

1 [Citywide coordination of information and communications technology.]

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3 **Ordinance amending Department of Technology and Committee on Information**
4 **Technology responsibilities, establishing the position and duties of the Chief**
5 **Information Officer, eliminating the Telecommunications Commission, adding San**
6 **Francisco Administrative Code Chapter 22A, Sections 22A.1, 22A.2, 22A.3, 22A.4,**
7 **22A.5, 22A.6 and 22A.7, and deleting San Francisco Administrative Code Sections 3.24,**
8 **3.25, 3.27, 11.85, 11.86, 11.87, 11.88 and 11.89 to implement these changes.**

9 NOTE: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strike-through italics Times New Roman*~~.
11 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike through normal~~.

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

13 Section 1. The San Francisco Administrative Code is hereby amended by adding Chapter
14 22A, Sections 22A.1, 22A.2, 22A.3, 22A.4, 22A.5, 22A.6 and 22A.7 to read as follows:

15 **SEC. 22A.1. FINDINGS.**

16 A. Information and communication technology (ICT) resources in the various departments,
17 boards, commissions and agencies of the City and County of San Francisco (City Departments) are
18 valuable strategic assets belonging to the people of San Francisco that must be managed accordingly.

19 B. Advances in ICT are immense in scope and complexity, and progressing rapidly.

20 C. The nature of the advances presents the City with the opportunity to provide higher
21 quality, more timely, and more cost-effective governmental services.

22 D. City Departments independently acquire uncoordinated and duplicative ICT
23 technologies that are more appropriately acquired as part of a coordinated effort for maximum cost
24 effectiveness and use.

1 E. The sharing of ICT technologies among agencies is often the most cost-effective method
2 of providing the highest quality and most timely governmental services that would otherwise be cost
3 prohibitive.

4 F. Considerations of both cost and the need for the transfer of information among the
5 various departments in the most timely and useful form possible require a uniform policy and
6 coordinated system for the use and acquisition of ICT technologies.

7 G. It is the policy of the City to coordinate and direct the use of ICT technologies by City
8 Departments and to provide the most cost-effective and useful retrieval and exchange of information
9 both within and among City Departments and from City Departments to the people of San Francisco.

10 **SEC. 22A.2. DEFINITIONS.**

11 For purpose only of this Chapter 22A the following words shall have the meanings given
12 herein:

13 (a) “Board” means the San Francisco Board of Supervisors.

14 (b) “Charter” means the Charter of the City and County of San Francisco.

15 (c) “City” means the City and County of San Francisco.

16 (d) “COIT” means the Committee on Information and Communications Technology.

17 (e) “Department” means the Department of Technology.

18 (f) “Information and Communications Technology” means information and
19 communications technology and computer-based equipment and related services designed for the
20 storage, manipulation, and retrieval of data by electronic or mechanical means, or both.

21 (g) “Chief Information Officer” means the Chief Information Officer appointed pursuant to
22 section 2A.26.

23 (h) “City Department” means all of the departments, commissions, boards, agencies,
24 bureaus, and institutions in the City government.

1 **SEC. 22A.3. COMMITTEE ON INFORMATION TECHNOLOGY.**

2 Establishment and Composition. There is hereby created a Committee on Information
3 Technology (COIT).

4 (a) COIT shall be chaired by the CIO and composed of an additional four (4) permanent
5 members consisting of the Mayor, the President of the Board of Supervisors, the Controller, the City
6 Administrator, or their designees. Six additional Department Heads shall be recommended by the CIO
7 and approved by the permanent members for two year terms, one representing each of the major
8 service areas: (a) Public Protection, (b) Public Works, Transportation, and Commerce, (c) Human
9 Welfare and Neighborhood Development, (d) Community Health, (e) Culture and Recreation, and (f)
10 General Administration and Finance. The CIO shall also recommend for approval by the permanent
11 members two (2) additional Department Heads to serve two-year terms.

12 (b) COIT shall organize into subcommittees as requested by the City CIO. The CIO shall
13 appoint subcommittee members based on participants' technical, financial, management, and policy-
14 making capabilities and responsibilities. Subcommittee members shall represent major service areas of
15 the City.

