and a representative of a community-based~~
14 ~~non-profit housing development corporation. The three Supervisorial appointments shall be~~
15 ~~comprised of a residential tenant, a residential landlord, and a member of the general public.~~
16 ~~The members of the commission shall serve without compensation.~~

17 ~~Pursuant to Government Code Section 87103, individuals appointed to the commission~~
18 ~~under this section are intended to represent and further the interest of the particular industries,~~
19 ~~trades, or professions specified herein. Accordingly, it is found that for purposes of persons who~~
20 ~~hold such office, the specified industries, trades, or professions are tantamount to and constitute~~
21 ~~the public generally within the meaning of Government Code Section 87103.~~

22

23 **SEC. 3.100. POWERS AND RESPONSIBILITIES.**

24 The Mayor shall be the chief executive officer and the official representative of the City
25 and County, and shall serve full time in that capacity. The Mayor shall devote *the Mayor's* ~~his or~~

1 ~~her~~ entire time and attention to the duties of the office, and shall not devote time or attention to
2 any other occupation or business activity. The Mayor shall enforce all laws relating to the City
3 and County, and accept service of process on its behalf.

4 * * * *

5 The Mayor shall have the power to:

6 * * * *

7 19. Appoint department heads subject to the provisions of this Charter, and remove
8 department heads except as otherwise provided in this Charter. Whenever the City
9 Administrator recommends in writing the removal of a department head whom the Mayor has
10 authority to remove from office, the Mayor within 30 days shall either remove the department
11 head or inform the City Administrator in writing that the Mayor is retaining the department
12 head; and

13 * * * *

14
15 **SEC. 3.104. CITY ADMINISTRATOR.**

16 (a) Appointment and Removal. The Mayor shall appoint or reappoint a City
17 Administrator, subject to confirmation by the Board of Supervisors. The appointee shall have at
18 least ten years’ governmental management or finance experience, with at least five years at the
19 ~~C~~city, ~~C~~county, or ~~C~~city and ~~C~~county level. The City Administrator shall have a term of office
20 of five years, and may be removed by the Mayor subject to approval by the Board of
21 Supervisors.

22 (b) General Responsibilities and Powers.

23 The City Administrator shall have responsibility for:

24 _____ (1) Administrative services within the executive branch, as assigned by ~~the~~
25 ~~Mayor or by~~ ordinance as provided in the final paragraph of this subsection (b). For purposes of

1 this Section 3.104, administrative services shall mean (A) matters related to the administration
2 and operation of City agencies, including City facilities, equipment, technology, and
3 maintenance of records; (B) solicitation, award, and administration of contracts, grants, and
4 leases; (C) services provided to the public, including services designed to promote outreach to
5 and communications with the City's many communities; (D) management of the City's assets,
6 including real estate and financing; and (E) administrative enforcement of City laws and
7 policies;

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

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

14 _____4(3)- Preparing and recommending bond measures for consideration by the
15 Mayor and Board of Supervisors; and

16 _____5(4)- Administering, budgeting and control of publicity and advertising
17 expenditures.

18 The City Administrator shall have power to:

19 _____6(5)- With the concurrence of the Mayor, appoint and remove the directors of the
20 Departments of Administrative Services, ~~Solid Waste, and Public Guardian/Administrator,~~ and
21 ~~such~~ other department heads ~~which are placed~~ under the City Administrator's direction, provided
22 that the City Administrator may, in the discretion of the City Administrator with the concurrence
23 of the Mayor, assume the powers and responsibilities of the director of the Department of
24 Administrative Services;

1 ~~7(6)~~. Propose rules governing procurement and contracts to the Board of
2 Supervisors for consideration;

3 ~~8(7)~~. Award contracts without interference from the Mayor or Board of
4 Supervisors; ~~and~~

5 ~~9(8)~~. Coordinate the issuance of bonds and notes for capital improvements,
6 equipment and cash flow borrowings, except for projects solely under the Airport, Port, Public
7 Utilities and Public Transportation Commissions; and -

8 (9). Recommend in writing the removal of a department head to the Mayor or to
9 any commission, in accordance with Section 3.100(19) and Section 4.102(6), as applicable.

