

File No. 140226

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date May 1, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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Completed by: Alisa Miller Date April 25, 2014

Completed by: _____ Date _____

1 [Various Codes - Nonsubstantive Clean-Up Ordinance]

2
3 **Ordinance amending the Administrative, Business and Tax Regulations, Campaign and**
4 **Governmental Conduct, Environment, Health, Municipal Elections, Park, Police, and**
5 **Subdivision Codes to make nonsubstantive changes.**

6
7 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Statement of Purpose. The sole purpose of this ordinance is to make
16 nonsubstantive changes in the Municipal Code. These changes include, among other things,
17 correction of incorrect citations, renumbering and re-lettering certain sections and
18 subsections, correction or deletion of typographical errors, deletion of provisions that have
19 sunset, and inclusion of clarifying language to supply previously omitted headings or
20 references. This ordinance is not intended to effect any change in the meaning of any code
21 provision or otherwise work any substantive change. This ordinance shall be interpreted so
22 as to effectuate the purposes stated in this Section.

23 Section 2. The Administrative Code is hereby amended by revising Section 1.10, to
24 read as follows:
25

1 **SEC. 1.10. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT**
2 **- INSPECTION FEES.**

3 (a) The fees to be charged for inspection and certificates for agricultural products to
4 be shipped, effective January 1, 2013, shall be \$40.00.

5 * * * *

6
7 Section 3. The Administrative Code is hereby amended by revising Section 1.13-5, to
8 read as follows:

9 **SEC. 1.13-5. WEIGHTS AND MEASURES – PERMITS AND FEES.**

10 * * * *

11 **(c) Device Fees.**

12 * * * *

13 (11) For all other commercial weighing or measuring devices not listed above,
14 the device fee shall not exceed twenty dollars (\$20) per device. For purposes of this
15 subsection (c)(~~112~~), the total annual registration fee shall not exceed the sum of one thousand
16 dollars (\$1,000) for each business location.

17 **(d) Business Locations.** For purposes of this Section, a single business location is
18 defined as:

19 (1) each vehicle, except for those vehicles that are employed in vehicle rental
20 transactions, containing one or more commercial devices; or,

21 (2) (A) for vehicles that are employed in vehicle rental transactions that are
22 not subject to Cal. Civil Code Section 1936, each business location at which vehicles are
23 stored or maintained by a vehicle rental company for the purposes of renting vehicles to
24 customers.

1 (B) A facility that meets all of the following criteria shall not be
2 considered a business location for the purposes of this paragraph:

3 (i) The facility is not wholly, or in any part, owned, leased or
4 operated by the vehicle rental company.

5 (ii) The facility is not operated or staffed by an employee of the
6 vehicle rental company.

7 * * * *

8
9 Section 4. The Administrative Code is hereby amended by revising Section 2.6-4, to
10 read as follows:

11 **SEC. 2.6-4. DISCLOSURE OF FELONY CONVICTIONS.**

12 Any person applying to the Board of Supervisors for appointment to a board,
13 commission, committee, task force, or other body, shall submit, in addition to any other
14 information required as part of the application process, a written statement under penalty of
15 perjury disclosing any felony convictions.

16 These requirements shall not apply to mayoral nominations to boards and
17 commissions submitted to the Board of Supervisors pursuant to Charter Section 3.100(~~1615~~).

18
19 Section 5. The Administrative Code is hereby amended by revising Section 2.30-1, to
20 read as follows:

21 **SEC. 2.30-1. PROPOSAL TO BE SUBMITTED TO THE CAPITAL ~~IMPROVEMENT~~**
22 **~~ADVISORY~~ PLANNING COMMITTEE; REPORT THEREFROM.**

23 Any department of the City seeking to incur general obligation indebtedness on
24 behalf of the City shall submit a proposal meeting the requirements of Section 3.221 of this
25 Code to the Capital ~~Planning Improvement Advisory~~ Committee ("~~CIAC~~") not less than 188 days

1 before the election at which such proposal is to be acted upon by the voters. The Board shall
2 not place any proposal on the ballot until the CIAC Capital Planning Committee has completed
3 its review of the proposal and submitted its recommendation to the Board in accordance with
4 Sections 3.21 ~~and 3.22~~ of this Code.

