

[Transferring the Police Department's functions, assets and operations to the Sheriff.]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2010, a proposal to amend the Charter of the City and County by amending Section 6.105 and providing for the repeal of Section 4.109, to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

SEC. 6.105. SHERIFF.

(a) The Sheriff shall:

- (1) Keep the county jail;
- (2) Receive all prisoners committed to jail by competent authorities;
- (3) Execute the orders and legal processes issued by courts of the State of California;
- (4) Upon court order detail necessary bailiffs; and
- (5) Execute the orders and legal processes issued by the Board of Supervisors or by any legally authorized department or commission.

(b) Subject to the requirements of this Section, at noon on January 8, 2012, the Sheriff shall assume all the powers and duties of the Police Commission and the Chief of Police, as established in Charter Sections 4.109 and 4.127 or elsewhere in the Charter or the Municipal

Code. At that time, the terms of office of the members of the Police Commission then holding office shall expire, and the office of Chief of Police shall be abolished and the incumbent shall have no further right to the office. The Police Department shall thereupon be merged with the Sheriff's Department, and all sworn and civilian personnel, facilities, equipment, and funds of the Police Department shall be transferred to the Sheriff's Department. As of that date, Section 4.109 shall be repealed and the City Attorney shall remove the section from future editions of the Charter. The City Attorney may also, with the approval of the Board of Supervisors by motion, revise any other Charter provisions addressing the Police Department and police officers, including Section 4.127 and this Section 6.105, to the extent necessary to conform to these changes, but any further substantive changes to those provisions must be submitted to the voters as Charter amendments.

(c) On or before January 15, 2011, the Mayor shall appoint three members of the public and the Board of Supervisors shall appoint four members of the public to a committee to study the merger and make recommendations regarding its implementation. The Controller, Chief of Police, and Sheriff, or their designees, shall serve as non-voting, ex officio members of the committee; the City Attorney shall serve as legal counsel to the committee. The committee shall submit its report and recommendations to the Mayor and the Board of Supervisors no later than April 16, 2011.

(d) On or before May 4, 2011, the Board of Supervisors shall, by motion, make findings on the following three issues:

(1) Whether the merger would result in long-term savings to the City, as verified by the Controller or by the Budget Analyst of the Board of Supervisors;

(2) Whether the merger would preserve the full right of citizens to file complaints with the Office of Citizen Complaints regarding misconduct by a member of the City's law enforcement agency or that a member of the City's law enforcement agency has not properly performed a duty; and

(3) Whether the merger would enhance public safety.

The provisions of subsection (b) shall only take effect if the Board of Supervisors makes an affirmative finding on all three issues.

(e) If the Board of Supervisors makes the findings required under subsection (d), the City shall, prior to implementing the merger, meet and confer in good faith with labor over impact issues. The parties may use any mutually agreed-upon impasse resolution procedures. The meet and confer process and any impasse resolution procedures shall be limited to impact issues within the scope of representation and shall not involve any powers and duties given to the Civil Service Commission under Section 10.101. The meet and confer process and any impasse resolution procedures shall not involve the underlying decision whether to merge the two departments.

(f) If initial implementation of the merger has not occurred by noon on January 8, 2012, this amendment shall expire automatically and the City Attorney shall remove its provisions from future editions of the Charter. The Board of Supervisors may by motion extend any date or deadline established under this Section for a period not to exceed nine months for any one extension.

(g) The Sheriff shall appoint, and at his or her pleasure may remove, an attorney, one under-sheriff, one assistant sheriff and one confidential secretary.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney