

1 [Declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency  
 2 for the City and County of San Francisco, thereby replacing the existing seven-member  
 3 appointed Board; and establishing an eleven-member appointed Community Redevelopment  
 Commission and delegating certain powers to the Commission.]

4 **Ordinance amending Administrative Code Chapter 24 "Redevelopment Agency" by**  
 5 **declaring the Board of Supervisors to be Governing Body of the Redevelopment**  
 6 **Agency of the City and County of San Francisco, thereby replacing the existing seven-**  
 7 **member appointed Board, with findings in support (California Community**  
 8 **Redevelopment Law, Health & Safety Code §§33000 et seq.); and establishing an**  
 9 **eleven-member appointed Community Redevelopment Commission and delegating**  
 10 **certain powers to the Commission.**

11 Note: Additions are *single-underline italics Times New Roman font*;  
 12 deletions are *strikethrough italics Times New Roman font*.  
 13 Board amendment additions are double underlined Arial font;  
 14 Board amendment deletions are ~~strikethrough Arial font~~.

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

16 Section 1. FINDINGS IN SUPPORT OF ORDINANCE.

17 (a) The California Community Redevelopment Law (Health & Safety Code §§33000 et seq.)  
 18 empowers the Board of Supervisors to adopt at any time an ordinance declaring itself to be the  
 19 Governing Body of the Redevelopment Agency for the City and County of San Francisco ("Governing  
 20 Body," §33200).

21 (b) In adopting this Ordinance the Board of Supervisors finds that:

22 (1) Under the provisions of California Health and Safety Code §§33200 et seq. the Board  
 23 caused a report to be prepared to substantiate and explain the Board's determination to declare itself  
 24 the Governing Body of the Redevelopment Agency of the City and County of San Francisco by enacting  
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1 this Ordinance: this report is the Legislative Analyst Report on Redevelopment Agency Governance  
2 Structure, dated March 8, 2002.

3 (2) There has been full public disclosure of all reports and proposals relating to the Board's  
4 intent to declare itself the Governing Body.

5 (3) The reports or proposals referenced in Sections (b)(1) and (b)(2) of these Findings were  
6 presented and considered at a public hearing on this proposed Ordinance, duly noticed and convened  
7 by the Board of Supervisors pursuant to Health and Safety Code §33200(b). These reports or  
8 proposals shall be and remain a part of the Board of Supervisors file for this Ordinance [File No. \_\_\_\_,  
9 Ord. No. \_\_\_\_].

10 (4) Declaring itself the Governing Body of the Redevelopment Agency of the City and  
11 County of San Francisco will serve the public interest and promote the public safety and welfare in a  
12 more effective manner than the current organization.

13 (5) Administrative Code Chapter 24 "Redevelopment Agency" shall be amended by  
14 enactment of this Ordinance, to state that the Board declares itself the Governing Body of the  
15 Redevelopment Agency of the City and County of San Francisco.

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18 Section 2. The San Francisco Administrative Code is hereby amended by amending  
19 Section 24.1, to read as follows:

20 SEC. 24.1. CREATED UNDER PROVISIONS OF STATE LAW.

21 There is need for a redevelopment agency, to be known as the Redevelopment Agency  
22 of the City and County of San Francisco, to function in the City and County under the provisions  
23 of ~~Sections §§33000 to 33954~~ et seq. of the ~~State~~ California Health and Safety Code.

24 ~~A redevelopment agency shall be~~ The Redevelopment Agency of the City and County of San  
25 Francisco was originally created and constituted ~~at the time and in the manner prescribed by~~

1 Sections 33200 to 33237 of such code in 1948, pursuant to Board of Supervisors Resolution No. 7779  
2 and the Community Redevelopment Act of California (now entitled "Community Redevelopment Law").

3 As of June 15, 2002 the Board of Supervisors declares itself to be the Governing Body of the  
4 Redevelopment Agency for the City and County of San Francisco, upon finding that this declaration is  
5 in the public interest, and that this declaration promotes public safety and welfare in a more effective  
6 manner than the organization existing prior to June 15, 2002. This declaration is made pursuant to  
7 §33200 of the California Community Redevelopment Law (Health and Safety Code §§33000 et seq.).