5
6 Section 6. The Administrative Code is hereby amended by revising Section 2A.52, to
7 read as follows:

8 **SEC. 2A.52. CAPITAL ~~IMPROVEMENT ADVISORY~~PLANNING COMMITTEE –**
9 **GENERAL PLAN REFERRALS.**

10 The Capital ~~Improvement Advisory~~Planning Committee cannot act upon the annual
11 capital expenditure plan, six-year capital improvement program, a capital improvement project
12 or a long-term financing proposal such as, but not limited to, general obligation or revenue
13 bonds or nonprofit corporation proposals until a General Plan referral report has been
14 rendered by the Planning Department regarding conformity of the project with the General
15 Plan. In order to complete the General Plan referral report in a timely fashion, early
16 involvement of the Planning Department in the planning process is advised. The Planning
17 Department is available to prepare a policy analysis report. This report will provide policy
18 guidance for the planning and decision-making of the proposal and its alternatives.

19 If the Planning Department fails to render a General Plan referral report within 45
20 days after receipt of such referral, unless a longer time has been granted by the Board of
21 Supervisors, said capital improvement plan shall be deemed to be in conformity with the
22 General Plan. Procedures for General Plan referrals as set forth in Section 2A.53 of this Code
23 shall be applicable.

24 Further, to facilitate rational prioritization of capital improvement projects over a six-
25 year time period and within the resource and debt capacity, the Planning Department shall

1 assist in developing a strategic plan for capital expenditures for use of the Capital *Improvement*
2 *Advisory Planning* Committee and the Board of Supervisors.

3
4 Section 7. The Administrative Code is hereby amended by renumbering Section
5 2A.90, to read as follows:

6 **SEC. 2A.9086. BOUNDARIES OF POLICE DEPARTMENT DISTRICT STATIONS.**

7 * * * *

8
9 Section 8. The Administrative Code is hereby amended by revising Section 5.250-2(i),
10 to read as follows:

11 **SEC. 5.250-2. POWERS AND DUTIES.**

12 The Commission shall have the following powers and duties:

13 * * * *

14 (i) Share information and work in collaboration with the Reentry Council, established
15 pursuant to ~~the~~ San Francisco Administrative Code *Section 5.1-1, et seq.*, and the Community
16 Corrections Partnership, as established by the California Penal Code.

17 * * * *

18
19 Section 9. The Administrative Code is hereby amended by revising Section 6.61, to
20 read as follows:

21 **SEC. 6.61. DESIGN-BUILD.**

22 The department heads authorized to execute contracts for public work projects are
23 authorized to seek proposals from qualified private entities ("design-builders") for design-build
24 construction and/or financing of public work projects under the following conditions:
25

1 (A) Before the request for qualifications is issued, the department head shall
2 determine that a design-build program is necessary or appropriate to achieve anticipated cost
3 savings or time efficiencies, or both, and that such a process is in the public's best interest.

4 (B) If the proposed public work project is for the use or benefit of a department that
5 is under the jurisdiction of a commission, then such commission shall first approve the
6 solicitation of design-build and/or finance proposals. If the public work project is not for the
7 use or benefit of a department under the jurisdiction of a commission, then the City
8 Administrator must first approve this process.

9 (C) **Pre-Qualification.** Department heads shall require that prospective design-
10 builders be pre-qualified to submit proposals on a specific project. The procedure for pre-
11 qualification is as follows:

12 (1) The department head shall issue a request for qualifications inviting interested
13 parties to submit their qualifications to perform the project. The request for qualifications shall
14 include criteria by which the prospective design-builders will be evaluated during the
15 qualification process. The evaluation criteria shall be based on qualifications and experience
16 relevant to the services needed for the project, including: (i) qualifications to design-build the
17 proposed project; (ii) evidence of financial capacity; (iii) experience on similar projects; (iv)
18 commitment to comply with the goals and requirements of Administrative Code Chapters 12
19 and 14; (v) ability to collaboratively and cooperatively deliver projects on time and on budget;
20 (vi) liquidated damages for delay and other damages paid on prior projects, and prior litigation
21 history; (vii) reputation with owners of prior projects; (viii) claims history with insurance carriers
22 and sureties; and (ix) compliance with all of the requirements established in the request for
23 qualifications and other criteria that the department head may deem appropriate. The
24 department head shall set objective scoring criteria and incorporate the criteria into any
25 scoring procedure.

1 (2) The department head shall designate a panel to review pre-qualification
2 responses and interview and rate respondents with respect to the request for qualifications.
3 Only those respondents found to be qualified will be eligible to submit proposals. The list of
4 pre-qualified respondents shall be valid for not more than two years following the date of initial
5 pre-qualification.

6 (3) The department head may establish a pre-qualification selection process
7 whereby the panel ranks respondents and recommends a shortlist of no fewer than three (3)
8 pre-qualified respondents. The department head may restrict bidding to short-listed
9 respondents. The shortlist of pre-qualified respondents shall be valid for not more than two
10 years following the date of initial pre-qualification.

11 (D-) **Request for Proposals.** The department head shall issue a request for
12 proposals inviting pre-qualified design-builders to submit proposals for the project. The
13 request for proposals shall include a criteria package describing preliminary design criteria
14 and performance criteria for the project, as well as any other information deemed necessary
15 to describe adequately the City's needs for the project.

16 (E-) **Final Selection Process.** The department head may recommend the
17 award of a contract to the responsible bidder submitting the lowest responsive bid. If the
18 award to that bidder is not made for any reason, the department head may recommend the
19 award of a contract to the responsible bidder submitting the next lowest responsive bid, and
20 so forth. The department head may, at his or her sole discretion, conduct any negotiations
21 that are necessary to effectuate the award of a contract.

22 (F-) **Alternative Final Selection Process.** If the project seeks private financing
23 proposals and/or the department head determines that it is in the public's best interest to
24 consider qualifications and/or other subjective criteria (e.g., quality of design proposal) as part
25 of the final selection process, the department head shall issue a request for proposals inviting

1 pre-qualified design-builders to submit design-build proposals, which will be evaluated based
2 upon qualifications and project and/or financing costs.

3 (1) The department head may request design-builders to create partial designs,
4 which will be evaluated as part of the final selection process. The department head may offer
5 a reasonable stipend to short-listed design-builders to create partial designs. The receipt of a
6 stipend shall be contingent upon a design-builder's proposal being responsive to the request
7 for proposals.

8 (2) The department head may require short-listed design-builders who are
9 creating partial designs to participate in one or more confidential review meetings with City
10 representatives and/or selection panel members during the proposal preparation period. The
11 purpose of the review meetings will be to ensure that each design-builder's partial design is
12 proceeding in a manner that is consistent with the requirements of the City as set forth in the
13 criteria package. Discussions during review meetings shall be limited to objective elements of
14 the criteria package.

15 (3) Design-builders submitting private financing proposals shall provide evidence
16 of the commitment of funds necessary to privately finance the proposed projects to
17 completion.

18 (4) The department head shall designate a panel to evaluate design-build
19 proposals and rank the proposals to determine which provides the overall best value to the
20 City and County in regard to the following criteria: (~~1i~~) plan for expediency in completing the
21 proposed project; (~~2ii~~) lifecycle cost to the City and County; (~~3iii~~) qualifications to finance the
22 proposed project; (~~4iv~~) quality of design proposal; (~~5v~~) compliance with the goals set by the
23 Human Rights Commission and requirements of the Administrative Code Chapters 12 and 14;
24 (~~6vi~~) commitment to meet the City hiring goals (e.g., CityBuild or First Source Hiring); (~~7vii~~) if
25 private financing is sought, commitment of funds, cost of funds and terms to the City; and

1 (8viii) compliance with all the requirements and criteria established by the Department head in
2 the request for proposals. The cost criterion shall constitute not less than sixty-five percent
3 (65%) of the overall evaluation.

4 (G) Subject to paragraph (K) below, the department head may recommend the
5 award of a contract to the highest-ranked design-builder. If the award to the highest-ranked
6 design-builder is not made for any reason, the department head may recommend the award
7 of a contract to the next highest-ranked design-builder, and so forth. The department head
8 may, at his or her sole discretion, conduct any negotiations that are necessary to effectuate
9 the award of a contract.

