[Administrative Code - Dissolving Inactive Advisory Bodies - Reauthorizing and Extending

Sunset Date of Workforce Community Advisory Committee and Committee on City Workforce

NOTE:

Alignment]

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Ordinance amending the Administrative Code to dissolve the Wage Theft Task Force and Surplus Property Citizens' Advisory Committee, and to reauthorize the Workforce Community Advisory Committee and the Committee on City Workforce Alignment and extend their sunset dates to June 30, 2019.

Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in single-underline italics Times New Roman font.

Deletions to Codes are in strikethrough italics Times New Roman font.

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in strikethrough Arial font.

Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

- (a) Ordinance No. 102-12 established the Wage Theft Task Force. By the terms of that ordinance, the Wage Theft Task Force sunset on December 31, 2013, but the ordinance establishing the Task Force has not been removed from the Administrative Code.
- (b) Rule 2.21 of the Board of Supervisors' Rules of Order requires the Clerk of the Board to determine and identify each year every subordinate body that has not met at least once every four months, and to ask the City Attorney to prepare legislation repealing the ordinance or resolution that created the body. Ordinance No. 93-04 established the Surplus Property Citizens' Advisory Committee to make recommendations to the Board of Supervisors regarding the use of surplus City property. The Clerk of the Board has determined that the Surplus Property Citizens' Advisory Committee has not met since April 29, 2008.

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(c) Ordinance No. 84-14 established the Workforce Community Advisory

Committee and the Committee on City Workforce Alignment, and provided that those
committees would sunset on July 12, 2017. This ordinance reauthorizes both committees and
extends their sunset dates to June 30, 2019.

Section 2. The Administrative Code is hereby amended by revising Sections 23A.4, 23A.6, 23A.11, 30.2, 30.3, 30.4, 30.5, and 30.6, and deleting Article XXVI of Chapter 5, consisting of Sections 5.260 through 5.260-5, and Section 23A.9, to read as follows:

ARTICLE XXVI:

WAGE THEFT TASK FORCE

SEC. 5.260. ESTABLISHMENT.

The Board of Supervisors hereby establishes a Wage Theft Task Force ("the Task Force") to make recommendations to the Board of Supervisors about how the City can best address wage theft.

SEC. 5.260-1. MEMBERSHIP.

- (a) Voting members of the Task Force shall be drawn from City departments that have the power to address wage theft, as well as individuals from businesses, community-based organizations and labor unions with experience and understanding of low-wage workers, low-wage industries, and the problem of wage theft.
- (b) The Task Force shall consist of fifteen voting members, with Seats 8 through 15 appointed by the Board of Supervisors as follows:
 - (1) Seat 1: A representative from the City Attorney's Office.
 - (2) Seat 2: A representative from the Office of Labor Standards Enforcement.

- (d) In the event a vacancy occurs during the term of office of any member, the appointing authority shall appoint a successor having the same qualifications for the unexpired term of the office vacated.
- (e) Services of the voting members of the Task Force shall be voluntary and members will serve without compensation. Task Force members otherwise employed by the City shall receive no additional compensation for their service on the Task Force.

SEC. 5.260-3. POWERS AND DUTIES.

- (a) The Task Force shall hold meetings regarding the problem of wage theft.
- (b) The Task Force shall invite outside experts to present on the crisis of wage theft and on strategies and policies used by other government agencies to address wage theft.
 - (c) The Task Force shall develop recommendations on:
 - (1) Legislation needed to address wage theft;
 - (2) Studies, research, or data needed to better understand wage theft;
- (3) Additional resources needed by City departments in order to implement new strategies to address wage theft; and,
- (4) Hearings that the Board should conduct to further understand how City departments or community groups are addressing wage theft.
- (d) No later than twelve months from the date that all fifteen voting members of the Task Force have been appointed, the Task Force shall submit its recommendations, including recommendations regarding legislation and appropriations, to the Board of Supervisors.

SEC. 5.260-4. MEETINGS.

The place, date and time of meetings of the Task Force shall be prescribed by rule of the Task Force; provided, however that the Task Force shall hold regular meetings not less than once every

month for a minimum of six months. Except as provided by law, all meetings of the Task Force shall be open to the public.