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9 Section 3. The San Francisco Administrative Code is hereby amended by repealing  
10 existing Section 24.1-1, as follows:

11 ~~SEC. 24.1-1. INCREASING NUMBER OF MEMBERS TO BE APPOINTED TO~~  
12 ~~REDEVELOPMENT AGENCY.~~

13 ~~Notwithstanding the provisions of Section 24.1 of this Chapter, and pursuant to the provisions~~  
14 ~~of Section 33110 of the Health and Safety Code of the State of California, the number of members to be~~  
15 ~~appointed to the Redevelopment Agency of the City and County of San Francisco is hereby increased to~~  
16 ~~seven, one of whom shall be a woman.~~

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18 Section 4. The San Francisco Administrative Code is hereby amended by repealing  
19 existing Sections 24.3 through 24.5, as follows:

20 ~~SEC. 24.3. QUARTERLY REPORTS OF REDEVELOPMENT AGENCY.~~

21 ~~The Redevelopment Agency of the City and County shall file with the Board of Supervisors a~~  
22 ~~detailed report of all its transactions, including a statement of all revenues and expenditures, at~~  
23 ~~quarterly intervals.~~

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1           ~~SEC. 24.4. COMPENSATION OF MEMBERS; TRAVEL EXPENSES.~~

2           ~~Subject to the budget and fiscal provisions of the Charter, the compensation of the appointive~~  
3 ~~members of the Redevelopment Agency, exclusive of actual and necessary expenses, including traveling~~  
4 ~~expenses, shall be \$25 per meeting for each meeting of the agency actually attended by the members;~~  
5 ~~provided, that the aggregate amount paid to any one member shall not exceed \$1,250 per year, and the~~  
6 ~~aggregate amount paid all the members shall not exceed \$6,250 per year.~~

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8           ~~SEC. 24.5. RECOMMENDATIONS OF PLANNING COMMISSION.~~

9           ~~The City Planning Commission shall furnish the following information to the Board of~~  
10 ~~Supervisors at as early a date as possible:~~

11           ~~(a) — Recommendations as to area which should first be made subject of survey for the~~  
12 ~~purpose of redevelopment.~~

13           ~~(b) — The amount of funds necessary to conduct such a survey.~~

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15           Section 5. The San Francisco Administrative Code is hereby amended by adding new  
16 Sections 24.3, 24.3-1, 24.3-2, 24.4, 24.4-1, 24.4-2, and 24.4-3, as follows:

17           SECTION 24.3. CREATION OF THE COMMUNITY REDEVELOPMENT COMMISSION.

18           The Board of Supervisors, having declared itself to be the Governing Body of the  
19 Redevelopment Agency, hereby creates a Community Redevelopment Commission ("Commission")  
20 pursuant to §33201 and §33202 of the California Community Redevelopment Law (Health and Safety  
21 Code §§33000 et seq.), operative July 1, 2002.

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1           SECTION 24.3-1. COMMISSION COMPOSITION, TERMS OF OFFICE, METHOD OF  
2 APPOINTMENT AND REMOVAL, AND CONFLICTS OF INTEREST.

3           (a) Composition and General Qualifications. The Commission shall consist of 11 members  
4 ("Members"), who serve staggered three-year terms of office.

5           (1) Appointing authorities shall strive to achieve a Commission that is broadly  
6 representative of the communities of interest and neighborhoods, and the diversity in ethnicity, race,  
7 age, gender and sexual orientation of the City and County; and

8           (2) Members shall be residents of the City and County upon appointment and at all times  
9 during the terms of their respective offices.

10          (b) Mayoral Appointments. Seven of the 11 Members shall be appointed by the Mayor, as  
11 follows:

12          (1) Appointments of Nominees from Project Area Committees. Three of the Mayor's  
13 appointees must be residents of a Redevelopment Project or Survey Area nominated by their respective  
14 elected Project Area Committees (PACs).

15          (A) Nomination. At least 60 days before expiration of a Member's term of office, or  
16 immediately upon occurrence of a vacancy, the Mayor shall notify each PAC in writing that a  
17 Commission appointment must be made from PAC nominees. Within 30 days of such written  
18 notification from the Mayor, each eligible PAC shall provide a list of three or more nominees to the  
19 Mayor.

20          (i) If there are only two PACs in existence at the time of an appointment, the Mayor must  
21 insure in making the appointment that at least one Member from the nominees of each PAC is seated on  
22 the Commission.

23          (ii) If there are three or more PACs in existence at the time of an appointment, the Mayor  
24 must insure in making the appointment that no more than one Member is seated on the Commission  
25 from the nominees of each PAC.