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

13 By no later than June 1, 2023, the City Administrator shall submit to the Board of
14 Supervisors a proposed ordinance amending the Municipal Code to specify each department or
15 agency under the direction of the City Administrator, to specify the responsibilities of the
16 Department of Administrative Services, and to reorganize or transfer any departments under the
17 direction of the City Administrator on that date that do not carry out functions described in
18 Section 4.129 or in subsections (1) through (4) or (6) through (8) of this Section 3.104.
19 Notwithstanding the transition provisions in Section 18.105, the proposed ordinance, as it may
20 be amended by the Board of Supervisors, and any subsequent ordinances, may transfer
21 responsibilities to or remove responsibilities from the City Administrator, provided that any such
22 ordinances are consistent with this Section 3.104 and Section 4.129. Until such time as the City
23 enacts an ordinance as described in this paragraph, the City Administrator may continue to
24 carry out the functions and responsibilities that the City Administrator held on June 7, 2022.

25 (c) Reviews of Programs, Services, and Management.

1 The City Administrator may review the operations, organization, and administration of
2 City programs and services. These reviews may include agencies or functions assigned to the
3 City Administrator under this Section 3.104 as well as any other City agencies or functions. The
4 City Administrator may offer recommendations to the Mayor, Board of Supervisors, and other
5 officials, including proposed ordinances, regarding reorganization of functions to improve
6 government operations, increase efficiency, and improve government transparency and
7 accessibility. The City Administrator shall submit any final reports documenting or summarizing
8 such reviews to the Board of Supervisors, the Mayor, and the appropriate agency.

9 The City Administrator also may review the management and employment practices and
10 policies of City officers and agencies to determine whether they promote or impede the effective
11 and efficient operation of City government. The City Administrator may make recommendations
12 to the Mayor, Board of Supervisors, Human Resources Director, and other City officials,
13 including proposed ordinances, to improve these practices and policies.

14 Nothing in this subsection (c) shall alter or diminish the Civil Service Commission's
15 authority under the Charter with respect to the merit system and the rules governing the merit
16 system, or imply that the Commission's authority in these or other respects is shared with the
17 City Administrator, Board of Supervisors, or other City official or entity, except as may be
18 otherwise provided in this Charter; nor shall anything in this subsection (c) alter or diminish the
19 Controller's authority to carry out the functions assigned to the Controller in Appendix F of this
20 Charter.

21
22 **SEC. 4.102. BOARDS AND COMMISSIONS – POWERS AND DUTIES.**

23 Unless otherwise provided in this Charter, each appointive board, commission, or other
24 unit of government of the executive branch of the City and County shall:

25 * * * *

1 6. Remove a department head; the Mayor or the City Administrator may recommend in
2 writing the removal of a department head to the commission, and it shall be the commission's
3 duty to act on the Mayor's or City Administrator's recommendation within 30 days by either
4 removing the department head or informing the Mayor or City Administrator in writing that the
5 commission is by removing or retaining the department head ~~within 30 days~~; failure to act on the
6 Mayor's or City Administrator's recommendation shall constitute official misconduct;

7 * * * *

8
9 **SEC. 4.129. DEPARTMENT OF ADMINISTRATIVE SERVICES.**

10 The director of the Department of Administrative Services shall purchase all supplies,
11 equipment, and contractual services required by the several departments and offices of the City
12 and County, except as otherwise provided in the ~~Administrative~~ Municipal Code. Except in cases
13 of emergency, the director shall not enter into any contract or issue any purchase order unless the
14 Controller shall certify thereon that sufficient unencumbered balances are available in the proper
15 fund to meet the payments under such purchase order or contract as these become due. The
16 director shall have charge of the central warehouses, central storerooms, central garage and shop.

17 The director shall by rules and regulations approved by the Controller, designate and
18 authorize appropriate personnel within the Department of Administrative Services to exercise the
19 director's signature powers for purchase orders and contract.

20 The director shall have authority to exchange used materials, supplies, and equipment to
21 the advantage of the City and County, advertise for bids, and to sell and otherwise dispose of
22 personal property belonging to the City and County. The director shall have authority to require
23 the transfer of surplus property in any department to stores or to other departments.

24 The director shall manage all public buildings, facilities, and real estate of the City and
25 County, unless otherwise provided for in this Charter.

1 Additional duties and functions of the Department of Administrative Services shall be
2 assigned ~~the City Administrator~~, by ordinance ~~or pursuant to Section 4.132~~.

3
4 **SEC. 4.132. EXECUTIVE BRANCH REORGANIZATION.**

5 (a) The Mayor, by issuing a notice to the Board of Supervisors, may reorganize duties
6 and functions between departments and other units of government within the executive branch,
7 except that the Mayor may not transfer or reorganize duties and functions under the Office of the
8 City Administrator under this Section 4.132. Such reorganization shall become effective 30 days
9 after its issuance unless disapproved by the Board of Supervisors during that time.