SEC. 5.260-5. SUNSET.

The Task Force shall terminate by operation of law on December 31, 2013, unless the Board of Supervisors by resolution extends its term.

SEC. 23A.4. DEFINITIONS.

For purposes of this Chapter 23A-:

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"Citizens' Advisory Committee" shall mean the group of citizens appointed pursuant to Section 23A.9.

* * * *

SEC. 23A.6. COMPILATION OF INFORMATION BY ADMINISTRATOR.

(a) The Administrator shall review the list of Property submitted by City departments pursuant to Section 23A.5 to identify any Property that may be Surplus Property or Underutilized Property, and shall strike from this initial list any Property that does not meet the definition of Surplus Property or Underutilized Property under Section 23A.4, is under the jurisdiction of the Recreation and Park Department, the Airport, or the Port, is part of the public right-of-way, or is subject to deed restrictions or other legal restrictions that would prevent the City from disposing of such Property pursuant to this Chapter 23A. The Administrator shall also provide to the Board of Supervisors a copy of the initial list upon request. No property shall be deemed Underutilized on the basis of available air rights if the applicable department head determines that development of such air rights would conflict with

existing or planned future uses consistent with the department's mission on that property. The Administrator shall also contact the Education Districts to ask if they have any surplus properties suitable for the development of Affordable Housing. The Administrator shall further consult with other City departments, the Mayor, <u>and</u> members of the Board of Supervisors <u>and</u> the Citizens' Advisory Committee to identify any Property listed on the initial list for which a City department other than the department with current jurisdiction has a specific operational need and shall remove such Properties from the Surplus Property Report. The Administrator shall thereafter initiate the transfer of jurisdiction over those identified Properties to the departments that can utilize them. The Administrator shall state in writing the reasons for the removal of each Property from the initial list and shall provide such report to MOHCD₇ <u>and</u> the Board of Supervisors, <u>and the Citizens' Advisory Committee</u>.

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SEC. 23A.9. SURPLUS PROPERTY CITIZENS' ADVISORY COMMITTEE.

Surplus or Underutilized Property, but which should be so listed in the next year's Surplus Property
Report, (ii) which Property included in that year's Surplus Property Report as Surplus or Underutilized
Property is suitable for disposition for the purpose of directly assisting people who are homeless, (iii)
which applications for use of such Surplus or Underutilized Property should be granted, and (iv) which
Property should be disposed of for other uses, but the proceeds of which should be used in accord with
the policy set forth in Section 23A.10 below.

(d) This subsection (d) shall not apply to the representative from the Mayor's Office of
Housing, the Mayor's Budget Director or his or her designee or the Chair of the Board of Supervisors
Finance and Audits Committee or his or her designee. The remaining ten members of the Surplus
Property Citizens' Advisory Committee shall be appointed for a term of two years; provided, however,
that the ten members first appointed shall, by lot at the first meeting, classify their terms so that five
shall serve for a term of one year and five shall serve for a term of two years.

SEC. 23A.11. DISPOSITION AND UTILIZATION OF SURPLUS AND UNDERUTILIZED PROPERTY.

* * * *

(d) Any City department other than an Enterprise Department wishing to dispose of Surplus or Underutilized Property under such department's jurisdiction in a manner other than pursuant to this Chapter 23A, regardless of whether such Surplus or Underutilized Property is listed on the then current Surplus Property Report, shall notify the Administrator, the Executive Director, the Board of Supervisors, <u>and</u> interested parties that have notified the Administrator to be placed on a notification list for this purpose, <u>and the Surplus Property</u>

Citizens' Advisory Committee prior to seeking any approvals of any proposed disposition. The notice shall include the same information about the Surplus or Underutilized Property required under Section 23A.5. The Administrator, <u>and</u> the Executive Director <u>and the Surplus Property</u>

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Citizens' Advisory Committee shall review such information and, within 45 days after submission, make recommendations to the Board of Supervisors regarding the disposition of the Surplus or Underutilized Property consistent with the policy set forth in Section 23A.10. The Board of Supervisors may by resolution approve a disposition consistent with such recommendations and this Chapter or approve a different disposition. Upon approval of such a resolution, it shall be the duty of the Administrator, the Executive Director, and other City officials, as appropriate, to take all steps necessary to implement the resolution.