1           (B) Notice to the Board of Supervisors. The Mayor shall deliver to the Clerk of the Board of  
2 Supervisors a written notice naming each appointee and stating the appointee's qualifications.

3           (C) Public Generally. The Board of Supervisors finds and declares that individuals  
4 appointed under this Section 24.3-1(b)(1) are required to be residents of a Project or Survey Area and  
5 are appointed to represent and further the interests of their respective Project or Survey Area. As such,  
6 these appointees are hereby deemed the "public generally" under the California Political Reform Act  
7 (Government Code §§81000 et seq.) and Section 18704.4 of Title 2 of the California Code of  
8 Regulations.

9           (2) Other Mayoral appointments. Of the four remaining Mayoral appointees, one must be  
10 experienced in community redevelopment, one must be experienced in land use, one must be  
11 experienced in affordable housing development, and one must represent citywide interests of the  
12 general public. The Mayor shall deliver to the Clerk of the Board of Supervisors a written notice  
13 naming each appointee and stating the appointee's qualifications. Appointments to these four seats  
14 become effective only upon approval by the Board of Supervisors, by Motion.

15           (c) Treasurer's Appointment. One of the eleven members shall be appointed by the City  
16 Treasurer. The Treasurer's appointee must have a background in municipal finance and familiarity  
17 with tax increment financing. The Treasurer shall deliver to the Clerk of the Board of Supervisors a  
18 written notice naming the appointee and stating the appointee's qualifications. Appointment to this seat  
19 becomes effective only upon approval by the Board of Supervisors, by Motion.

20           (d) Board of Supervisors' Appointments. Three of the 11 members shall be appointed by the  
21 Board of Supervisors, by Motion, as follows:

22           (1) Two Board of Supervisors' appointees shall be members of the general public, at least  
23 one of whom has experience in community redevelopment.

24           (2) One Board of Supervisors' appointee shall be a member of the California Bar with  
25 specific experience in the California Community Redevelopment Law or land use law.

1           (e) Terms of Office.

2           (1) Staggered Initial Terms of Office.

3           (A) The Treasurer's initial appointee and the Board of Supervisors' initial attorney  
4 appointee shall each be appointed to a three-year term.

5           (B) Of the Mayor's three initial appointees from PAC nominations, one shall be appointed to  
6 a three-year term of office, one shall be appointed to a two-year term of office, and one shall be  
7 appointed to a one-year term of office. These initial terms shall be determined by the Mayor.

8           (C) Of the Mayor's four initial at-large appointees, one shall be appointed to a three-year  
9 term of office, one shall be appointed to a two-year term of office, and two shall be appointed to one-  
10 year terms of office. These initial terms shall be determined by the Board of Supervisors.

11           (D) Of the Board of Supervisors' two initial at-large appointees, one shall be appointed to a  
12 two-year term of office, and one shall be appointed to a one-year term of office. These initial terms  
13 shall be determined by the Board of Supervisors.

14           (2) Regular Terms of Office.

15           (A) Each succeeding appointment by each appointing authority shall be for a three-year  
16 term of office.

17           (B) Any vacancies shall be filled for the balance of the unexpired term by the appropriate  
18 appointing authority, as prescribed by this Chapter 24.

19           (3) Limitations on Terms of Office. No Member may serve for more than two successive  
20 three-year terms. Any person appointed and serving 18 months or more of an uncompleted term, or  
21 who resigns after serving 18 months or more of a term, shall be deemed for the purpose of this section  
22 to have served one full term. No person who has served two successive three-year terms may be  
23 appointed again as a Member until at least three years after the expiration of the second successive  
24 term in office.

1           (f) Conflicts of Interest. In addition to all other applicable conflict of interest laws,  
2 including but not limited to the California Political Reform Act (Government Code §§81000 et seq), all  
3 Commission members are subject to the provisions of Health and Safety Code §33201(b) regarding  
4 interests in property within a Redevelopment Project or Survey Area.

5           (g) Removal.

6           (1) Members Appointed by the Board of Supervisors. A Member appointed by the Board of  
7 Supervisors may be removed by a two-thirds vote (eight votes) of the Board of Supervisors.

8           (2) Members Appointed by the Mayor or the Treasurer. A Member appointed by the Mayor  
9 may be removed upon written request by the Mayor and a two-thirds vote (eight votes) of the Board of  
10 Supervisors. A Member appointed by the Treasurer may be removed upon written request by the  
11 Treasurer and a two-thirds vote (eight votes) of the Board of Supervisors.

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13           SECTION 24.3-2. COMMISSION CONSIDERATION OF PROJECT AREA COMMITTEE  
14 CONSULTATION OR ADVICE, ROLE OF THE GOVERNING BODY.

15           (a) PAC Notification, Consultation and Advice. The Commission shall regularly notify each  
16 PAC in writing of any pending matter concerning the PAC's Project or Survey Area that may come  
17 before the Commission for action, and the affected PAC shall have a maximum of 30 days after such  
18 notification to provide written consultation or advice to the Commission before the Commission may  
19 act on that matter. The Commission may shorten this 30-day period on the basis of a health or safety  
20 emergency, upon a three-fourths vote (nine votes) of the Commission.

21           (b) Commission Consideration of PAC Consultation and Advice. Written consultation or  
22 advice timely provided by a PAC to the Commission under Section 24.3-2(a) regarding any matter  
23 under the jurisdiction of such PAC under Community Redevelopment Law Article 6.5 (Health and  
24 Safety Code §§33385 et seq.), shall be given great weight by the Commission.



1           (c) Commission Inaction on PAC Consultation and Advice. If the Commission fails to act  
2 within 30 days on a matter that is the subject of a PAC's written consultation or advice timely provided  
3 under Section 24.3-2(a), the matter shall be calendered forthwith before the Governing Body for  
4 consideration and decision.

5           (d) Commission Rejection of PAC Consultation and Advice. If a Commission decision  
6 rejects or does not follow written PAC consultation or advice timely provided under Section 24.3-2(a),  
7 that Commission decision shall be stayed, the Commission shall prepare written findings in support of  
8 its decision, and the matter shall be calendered forthwith before the Governing Body for consideration  
9 and final decision.

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11           SECTION 24.4. DELEGATION TO THE COMMISSION, CONTINUATION OF EXISTING  
12 MATTERS, AND NONINTERFERENCE IN AGENCY ADMINISTRATIVE MATTERS.

13           (a) Governing Body Delegation to the Commission. Except as otherwise provided in this  
14 Chapter 24 or in an approved Redevelopment Plan or Plan amendment, and as permitted by Health  
15 and Safety Code §33202, the Governing Body delegates all delegable responsibilities and duties to the  
16 Community Redevelopment Commission.

17           (b) Continuation of Agency Operations. Except as specifically otherwise provided in this  
18 Chapter 24, the powers, duties, obligations, rules, policies and bylaws of the Redevelopment Agency of  
19 the City and County of San Francisco in effect on [the effective date of this Ordinance] shall remain in  
20 force and effect, unless and until changed by the Governing Body or changed by the Commission  
21 pursuant to authority delegated by the Governing Body.

22           (c) Continuation of Contracts, Loans, Bonds and Other Indebtedness. The terms and  
23 conditions of all contracts, agreements, loans, and other obligations duly entered into by the  
24 Redevelopment Agency prior to [the effective date of this Ordinance], as well as all contracts involving  
25 bonds and other indebtedness of the Agency, shall continue to be binding on the Agency.

1 notwithstanding the change in form of governance under this Ordinance [Ordinance No. ] whereby  
2 the Board of Supervisors declares itself to be the Governing Body.

3 (d) Noninterference in Agency Administrative Matters. The Governing Body and the  
4 Commission shall deal with Redevelopment Agency administrative matters solely through the Executive  
5 Director or his or her designees. No member of the Governing Body or the Commission shall dictate,  
6 suggest or interfere with respect to any appointment, promotion, compensation, disciplinary action,  
7 contract or requisition for purchase or other administrative actions. Nothing in this Section 24.4(d)  
8 shall restrict the Governing Body's power of hearing and inquiry. Nothing in this Section 24.4(d) shall  
9 restrict the Governing Body's or the Commission's responsibilities, duties and powers under the  
10 Community Redevelopment Law (Health and Safety Code §§33000 et seq.).

11  
12 SECTION 24.4-1. GOVERNING BOARD AND COMMISSION MEETINGS.

13 (a) Notice and Conduct of Meetings. Governing Body and Commission meetings shall be  
14 noticed and conducted in accordance with the City's voter-approved Sunshine Ordinance  
15 (Administrative Code Chapter 67), except where compliance with the Sunshine Ordinance would  
16 conflict with provisions of the California Community Redevelopment Law (Health and Safety Code  
17 §§33000 et seq.).

