

1 [Department of Technology.]

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3 **Ordinance changing the name of the Department of Telecommunications and**
4 **Information Services to the Department of Technology, and amending San Francisco**
5 **Administrative Code Sections 11.84, 11.85, 11.86, and 11.88, to implement the name**
6 **change.**

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The Department of Telecommunications and Information Services shall now
12 be called the Department of Technology. This name change is not intended to effect any of
13 the duties and responsibilities of the Department of Telecommunications and Information
14 Services as presently set forth in any provision of the San Francisco Municipal Code.

15 Section 2. The San Francisco Administrative Code is hereby amended by amending
16 Article IX of Chapter 11, Sections 11.84, 11.85, 11.86, and 11.88, to read as follows:

17 Art. IX: DEPARTMENT OF TECHNOLOGY~~TELECOMMUNICATIONS AND~~
18 ~~INFORMATION SERVICES~~/TELECOMMUNICATIONS COMMISSION

19 SEC. 11.84. FINDINGS AND PURPOSE.

20 (a) Technological innovations are making a variety of new audio, video and data
21 transfer telecommunications technologies available. Many existing and new
22 telecommunications systems require the placement of facilities under, on, and over the City
23 streets and on both private and public structures to provide telecommunications services to
24 subscribers and users. Substantial public concern has been raised as to the appropriateness
25 of the City's approval process for these requests. The increased number of

1 telecommunications suppliers seeking to locate these facilities in the streets increases
2 burdens on the physical infrastructure of the streets, as well as increasing the administrative
3 work load of various City agencies in evaluating the impact of these facilities. In order to
4 manage these increased burdens, the City must expand its planning for the use of the streets,
5 foster public-private cooperation, ensure that the public receives fair compensation for
6 ongoing and comprehensive use of public property by private entities, and ensure that the
7 City's regulations regarding the use of the streets are adequate to protect the health, safety
8 and welfare of City residents and that administrative costs are covered.

9 (b) Within the limits of preemptive federal and/or State law, the City should do
10 everything possible to promote open and fair competition among telecommunications
11 providers within the City; to ensure that new telecommunications services are made available
12 to San Francisco residents and businesses on a fair and nondiscriminatory basis; to ensure
13 that the principle of universal access to telecommunications services is upheld within the City;
14 to ensure that public, educational and municipal access to video programming channels is
15 preserved; to promote the safe and efficient use of the streets by telecommunications
16 providers; to ensure that new telecommunications technologies do not interfere with the City's
17 emergency communications systems; to ensure that the public receives fair compensation for
18 the use of the public rights-of-way and the costs of approving and, if necessary, monitoring,
19 the various devices sought to be installed by telecommunications providers; and to ensure
20 that the City itself has access to telecommunications services which improve public safety,
21 public access to government and the efficient delivery of public information and services.

22 (c) In light of the developments and circum-stances described above, the Board
23 finds it necessary and appropriate to promote the public health, safety and general welfare by
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25

1 creating a Department of ~~*Technology Telecommunications and Information Services*~~ and to create a
2 Telecommunications Commission ~~and to create a Telecommunications Commission.~~

3 SEC. 11.85. DEFINITIONS.

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

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

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

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

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

11 (e) "Commission" means the Telecommunications Commission created by this
12 Article.

13 (f) "Department" means the Department of ~~*Technology Telecommunications and*~~
14 ~~*Information Services*~~ created by this Article.

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

20 SEC. 11.86. ESTABLISHMENT OF DEPARTMENT; POWERS AND DUTIES.

21 (a) There is hereby created a Department of ~~*Technology Telecommunications and*~~
22 ~~*Information Services*~~ within the executive branch which shall consist of a Director and such
23 officers and employees as are authorized pursuant to the budgetary and fiscal provisions of
24 the Charter. The Director shall serve as appointing officer for the Department.

- 1 (b) The Department shall assume responsibility for:
- 2 (1) All functions previously performed by the Department of Electricity and
3 Telecommunications, including all functions assigned by Chapters 22 and 22B of the
4 Administrative Code;
- 5 (2) All functions previously performed by the Information Services Division of the
6 Controller's office;
- 7 (3) Negotiating and recommending to the Board cable television franchises;
- 8 (4) Regulating rates for cable television service, consistent with Applicable Law and
9 subject to approval of the Mayor and the Board of Supervisors;
- 10 (5) Ensuring good customer service by each Cable Service Operator;
- 11 (6) Overseeing the use and operation of the cable television public, educational and
12 governmental access channels;
- 13 (7) Reviewing every 36 months and revising as necessary the Telecommunications
14 Plan adopted by the Board in January 2002. The Telecommunications Plan should propose
15 City policies and procedures to guide the establishment of technologies within the City,
16 facilitate the deployment of new technologies within the City, maximize the availability of
17 telecommunications services to City residents, businesses and departments, preserve City
18 property and resources, and protect the health, safety, and welfare of City residents. Before
19 proposing any revision to the Telecommunications Plan, the Department shall consult with the
20 public, including residents and independent experts. Any revision shall be submitted to the
21 Mayor and the Board for adoption; and
- 22 (8) Providing staff support to the Telecommunications Commission; and
- 23 (9) All additional functions assigned by the Mayor pursuant to Section 4.132 of the
24 Charter.
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1 SEC. 11.88. COMMISSION POWERS AND DUTIES.

2 The Commission's powers and duties shall include:

3 (a) Advising the Director of the Department of *Technology Telecommunications and*
4 *Information Services* in all matters related to the discharge of his or her duties; including, but not
5 limited to, advice regarding the regulation of rates for the basic cable television service tier,
6 customer service by cable television operators, and the use and operation of the cable
7 television public, educational or governmental access channels.

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

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

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24 By: _____
25 WILLIAM K. SANDERS
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