SEC. 30.2. DEFINITIONS.

For the purposes of this Chapter 30, the following definitions shall apply to the terms used herein:

"Alignment Committee" shall mean the Committee on City Workforce Alignment established in Section 30.3.

"Director of Workforce Development" shall mean the employee designated by the Director of the *Department Office* of Economic and Workforce Development to assist Workforce Investment San Francisco (WISF), the Workforce Community Advisory Committee, and the Alignment Committee with planning and *Ec*oordination of Workforce Development Services in the City.

SEC. 30.3. COMMITTEE ON CITY WORKFORCE ALIGNMENT.

(a) The City hereby establishes a Committee on City Workforce Alignment ("Alignment Committee") comprised of City employees as provided below. The Alignment

Committee shall coordinate Workforce Development Services across City departments in order to increase their effectiveness.

- (b) The Alignment Committee shall be comprised of one member designated by the Mayor, one member of the Board of Supervisors or a City employee designated by the Board (with the department head's approval), the Director of Workforce Development, and the department heads of the following City departments: Human Services Agency, Department of Children, Youth and Their Families, Public Utilities Commission, and Public Works. The Mayor shall annually appoint a member of the Alignment Committee to serve as Chair. The Mayor or Director of Workforce Development may invite additional departments that administer Workforce Development programs to participate as needed.
 - (c) To the extent allowable by the City Charter, local, state, and federal law:
- (1) The Alignment Committee, by March 15, 2015, and then again by March 15, 2017, and every five years thereafter, shall submit to the WISF for its review and comment a Citywide Workforce Development Plan, which shall include an assessment of the City's anticipated workforce development needs and opportunities for the next five years and a strategy to meet the identified needs. The plan shall include goals and strategies for all Workforce Development Services in San Francisco and a projection of the funding needed to achieve the goals, consistent with the Strategic Plan for Economic Development approved by the Board of Supervisors and the Local Plan approved by WISF.
- (2) The Alignment Committee, by March 15, 2016, and every year thereafter, shall submit to the WISF for review and comment updates to the Citywide Workforce Development Plan that include (A) a summary of the City's implementation of the plan, including data detailing departmental performance metrics, (B) a summary of anticipated changes to federal and state funding, (C) a summary of current fiscal year programs and expenditures for Workforce Development Services, (D) recommended funding levels for new

and existing services for the next fiscal year, and (E) a statement of priorities to guide the allocation of unanticipated funding that becomes available for Citywide Workforce Development Services during the annual budget process or during the fiscal year.

- (3) The Alignment Committee shall provide drafts of Citywide Workforce Development Plan and plan updates to the Workforce Community Advisory Committee in sufficient time to give the committee the opportunity to review the drafts and provide feedback to the Alignment Committee for its consideration before the Alignment Committee submits the plan or update to the WISF.
- (d) The Director of Workforce Development shall submit the five-year Citywide Workforce Development Plan, and each plan update, to the Board of Supervisors.
- (e) The Alignment Committee may provide guidance to City departments on the meaning of the terms used in the definition of Workforce Development Services in this Chapter <u>30</u>, either in the Citywide Workforce Development Plan or through other policy guidance.
- (f) The Committee on City Workforce Alignment shall terminate <u>on June 30, 2019, three</u> years after the effective date of the amendment to Administrative Code Chapter 30 adopted in Ordinance No. 84-14, unless the Board of Supervisors adopts an ordinance continuing its existence.

SEC. 30.4. RESPONSIBILITIES OF THE $\frac{DEPARTMENT}{DEPARTMENT}$ OF ECONOMIC AND WORKFORCE DEVELOPMENT.

The *Department Office* of Economic and Workforce Development shall:

(a) Support the work of the WISF, the Workforce Community Advisory Committee, and the Alignment Committee and assist those bodies with planning and coordination of all Workforce Development Services in the City. It shall perform additional duties as directed by

the Mayor in order to promote more effective and efficient provision of Workforce Development Services; and

(b) Manage the First Source Hiring Program under Chapter 83 and, to the extent consistent with the Charter, administer all funds appropriated by the City to fund the First Source Hiring Program.