16 (c) Purpose and Duties. COIT shall review and approve the recommendations of the City
17 CIO for (i) the five-year City ICT plan, budget, projects and staffing for all City departments, boards,
18 commissions and agencies (City Departments) (ii) ICT plans, budgets, projects and staffing plans for
19 City Departments; and (iii) ICT standards, policies and procedures to enable successful development,
20 operation, maintenance, and support of the City's ICT.

21 (d) COIT shall monitor compliance of all City Departments with adopted ICT plans,
22 budgets, projects, standards, policies and procedures.

23 (e) COIT shall ensure the most cost-effective and useful retrieval and exchange of
24 information both within and among City Departments and from the City to the people of San Francisco.

1 (f) The Department of Technology shall provide support to the COIT. COIT shall review
2 and approve the Department's annual plan, budget, and staffing required to support the Committee.

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4 **SEC. 22A.4. CHIEF INFORMATION OFFICER.**

5 (a) Establishment and Composition: There is hereby created the position of Chief
6 Information Officer (CIO) for the City and County of San Francisco. The CIO shall:

7 (1) Be appointed by the Mayor.

8 (2) Serve as the Chair of the Committee on Information Technology (COIT) with the
9 authority and responsibility to develop and implement COIT standards, policies, and procedures for all
10 City Departments.

11 (3) Serve as the Director of the Department of Technology with the oversight for
12 development, implementation, maintenance, operation, and support of all citywide ICT.

13 (b) Purpose and Duties: The CIO shall (i) monitor trends and advances in ICT; (ii) advise
14 the Mayor, Board of Supervisors, and City Departments regarding opportunities to provide higher
15 quality, more timely, and more cost-effective governmental services; (iii) ensure coordinated and non-
16 duplicative acquisition of ICT technologies for maximum cost effectiveness and use; (iv) ensure sharing
17 of ICT technologies among City Departments as the most cost-effective method of providing the highest
18 quality and most timely governmental services that could otherwise be cost prohibitive; (v) develop
19 uniform policies and coordinated systems for the use, acquisition, and implementation of ICT
20 technologies; and (vi) establish Citywide standards, and procedures to ensure cost-effective and useful
21 retrieval and exchange of information both within and among the various City Departments and from
22 the City to the people of San Francisco.

23 (c) The CIO shall (i) consult with City Departments about ICT staffing needs and develop
24 an ICT staffing plan for review and approval by COIT; and (ii) monitor hiring of ICT staff and
25 adherence to the ICT staffing plan adopted by COIT.

1 (d) The CIO shall develop for the review and approval of COIT policies and procedures for the
2 effective management of technology investments throughout their entire life-cycle including, but not
3 limited to project definition, procurement, development, implementation, operation, performance
4 evaluation, and enhancement or retirement.

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6 **SEC. 22A.5. DUTY OF ALL DEPARTMENTS TO COORDINATE INFORMATION AND**
7 **COMMUNICATIONS TECHNOLOGY.**

8 All City Departments shall participate with and advise the CIO on the creation of the ICT plan
9 and shall:

10 (1) Be in compliance with the City's five-year and annual ICT plans.

11 (2) Specify the department's ICT procurement and system acquisition plans for the planning
12 period.

13 (3) Consult with the CIO regarding ICT procurement and staffing and develop procurement
14 and staffing plans consistent with the ICT plan.

15 (4) Identify risks, issues, and concerns with the department's information technology
16 infrastructure.

17 (5) Cooperate with the CIO, COIT and Department of Technology in developing and
18 implementing processes for the sharing of data and information with the Department and between City
19 departments.

20 (6) Cooperate with citywide efforts to standardize ICT resources.

21
22 **SECTION 22A.6. ICT CAPITAL AND OPERATING PLAN**

23 (1) By May 1, 2011, and by March 1 of each subsequent year, the CIO shall submit to the
24 Mayor and Board of Supervisors a five-year ICT plan which shall include an assessment of the City's
25 enterprise and general fund ICT capital and operating infrastructure, hardware and software needs, an

1 estimate of timelines and investments required to meet the needs identified through this assessment, and
2 recommendations to budget for or otherwise finance the investments.

