

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Dr. Amy Hart, Acting Chief Medical Examiner
Carmen Chu, City Administrator
Sophia Kittler, Mayor's Office

FROM: Victor Young, Assistant Clerk

A handwritten signature in cursive script that reads "Victor Young".

DATE: February 23, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 210140

Ordinance amending the Administrative Code and Campaign and Governmental Conduct Code to establish the position of Executive Director of the Office of Chief Medical Examiner, and to establish a division of responsibilities in that Office between the Executive Director and the Chief Medical Examiner.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: linda.wong@sfgov.org.

- c. Dr. Ellen Moffat, Acting Assistant Chief Medical Examiner
Ken Bukowski, Office of the City Administrator
Lynn Khaw, Office of the City Administrator
Lihmeei Leu, Office of the City Administrator
Tal Quetone, Office of the City Administrator
Andres Power, Mayor's Office



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 210140 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative, Campaign and Governmental Conduct Codes - Office of the Chief Medical Examiner **Date Introduced:** 02/09/2021

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Administrative Code and Campaign and Governmental Conduct Code to establish the position of Executive Director of the Office of Chief Medical Examiner, and to establish a division of responsibilities in that Office between the Executive Director and the Chief Medical Examiner.

Sponsor: Peskin

History of Legislative File 210140

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	02/09/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	03/11/2021	

1 [Administrative, Campaign and Governmental Conduct Codes - Office of the Chief Medical
2 Examiner]

3 **Ordinance amending the Administrative Code and Campaign and Governmental**
4 **Conduct Code to establish the position of Executive Director of the Office of Chief**
5 **Medical Examiner, and to establish a division of responsibilities in that Office between**
6 **the Executive Director and the Chief Medical Examiner.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Article XVII of Chapter 2A of the Administrative Code is hereby amended by
16 revising Section 2A.250, to read as follows:

17 **ARTICLE XVII:**

18 **DEPARTMENT OF THE MEDICAL EXAMINER**

19 **SEC. 2A.250. OFFICE OF THE CHIEF MEDICAL EXAMINER.**

20 (a) **The Office of the Chief Medical Examiner.** There shall be an Office of the Chief
21 Medical Examiner that shall carry out the functions and duties set forth in California Government
22 Code Sections 27460 et seq., as may be amended from time to time, as well as any other functions
23 assigned to the Office by State law, by ordinance, or by the City Administrator provided that those
24 duties are consistent with the Office’s duties under State law and are otherwise permitted under local
25 law.

1 **(b) Appointment and Removal of Chief Medical Examiner and Executive Director.** The
2 City Administrator, with the concurrence of the Mayor, shall appoint and may remove a Chief
3 Medical Examiner who shall meet the qualifications for Chief Medical Examiner as provided
4 by ~~the~~ State law. The City Administrator also shall appoint and may remove an Executive Director. The
5 Executive Director shall not be required to meet the qualifications of a Chief Medical Examiner.

6 **(c) Duties and Functions of the Chief Medical Examiner and Executive Director.** The
7 Chief Medical Examiner shall appoint and supervise the work and performance of all assistant or
8 deputy medical examiners in the Office, and shall be responsible for making all final decisions assigned
9 to a medical examiner or coroner under California Government Code Sections 27460 et seq., as may
10 be amended from time to time. ~~The Chief Medical Examiner~~ In all other respects, the Executive
11 Director shall serve as department head and appointing officer for the Office, and shall be
12 responsible for administrative supervision of all employees of the Office including the Chief Medical
13 Examiner and shall succeed to all of the duties of the Coroner. The Executive Director shall appoint
14 all employees in the Office, except the positions of assistant or deputy medical examiner. The City
15 Administrator may assign additional duties to the Executive Director as the City Administrator deems
16 appropriate.

17 **(d) Whenever the position of Executive Director is vacant, the City Administrator shall**
18 assign an employee in the Office or in the General Services Agency to assume the duties and
19 responsibilities of the Executive Director set forth in this Section 2A.250 on an interim basis until the
20 City Administrator appoints an Executive Director.

21 **(e)** The Office ~~Department~~ shall include such other officers and employees as are
22 authorized pursuant to the budgetary and fiscal provisions of the Charter.