SEC. 30.5. CITY DEPARTMENT RESPONSIBILITIES.

All City departments engaged in Workforce Development Services shall provide information regarding the Services and all federal, state and local Workforce Development funds to the Alignment Committee in the format and within with the timeline that the Committee requests.

SEC. 30.6. LOCAL WORKFORCE INVESTMENT BOARD.

- (a) Prior to making any appointments to the WISF, as set forth in the federal Workforce Investment Act, the Mayor shall submit the name of each nominee to the Board of Supervisors. Unless the Board of Supervisors disapproves a nominee within thirty days after receipt of the Notice of Appointment, the appointment shall become final. The Mayor need not submit WISF nominees to *the* Board of Supervisors for approval, if the Mayor appoints two (2) members of the Board of Supervisors to the WISF.
- (b) Pursuant to the relevant provisions of the federal Workforce Investment Act, the Mayor may include individuals on the WISF as he or she determines to be appropriate. As a matter of policy, the Board of Supervisors strongly urges the Mayor to appoint a member of the Board of Supervisors and a member of the Workforce Community Advisory Committee to the WISF.

- (c) The Director of Workforce Development shall submit the Local Plan developed by the WISF to the Board of Supervisors for review and comment not less than 30 days prior to submitting it to the Governor.
- (d) (1) The City shall convene an eight (8) member committee to serve in an advisory capacity to the WISF and the Alignment Committee ("Workforce Community Advisory Committee"). The Workforce Community Advisory Committee shall advise the WISF on workforce development system priorities, client needs, and services.
- (2) The Board of Supervisors shall appoint four (4) members and the Mayor shall appoint four (4) members to the Workforce Community Advisory Committee. In appointing members, the Board and the Mayor shall give special attention to ensuring that representation is aligned with the priority sectors of the local economy and that persons with expertise serving transitional age youth, homeless individuals, and re-entry populations are represented. The Reentry Council, the Local Homeless Coordinating Board, and the Transitional-Aged Youth Executive Directors Network may make recommendations to the Board and the Mayor regarding appointments to the Workforce Community Advisory Committee.
- (3) All Workforce Community Advisory Committee members must be, at the time of their appointment, employed by a Nonprofit Corporation that provides Workforce Development Services and must be the executive director or chief executive officer, or an employee of the Nonprofit Corporation designated by such person. All Workforce Community Advisory Committee members shall have demonstrated experience in leadership roles in workforce development, as well as expertise (preferably at federal, state and local levels) in workforce development policy and systems.

- (4) All Workforce Community Advisory Committee members shall be appointed to serve for a two-year term. The Workforce Community Advisory Committee shall annually elect two persons from among its membership to serve as co-chairs.
- (5) The Advisory Committee to the WISF established by Ordinance No. 270-07 shall terminate thirty days after enactment of the amendment to Administrative Code Chapter 30 adopted in Ordinance No. 84-14. Any member who had been serving on that earlier advisory committee is eligible for appointment by the Mayor and Board of Supervisors to the Workforce Community Advisory Committee established in this subsection (d).

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Notwithstanding the Effective Date of this ordinance, it is the intent of the Board that the Committee on City Workforce Alignment and the Workforce Community Advisory Committee shall continue to operate without interruption, and that the incumbent members of the Committee on City Workforce Alignment and the Workforce Community Advisory Committee shall continue to hold their seats without reappointment until the expiration of their respective terms.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By:

JON GIVNER
Deputy City Attorney

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City and County of San Francisco **Tails**

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

Ordinance

File Number:

180217

Date Passed: January 15, 2019

Ordinance amending the Administrative Code to dissolve the Wage Theft Task Force and Surplus Property Citizens' Advisory Committee; and to reauthorize the Workforce Community Advisory Committee and the Committee on City Workforce Alignment, and extend their sunset dates to June 30, 2019.

December 05, 2018 Rules Committee - NOT RECOMMENDED

December 11, 2018 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

January 15, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani

and Yee

Excused: 1 - Walton

File No. 180217

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/15/2019 by the Board of Supervisors of the City and County of San Francisco.

Clerk of the Board

London N. Breed Mayor

Date Approved