3 (2) By June 1, 2011, and by May 1 of each subsequent year, the Mayor and Board of
4 Supervisors shall annually review, update, amend, and adopt by resolution the five-year information
5 technology plan and its corresponding budget request. Each year, the plan will be updated to reflect
6 the City's priorities, resources, and requirements as reviewed and approved by the COIT.

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8 **SEC. 22A.7. ESTABLISHMENT OF DEPARTMENT; POWERS AND DUTIES.**

9 (a) There is hereby created a Department of Technology within the executive branch which
10 shall consist of a Director and such officers and employees as are authorized pursuant to the budgetary
11 and fiscal provisions of the Charter. The Director shall serve as appointing officer for the Department
12 and as Chief Information Officer.

13 (b) The Department shall assume responsibility for:

14 (1) All functions previously performed by the Department of Electricity and
15 Telecommunications, including all functions assigned by Chapters 22 and 22B of the Administrative
16 Code.

17 (2) All functions previously performed by the Information Services Division of the
18 Controller's Office.

19 (3) Enforcing the customer service and consumer protection standards contained in:
20 (1) California Government code Sections 53055, 53055.1, 53055.2, and 53088.2; and (2) Title 47,
21 Code of Federal Regulations, Section 76.309(c), or any other customer service standards pertaining to
22 the provision of video service subsequently established by federal law or adopted by federal regulation.

23 (4) Overseeing the use and operation of the cable television public, educational and
24 governmental access channels.

1 (5) Planning, design, coordination, installation, repair, operation, maintenance, and
2 inspection of all proposed and current ICT equipment, facilities and services owned, operated, and
3 subscribed to by the City or any department, board, commission, or agency (City Department) and
4 ensuring such facilities and equipment are installed, maintained and operated in compliance with state,
5 federal and local laws, rules and regulations.

6 (6) Advising COIT as to compliance with adopted ICT policies, standards, and funding
7 plans.

8 (7) Implementing the multi-year City ICT Plan.

9 (8) Providing staff support to the committee on Information Technology.

10 (9) Advising the Mayor, the Board of Supervisors, and the CIO regarding ICT for City
11 residents and businesses.

12 (10) Installing, repairing, maintaining and inspecting ICT infrastructure to serve
13 federal, state, and regional agencies, non-profit agencies, businesses, individuals, and
14 telecommunications and information service providers, provided that the entity to be served pays for
15 the department's costs of providing such services, and further provided that providing such services
16 would not interfere with the operations of the department or impair services to City departments.

17 (11) Developing and encouraging a world wide web-based City government and
18 facilitate the dissemination of information onto the web.

19 (12) Evaluating and streamlining City business practices for the enhanced utilization of
20 technology.

21 (13) Providing assistance, advice, and expertise in connection with business
22 relationships between City agencies and private sector providers of ICT resources. Such assistance
23 shall include efforts that strengthen and create efficiencies in those business relationships.

24 (14) All additional functions assigned by the Mayor pursuant to Section 4.132 of the
25 Charter.

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Section 2. Chapters 3 and 11 of the Administrative Code are hereby amended by repealing Sections 3.24, 3.25, 11.85, 11.86, 11.87, 11.88, and 11.89 in their entirety:

~~SEC. 3.24.—COMMITTEE ON INFORMATION TECHNOLOGY.~~

~~Establishment, Composition, Purpose. There is hereby created a Committee on Information Technology (COIT) composed of the Mayor's Finance Director, a member of the Board of Supervisors, the Controller, the Director of Telecommunications and Information Services or their designee, and one department head from each of the following six groupings of departments: (a) Public Protection, (b) Public Works, Transportation and Commerce, (c) Human Welfare and Neighborhood Development, (d) Community Health, (e) Culture and Recreation, (f) General Administration and Finance. The department heads shall be selected annually by the four continuing members. The Committee on Information Technology shall take a leadership role in encouraging and coordinating departmental efforts in the use of new technology. The Committee shall promote interdepartmental cooperation and City standards. It shall review major interdepartmental and citywide projects and make policy recommendations thereon. The Committee shall elect one member to serve as chair, establish rules governing its operations and procedures to be followed by the several departments, boards and commissions for matters to be considered by the Committee.~~