10 (b) A proposed reorganization shall provide for the transfer of:

11 (1)- Civil service employees who are engaged in the performance of a function
12 or duty transferred to another office, agency, or department; such transfer shall not adversely
13 affect status, position, compensation, or pension or retirement rights and privileges;

14 (2)- Any unexpended balances of appropriations and other funds available for
15 use in connection with any office, agency, department, or function affected by the
16 reorganization; any unexpended balance so transferred shall be used only for the purpose for
17 which the appropriation was originally made, except as this Charter otherwise permits.

18
19 Section 2. Conflicting Ballot Measures. In the event that this measure and another
20 measure relating to the duties, composition, qualifications, and methods of appointment of
21 members of the Building Inspection Commission appear on the same municipal election ballot,
22 the provisions of such other measure shall be deemed in conflict with this measure. In the event

23 ///

24 ///

25 ///

1 that this measure shall receive a greater number of affirmative votes than the other measure, the
2 provisions of this measure shall prevail in their entirety and each and every provision of the other
3 measure shall be null and void.

4

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

7 By: /s/ Anne Pearson
8 ANNE PEARSON
9 Deputy City Attorney

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LEGISLATIVE DIGEST

(revised 01/26/2022)

[Charter Amendment - Split Appointment Authority for Boards and Commissions; Powers and Duties of the City Administrator]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022, to amend the Charter of the City and County of San Francisco to 1) split the power to make appointments to the following bodies between the Mayor and the Board of Supervisors: Airport Commission, Arts Commission, Asian Art Commission, Civil Service Commission, Commission on the Environment, Commission on the Status of Women, Disability and Aging Services Commission, Fire Commission, Health Commission, Historic Preservation Commission, Human Rights Commission, Human Services Commission, Juvenile Probation Commission, Library Commission, Municipal Transportation Agency Board of Directors, Public Utilities Commission, Recreation and Park Commission, and War Memorial and Performing Arts Center Board of Trustees; subject Mayoral appointments to those bodies and to the Building Inspection Commission and the Small Business Commission to approval by the Board of Supervisors; and provide that the appropriate appointing authority (Mayor or Board of Supervisors, as applicable) may initiate removal of commissioners; and 2) specify the types of functions that the City Administrator may oversee; require that any agencies under the City Administrator be designated by ordinance; authorize the City Administrator to review City programs and services, and employment practices, and to make recommendations to the Mayor, Board of Supervisors, and departments based on those reviews; prohibit the Mayor from placing functions under the City Administrator without authorization by ordinance; and authorizing the City Administrator to recommend removal of any department head to the Mayor or a commission, and requiring the Mayor or commission to act on the recommendation within 30 days.

Existing Law

Mayoral Appointments to Charter Commissions, and Board of Supervisors Authority to Approve or Reject Mayoral Appointments:

The City Charter establishes numerous commissions that exercise oversight of City departments. Currently, the methods by which members are appointed to those commissions vary. Some commissions are entirely appointed by the Mayor, while other commissions have members appointed by both the Mayor and the Board of Supervisors (split appointments). For many commissions, mayoral appointments are subject to confirmation, approval, or rejection by the Board of Supervisors, but there are some Charter commissions where Mayoral appointments are not subject to disapproval by the Board of Supervisors.

Currently, the Charter authorizes the Mayor to appoint all of the members of the following Charter commissions. The Mayor's appointments to these commissions go into effect immediately and remain in effect subject to rejection by the Board of Supervisors by a two-thirds vote within 30 days following transmittal of the notice of appointment.

- Airport Commission
- Arts Commission
- Civil Service Commission
- Commission on the Environment
- Commission on the Status of Women
- Disability and Aging Services Commission
- Fire Commission
- Health Commission
- Human Rights Commission
- Human Services Commission
- Juvenile Probation Commission
- Library Commission
- Recreation and Park Commission
- War Memorial and Performing Arts Center Board of Trustees

Currently, the Mayor appoints all of the members of the Historic Preservation Commission, the Municipal Transportation Agency Board of Directors, and the Public Utilities Commission. Mayoral appointments to these commissions do not go into effect immediately, and are subject to confirmation by the Board of Supervisors.

Currently, the Mayor appoints all of the members of the Asian Art Commission. The Mayor's appointments are not subject to disapproval by the Board of Supervisors.

Currently, both the Mayor and the Board of Supervisors appoint members of the Small Business Commission. The Mayor's appointments go into effect immediately, and remain in effect subject to rejection by the Board of Supervisors by a two-thirds vote within 30 days following transmittal of the notice of appointment.

Currently, both the Mayor and the Board of Supervisors appoint members of the Building Inspection Commission. The Mayor's appointments are not subject to disapproval by the Board of Supervisors.

