

FILE NO. 020886

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding to require a vote of not less than two-thirds (2/3) of the members of the Board of Supervisors to change any enactment regarding homeless policy or services within the same any fiscal year in which such enactment was adopted; adding Section 4.132 to establish a Local Homeless Coordinating Board to advise the Mayor and the Board of Supervisors on the development, implementation and evaluation of homeless policy; and amending Section 10.104 to authorize not more than five (5) staff members for the Local Homeless Coordinating Board who shall be exempt from civil service rules.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 5, 2002, a proposal to amend the Charter of said City and County adding Section 2.105-1; adding Section 4.132; and amending Section 10.104: to read as follows:

NOTE: Additions or substitutions are indicated by underlining;
deletions are indicated by ~~strikeouts~~.

Section 1. The San Francisco Charter is hereby amended by adding Sections 2.105-1 and 4.132 and amending Section 10.104, to read as follows:

SEC. 2.105-1. HOMELESS LEGISLATION.

In order to promote stability and continuity in policies and services relating to homeless issues, the repeal or material substantive amendment of an ordinance or resolution that establishes or implements homeless policies and/or services shall require a two-thirds (2/3) vote of the Board of Supervisors if adopted in the same fiscal year in which such ordinance or resolution was approved.

For purposes of this section, "homeless" is defined as "people who lack fixed, regular and adequate nighttime residences and who have their primary nighttime residences in one or more of the following categories: shelters, streets, vehicles, make-shift housing, doubled-up housing, and transitional housing; or who are about to be evicted or released from institutions and who have no viable alternative residences."

The President of the Board of Supervisors shall decide whether a proposed ordinance or resolution establishes or implements homeless policies and/or services. This decision may be overruled by motion of the Board adopted by a two-thirds vote.

SEC. 4.132. LOCAL HOMELESS COORDINATING BOARD.

(a) The Local Homeless Coordinating Board (Local Board) is an advisory body to the Mayor and the Board of Supervisors. The Local Board shall review and comment on all proposed homeless policies, advise on the implementation of such policies, and evaluate the effectiveness of such policies. The Local Board shall have only the powers enumerated in this Section.

(b) For purposes of this Section, "homeless policies" are legislative and budget actions that affect persons "who lack fixed, regular and adequate nighttime residences and who have their primary nighttime residences in one or more of the following categories: shelters, streets, vehicles, make-shift housing, doubled-up housing, and transitional housing; or who are about to be evicted or released from institutions and who have no viable alternative residences." The chair of the Local Board shall decide whether a legislative or budget action submitted to it is a "homeless policy" subject to the provisions of this Section. This decision may be overruled by motion of the Local Board.

(c) The Local Board shall consist of twenty-two (22) members, each with one vote. Each member of the Board of Supervisors shall appoint one member to the Local Board. The Mayor shall appoint nine (9) members, including one (1) representative from the Mayor's office and eight (8) representatives from the community. The executive directors of the Departments of Human Services and Public Health or their designees shall serve as ex officio voting members of the Local Board. Members, other than ex officio members, shall be appointed in conformance with Charter Section 4.101, and shall serve for a term of two (2) years. However, all terms, except for those of the ex officio members, shall expire upon the expiration of the term of the appointing officer. Unexcused absence from three (3) consecutive meetings by any appointed member shall be grounds for removal from the Local Board.

(d) The Board of Supervisors, and all departments, boards, agencies and commissions, shall submit proposed legislative and budget actions related to

homelessness to the Local Board for review and comment before adoption of any new measures. Submissions shall be made with sufficient advance notice to the Local Board to allow the Board to conduct its review and to comply with all public meeting laws. The Local Board shall review and comment in writing on such matters in a timely manner so as not to unduly disrupt or delay the legislative and budget planning process. Failure of the Local Board to respond in a timely manner shall deemed disapproval of the particular matter.

(e) The Local Board shall hold regular public hearings on the implementation and effectiveness of programs designed to the serve homeless persons, and shall provide an annual written report to the Mayor and the Board of Supervisors by November 30 of each year.

(f) The Local Board shall formalize and sustain a relationship with policymakers in the state and federal governments and in other Bay Area governments in order to develop a regional approach to homelessness.

(g) The Local Board shall have the authority to appoint up to five (5) staff members who shall be exempt from civil service procedures as provided in Charter Section 10.104, subject to the budget and fiscal provisions of the Charter. For purposes of budgeting and administrative support only, the Local Board shall be included in the Department of Human Services.

(h) This Section supercedes all other local legislation regarding the current Local Board, and replaces any previous Local Board structure.

SEC. 10.104. EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT.

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;
2. All elected officers of the City and County and their chief deputies or chief assistants;
3. All members of commissions, boards and advisory committees;
4. Not more than one commission secretary for each commission or board;
5. All heads of agencies and departments, unless otherwise provided for herein;
6. All non-uniformed deputy heads of departments;
7. All uniformed deputy heads of departments, police commanders and Fire Chiefs aides;
8. Not more than one confidential secretary and executive assistant in each department and agency;
9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors.
10. All paraprofessional aides of the Unified School District and teaching instructional aides of the Community College District;
11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the civil service commission;

12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the civil service commission.

The proportion of full-time employees in the above exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission rule, approved by the Board of Supervisors.

13. All attorneys, including an attorney to the Sheriff and an attorney for the Tax Collector, City Attorney's and District Attorney's investigators, hospital chief administrators, physicians and dentists serving in their professional capacity (except those physicians and dentists whose duties are significantly administrative or supervisory);

14. The law librarian, assistant law librarians, bookbinder of the Law Library, purchaser, curators, Assistant Sheriff, Deputy Port Director, Chief of the Bureau of Maritime Affairs, Director of Administration and Finance of the Port, Port Sales Manager, Port Traffic Manager, Chief Wharfinger, Port Commercial Property Manager, Actuary of the Employee's Retirement System, Director of the Zoo, Chief Veterinarian of the Zoo, Director of the Arboretum and Botanical Garden, Director of Employee Relations, Health Service Administrator, Executive Assistant to the Human Services Director, and any other positions designated as exempt under the 1932 Charter, as amended;

15. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or

services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

15A. Not more than five (5) staff members for the Local Homeless Coordinating Board as set forth in Charter Section 4.132.

In addition, with the approval of the Civil Service Commission, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;

17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures;

18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures; and

19. Entry level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.

APPROVED AS TO FORM:
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