~~SEC. 3.25.—THREE-YEAR PLANS, TECHNICAL ASPECTS.~~

~~Three-year plans, minor departmental projects and other technical aspects of information technology shall be delegated to a subcommittee composed of technical staff appointed by the permanent members and department heads who are current members of the Committee on Information Technology established above. The subcommittee shall review projects and technical aspects and provide reports and recommendations for technology improvements and systems in a format designed to provide full and complete understanding of funding and budget requirements updated for each budget year.~~

1 ~~The Telecommunications and Information Services Department or its successor shall provide~~
2 ~~staff support to the Committee on Information Technology and the working subcommittee created~~
3 ~~herein.~~

4 ~~SEC. 11.85. -- DEFINITIONS.~~

5 ~~For purpose only of this Article IX, the following words shall have the meanings given herein:~~

6 ~~(a)"Article" means Article IX of Chapter 11 of the San Francisco Administrative Code.~~

7 ~~(b)"Board" means the San Francisco Board of Supervisors.~~

8 ~~(c)"Charter" means the Charter of the City and County of San Francisco.~~

9 ~~(d)"City" means the City and County of San Francisco.~~

10 ~~(e)"Commission" means the Telecommunications Commission created by this Article.~~

11 ~~(f)"Department" means the Department of Technology created by this Article.~~

12 ~~(g)"Telecommunications" means the one- or two-way transmission of messages, information,~~
13 ~~and/or programming by electronic means, including the provision of facilities for the generation,~~
14 ~~transmission, switching, signaling, control and/or reception of messages, information and/or~~
15 ~~programming; provided however that "telecommunications" shall not mean broadcasting as defined in~~
16 ~~47 U.S.C. Section 153(o).~~

17 ~~SEC. 11.86. -- ESTABLISHMENT OF DEPARTMENT; POWERS AND DUTIES.~~

18 ~~(a)There is hereby created a Department of Technology within the executive branch which shall~~
19 ~~consist of a Director and such officers and employees as are authorized pursuant to the budgetary and~~
20 ~~fiscal provisions of the Charter. The Director shall serve as appointing officer for the Department.~~

21 ~~(b)The Department shall assume responsibility for:~~

22 ~~(1)All functions previously performed by the Department of Electricity and~~
23 ~~Telecommunications, including all functions assigned by Chapters 22 and 22B of the Administrative~~
24 ~~Code;~~

1 ~~(2)All functions previously performed by the Information Services Division of the Controller's~~
2 ~~office;~~

3 ~~(3)Negotiating and recommending to the Board cable television franchises;~~

4 ~~(4)Regulating rates for cable television service, consistent with Applicable Law and subject to~~
5 ~~approval of the Mayor and the Board of Supervisors;~~

6 ~~(5)Ensuring good customer service by each Cable Service Operator;~~

7 ~~(6)Overseeing the use and operation of the cable television public, educational and~~
8 ~~governmental access channels;~~

9 ~~(7)Reviewing every 36 months and revising as necessary the Telecommunications Plan adopted~~
10 ~~by the Board in January 2002. The Telecommunications Plan should propose City policies and~~
11 ~~procedures to guide the establishment of technologies within the City, facilitate the deployment of new~~
12 ~~technologies within the City, maximize the availability of telecommunications services to City residents,~~
13 ~~businesses and departments, preserve City property and resources, and protect the health, safety, and~~
14 ~~welfare of City residents. Before proposing any revision to the Telecommunications Plan, the~~
15 ~~Department shall consult with the public, including residents and independent experts. Any revision~~
16 ~~shall be submitted to the Mayor and the Board for adoption; and~~

17 ~~(8)Providing staff support to the Telecommunications Commission; and~~

18 ~~(9)All additional functions assigned by the Mayor pursuant to Section 4.132 of the Charter.~~