City Administrator Responsibilities: The City Administrator is a City official who oversees a number of City agencies and functions. The Mayor appoints the City Administrator to a five-year term, subject to confirmation by the Board of Supervisors. The City Administrator has a variety of responsibilities, most notably providing administrative services in the executive branch, and administering various policies and procedures. Departments and agencies currently under the oversight of the City Administrator include the Office of Contract

Administration, Contract Monitoring Division, Risk Management, Capital Planning, City Hall Building Management, City Hall Events, the Permit Center, Office of Civic Engagement and Immigrant Affairs, Fleets and Central Shops, Real Estate Division, Committee on Information Technology, Digital Services, DataSF, Department of Technology, County Clerk, Mayor's Office on Disability, 311, and Treasure Island Development Authority.

Assignment of Responsibilities to the City Administrator: The Board of Supervisors may assign duties to the City Administrator by ordinance. The Mayor may also assign duties to the City Administrator by reorganizing the executive branch, subject to rejection by a majority of the Board.

Removal of Department Heads: Many departments established in the Charter operate under the supervision of commissions and do not report to the City Administrator. Most commissions that oversee departments have the power to remove the department head of the department they oversee. If the Mayor recommends that a commission remove a department head, the commission must respond within 30 days by removing or retaining the department head. Other departments established in the Charter do not report to the City Administrator or a commission. In general, the Mayor has the power to remove those department heads. The City Administrator plays no role in the removal of these department heads.

Amendments to Current Law

Mayoral Appointments to Charter Commissions, and Board of Supervisors Authority to Approve or Reject Mayoral Appointments:

For the following Charter commissions, the proposed measure would: 1) split appointments between the Mayor and the Board of Supervisors, with the majority of members being appointed by the Mayor; 2) subject all of the Mayor's appointments to confirmation by the Board of Supervisors within 60 days; 3) allow commissioners holding office on June 7, 2022 to serve the remainder of their term; and 4) except for commissions that already have designated seats, establish a method by which seats would be numbered, and specify which seats would hereinafter be appointed by the Mayor, and which seats would hereinafter be appointed by the Board of Supervisors.

- Airport Commission
- Arts Commission
- Asian Art Commission
- Building and Inspection Commission
- Civil Service Commission
- Commission on the Environment
- Commission on the Status of Women
- Disability and Aging Services Commission
- Fire Commission
- Health Commission

- Historic Preservation Commission
- Human Rights Commission
- Human Services Commission
- Juvenile Probation Commission
- Library Commission
- Municipal Transportation Agency Board of Directors
- Public Utilities Commission
- Recreation and Park Commission
- Small Business Commission
- War Memorial and Performing Arts Center Board of Trustees

The proposed measure would also provide that the appropriate appointing authority (Mayor or Board of Supervisors, as applicable) may initiate removal of commissioners for official misconduct under Charter Section 15.105.

City Administrator Responsibilities: The proposed measure would define the types of administrative services that the City Administrator would be empowered to handle, including (a) matters related to the administration and operation of City agencies, including City facilities, equipment, technology, and maintenance of records; (b) solicitation, award, and administration of contracts, grants, and leases; (c) services provided to the public, including services designed to promote outreach to and communications with the City's many communities; (d) management of the City's assets, including real estate and financing; and (e) administrative enforcement of City laws and policies.

The proposed measure would also authorize the City Administrator to review City programs and services, and employment practices, and to make recommendations to the Mayor, Board of Supervisors, and departments based on those reviews.

Assignment of Responsibilities to the City Administrator: The proposed measure would require that the City Administrator propose an ordinance designating which agencies are under the City Administrator's oversight. The measure would require that all agencies under the City Administrator be designated by ordinance, and would remove the authority of the Mayor to transfer duties to the City Administrator by reorganizing the executive branch.

Removal of Department Heads: The proposed measure would authorize the City Administrator to recommend removal of any department head under the Mayor or a commission. If the City Administrator makes such a recommendation in writing, the measure would require the Mayor or commission to act on the recommendation within 30 days by removing or retaining the department head.

Background

The proposed measure was amended in a meeting of the Rules Committee held on January 26, 2022 to make several clerical corrections, and to add language providing that In the event that another measure relating to the duties, composition, qualifications, and methods of appointment of members of the Building Inspection Commission appears on the same municipal election ballot, the provisions of such other measure shall be deemed in conflict with this measure, and that In the event that this measure receives a greater number of affirmative votes than the other measure, the provisions of this measure shall prevail in their entirety and each and every provision of the other measure shall be null and void.

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