23 **(b) Duties and Functions.** ~~The Office of the Chief Medical Examiner Department shall be~~
24 ~~responsible for the duties of the Medical Examiner as provided by state law, and such other duties and~~
25 ~~functions as assigned pursuant to the Charter or by ordinance.~~

1 Chief Medical Examiner 1
2 Executive Director 1
3 ~~Administrator~~ 1
4 Assistant Medical Examiner 1
5 * * * *

7 Section 3. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.

19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: /s/
22 JON GIVNER
23 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative, Campaign and Governmental Conduct Codes - Office of the Chief Medical Examiner]

Ordinance amending the Administrative Code and Campaign and Governmental Conduct Code to establish the position of Executive Director of the Office of Chief Medical Examiner, and to establish a division of responsibilities in that Office between the Executive Director and the Chief Medical Examiner.

Existing Law

The Office of the Chief Medical Examiner is responsible for providing death investigative services, including the investigation and certification of a variety of deaths of legal or public health interest. The Chief Medical Examiner is the head of the Office, and carries out duties under State law that must be performed by a county coroner or medical examiner. The Chief Medical Examiner is appointed by the City Administrator with concurrence of the Mayor, and may be removed by the City Administrator with the concurrence of the Mayor. The Office currently has approximately 39 employee positions, including four Assistant Medical Examiners.

Amendments to Current Law

The proposed ordinance would create a new position of Executive Director of the Office of Chief Medical Examiner. The City Administrator would have authority to appoint and remove the Executive Director without concurrence of the Mayor. The ordinance would not change the process for appointing or removing the Chief Medical Examiner.

The Chief Medical Examiner would continue to appoint and supervise the work and performance of all assistant or deputy medical examiners in the Office, and would continue to be responsible for making all final decisions assigned to a medical examiner or coroner under State law. The Executive Director would have all the other responsibilities of a department head for the office, including administrative supervision of all employees including the Chief Medical Examiner, and authority to appoint all employees other than assistant or deputy medical examiners. The ordinance would also authorize the City Administrator to assign additional duties to the Executive Director.

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Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

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

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

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

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

Sponsor(s):

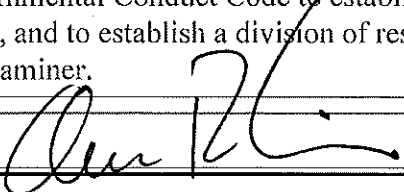
Aaron Peskin

Subject:

Administrative, Campaign and Governmental Conduct Codes - Office of the Chief Medical Examiner

The text is listed:

Ordinance amending the Administrative Code and Campaign and Governmental Conduct Code to establish the position of Executive Director of the Office of Chief Medical Examiner, and to establish a division of responsibilities in that Office between the Executive Director and the Chief Medical Examiner.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only

From: [Givner, Jon \(CAT\)](#)
To: [Angulo, Sunny \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Somera, Alisa \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#)
Subject: RE: PESKIN - Ordinance - Establishing Office of the Medical Examiner Executive Director
Date: Tuesday, February 9, 2021 4:13:56 PM

I confirm my approval as to form.

Jon

Jon Givner
Deputy City Attorney
Office of City Attorney Dennis Herrera
1 Dr. Carlton B. Goodlett Place, Suite 234
San Francisco, CA 94102
phone: (415) 554-4694
www.sfcityattorney.org

The information in this email is confidential and may be protected by the attorney/client privilege and/or the attorney work product doctrine. If you are not the intended recipient of this email or received this email inadvertently, please notify the sender and delete it.

From: Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>
Sent: Tuesday, February 9, 2021 4:12 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Cc: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Givner, Jon (CAT) <Jon.Givner@sfcityatty.org>
Subject: PESKIN - Ordinance - Establishing Office of the Medical Examiner Executive Director

Good afternoon -

Please find Supervisor Peskin's subject Ordinance and Legislative Digest attached, along with Introduction Form. Copying DCA Givner for confirmation of his signed approval of legislation as to form.

Please let me know if you have any questions or clerical edits to suggest.

Best,
Sunny

[Administrative, Campaign and Governmental Conduct Codes - Office of the Chief Medical Examiner]

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20 DENNIS J. HERRERA, City Attorney

21 By: /s/
22 JON GIVNER
23 Deputy City Attorney

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