18 (b) Limitation on Abstentions. Each member of the Governing Body or the Commission  
19 who is present at a regular or special meeting or who is present in the building where a regular or  
20 special meeting is conducted shall vote "yes" or "no" when a question is put, unless excused from  
21 voting by a motion adopted by a majority of the members present, or unless voting is otherwise  
22 prohibited by applicable conflict of interest laws.

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1           SECTION 24.4-2. LIMITATIONS ON CONTRACTS, LEASES, AND CONVEYANCES OF FEE  
2 TITLE TO REAL PROPERTY.

3           (a) Competitive Bidding, Financial Analyst Review and Report. As a condition of the  
4 Governing Board's delegation to the Commission, and in addition to any other requirements under the  
5 Community Redevelopment Law (Health and Safety Code §§33000 et seq.), any contract or lease shall  
6 require the following:

7           (1) Competitive bidding procedures, which may include a request for proposals, a request  
8 for qualifications, or other publicly noticed competitive solicitation with specified criteria for selection;  
9 and,

10          (2) A financial analyst review and report.

11          (3) For matters not subject to the requirements of Section 24.4-2(b), a three-fourths vote  
12 (nine votes) of the Commission may waive the requirements of Section 24.4-2(a)(1) or (2).

13          (b) Limitations on Certain Contracts, Leases and Other Specified Transactions. In addition  
14 to meeting the requirements of Section 24.4-2(a)(1) and (2), the following contracts, leases and other  
15 specified transactions require Governing Board approval by resolution:

16          (1) Contracts having anticipated revenue to the Redevelopment Agency of one million  
17 dollars (\$1,000,000) or more, or the modification, amendment or termination of any contract which  
18 when entered into had anticipated revenue of one million dollars (\$1,000,000) or more;

19          (2) Contracts or agreements having a term in excess of ten years, or requiring expenditures  
20 by the Redevelopment Agency of one million dollars (\$1,000,000) or more, or the modification or  
21 amendments to such contract or agreement having an impact of more than \$500,000; and,

22          (3) Any lease of real property for a period of ten or more years, including options to renew,  
23 or having anticipated revenue to the Redevelopment Agency of one million dollars (\$1,000,000) or  
24 more; and any sale or other transfer of fee title to real property owned by the Redevelopment Agency.

1           (4) For matters subject to the requirements of this Section 24.4-2(b), a three-fourths vote  
2 (nine votes) of the Governing Body may waive the requirements of Section 24.4-2(a)(1) or (2).

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4           SECTION 24.4-3. COMPLIANCE WITH MUNICIPAL ZONING.

5           (a) Zoning Ordinance Compliance. All Redevelopment Plans adopted on or after [the  
6 effective date of this Ordinance], or amendments to those Plans shall adhere to all City zoning  
7 ordinances, except that a three-fourths vote (nine votes) of the Governing Body may waive this  
8 requirement.

9           (b) Five-Year Reviews of Approved Development Plans. An approved Redevelopment Plan  
10 shall be reviewed by the Governing Body every five years, to consider whether the Plan should be  
11 updated to conform to any changes in City zoning ordinances.

12           (1) The City Planning Commission and the Community Redevelopment Commission shall  
13 confer and provide a report and recommendation to the Governing Body for this purpose. This review  
14 may be coordinated with the five-year implementation plan for each Redevelopment Plan.

15           (2) If after reviewing the report and recommendation of the Planning Commission and the  
16 Community Redevelopment Commission the Governing Body determines that an amendment to such  
17 Redevelopment Plan would more effectively carry out the purposes of the Community Redevelopment  
18 Law (Health and Safety Code §§33000), the Governing Body may direct the Community  
19 Redevelopment Commission to prepare an amendment to the Redevelopment Plan together with all  
20 other reports and documents necessary to amend a Redevelopment Plan in accordance with the  
21 Community Redevelopment Law.

22           (c) Nothing in this Section 24.4-3 is intended to modify existing California law regarding  
23 the rights of property owners and/or developers who have rights to use and develop such land under a  
24 duly approved owner participation agreement, disposition and development agreement, or other  
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1 similar agreement that is consistent with a Redevelopment Plan or Plan amendment approved prior to  
2 [the effective date of this Ordinance].

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4 Section 6. TRANSITION.

5 Upon adoption of this Ordinance the Executive Director of the Redevelopment Agency shall  
6 expeditiously move to coordinate and accomplish all necessary transition actions, consistent with the  
7 purposes of this Ordinance.

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

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12 By: MARIE CORLETT BLITS  
13 Deputy City Attorney

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