19 ~~SEC. 11.87. ESTABLISHMENT OF COMMISSION.~~

20 ~~—— (a) Establishment of Commission. A Telecommunications Commission for the City and County~~
21 ~~of San Francisco is hereby created consisting of five voting members.~~

22 ~~—— (b) Appointment of Commissioners. Commission members shall be appointed by the Mayor,~~
23 ~~subject to approval or rejection by Resolution of the Board. Members may be removed by the Mayor.~~
24 ~~No person shall be eligible to serve as a member who is a telecommunications provider or is employed~~
25 ~~by a telecommunications provider within the City that may have business before the Commission.~~

1 ~~—— (c) Composition of Commission. Appointments, qualifications and composition of the~~
2 ~~Commission shall be consistent with the requirements of Section 4.101 of the Charter. At least one~~
3 ~~member of the Commission shall be drawn from among people with expertise in fields related to the~~
4 ~~Commission's work, including, but not limited to telecommunications management and~~
5 ~~telecommunications engineering. At least one member of the Commission shall represent the public,~~
6 ~~educational and government access to telecommunications and information services technologies. At~~
7 ~~least two members shall represent the interests of consumers and the general public.~~

8 ~~—— (d) Terms of Office. The Mayor shall designate one member who is first appointed to serve a~~
9 ~~term of one year, two of the members who are first appointed to serve for terms of two years and two of~~
10 ~~the members who are first appointed to serve for terms of three years. Thereafter, members shall serve~~
11 ~~for terms of three years. At its first meeting, and annually thereafter, the Commission shall elect a chair~~
12 ~~from among its members for a term of one year.~~

13 ~~—— (e) Resignation by Operation of Law/Removal of Commissioners. Any member whom the~~
14 ~~Commission certifies to have missed three regularly scheduled meetings of the Commission in any 12-~~
15 ~~month period without prior authorization of the Commission shall be deemed to have resigned from the~~
16 ~~Commission effective on the date of the written certification from the Commission.~~

17 ~~—— (f) Compensation. Members shall receive \$25 for each meeting of the Commission actually~~
18 ~~attended; provided, however, that no member shall be paid for attending more than three Commission~~
19 ~~meetings in any one calendar month.~~

20 ~~SEC. 11.88. COMMISSION POWERS AND DUTIES.~~

21 ~~The Commission's powers and duties shall include:~~

22 ~~—— (a) Advising the Director of the Department of Technology in all matters related to the~~
23 ~~discharge of his or her duties; including, but not limited to, advice regarding the regulation of rates for~~
24 ~~the basic cable television service tier, customer service by cable television operators, and the use and~~
25 ~~operation of the cable television public, educational or governmental access channels.~~

1 ~~—— (b) In addition to the functions prescribed in (a) above, the Commission shall evaluate City~~
2 ~~policies and procedures affecting the provision of telecommunications services and the installation of~~
3 ~~telecommunications facilities within the City. and Develop a City Telecommunications Plan. The~~
4 ~~Telecommunications Plan should propose City policies and procedures to guide the installation of~~
5 ~~telecommunications facilities in the City. These policies should facilitate the deployment of new~~
6 ~~technologies within the City, maximize the availability of telecommunications services to City residents,~~
7 ~~businesses and departments, preserve City property and resources, and protect the health, safety and~~
8 ~~welfare of City residents. The Telecommunications Plan should be developed with maximum public~~
9 ~~participation including residents, independent experts, Telecommunications Providers and City~~
10 ~~departments. The Plan shall be submitted to the Mayor and the Board for adoption as the City's~~
11 ~~Telecommunications Plan. It shall be updated, after public participation and hearings, and if~~
12 ~~necessary, amended, every 24 months.~~

13 ~~SEC. 11.89. COMMISSION MEETINGS.~~

14 ~~The Commission shall meet from time to time at the request of the Department, except that for purposes~~
15 ~~of review and adoption of the Telecommunication Plan described in (b) above, the Commission shall~~
16 ~~meet no sooner than six months before the Plan is to be adopted, and shall meet as necessary~~
17 ~~thereafter, for purposes of updating and amending the plan, until the plan is adopted.~~

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22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By: _____
25 Margarita Gutierrez
Deputy City Attorney

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