10 (H) The City shall retain the absolute discretion to determine, at any time during the
11 process, not to proceed with any proposed project, which right may be exercised without
12 liability to design-builders for costs incurred during the entire pre-qualification, proposal and
13 negotiation process, and such rights shall be reserved in all requests for qualifications and
14 proposals.

15 (I) The competitive bid requirements of this Chapter shall not apply to the selection
16 of design-builders under this Section 6.61.

17 (J) Design-builders shall comply with all applicable requirements set forth in San
18 Francisco Administrative Code Chapters 12 and 14.

19 (K) All final contracts for a public work project that involve a design-build and/or
20 finance program shall be subject to the award provisions of Article I of this Chapter. If the
21 proposed contract involves a financing program, the Capital ~~Improvement Advisory~~ Planning
22 Committee must review and report on the proposed project before the board, commission,
23 Mayor or his/her designee takes any action with respect to award of the contract.
24
25

1 (L) **Procurement of Trade Subcontractors.** Department heads may require the
2 selected design-builder to procure trade work contracts through a pre-qualification and
3 competitive bid process, as follows:

4 (1) **Pre-qualification.** The department head shall require the design-builder to
5 pre-qualify all trade subcontractors, subject to the approval of the department head. The
6 design-builder shall attempt to establish a pool of no fewer than three pre-qualified
7 subcontractors for each trade package, subject to the approval of the department head.

8 (2) **Competitive Bid.** The department head shall require the design-builder to
9 receive sealed bids from the pre-qualified trade subcontractors. The bid security provisions of
10 Section 6.21 will not apply. The design-builder shall award a trade package subcontract to the
11 responsible bidder submitting the lowest responsive bid, except that the design-builder may
12 negotiate and award a portion of the trade package subcontracts as provided in paragraph
13 (3), below. Only those Administrative Code provisions that normally apply to subcontracts will
14 apply to the trade package subcontracts.

15 (3) The department head may authorize the design-builder to negotiate
16 subcontracts for trade work as appropriate for the project, up to an amount not exceeding
17 seven and one-half percent of the total estimated subcontract costs. The department head
18 shall establish a maximum dollar value for each negotiated trade subcontract as appropriate
19 for the project.

20 (M) All actions heretofore taken by a department head consistent with the provisions
21 of this section are hereby approved.

22 (N) All design-build projects that are substantially underway as of the effective date
23 of this Subsection 6.61(N) that do not comply with the mandatory pre-qualification
24 requirements of Subsection 6.61(C) are hereby approved, provided that the applicable
25 department heads shall only consider proposals from qualified design-builders.

1 Section 10. The Administrative Code is hereby amended by revising Section 10.100-
2 47, to read as follows:

3 **SEC. 10.100-47. CITY ADMINISTRATOR CONVENTION FACILITIES FUND.**

4 (a) Establishment of Fund. The ~~Administrative Services~~City Administrator Convention
5 Facilities Fund is established as a category four fund for the purposes of receiving all monies
6 appropriated or received for the support of the City's convention facilities, and revenues
7 accruing from the use of Moscone Center, Brooks Hall and Civic Auditorium.

8 * * * *

9
10 Section 11. The Administrative Code is hereby amended by revising Section 12R.17,
11 to read as follows:

12 **SEC. 12R.17. VIOLATIONS.**

13 (a) Separate and Continuing Violations; Penalties Paid Do Not Cure Violations. Each
14 and every day that a violation exists constitutes a separate and distinct offense. Each section
15 violated constitutes a separate violation for any day at issue. If the person or persons
16 responsible for a violation fail to correct the violation within the time period specified on the
17 citation and required under Section 12R.18, the Director of the Office of Labor Standards
18 Enforcement may issue subsequent administrative citations for the uncorrected violation(s)
19 without issuing a new notice as ~~otherwise required by~~provided in Section 12R.18~~(a)(b)~~. Payment
20 of the penalty shall not excuse the failure to correct the violation nor shall it bar any further
21 enforcement action by the City. If penalties and costs are the subject of administrative appeal
22 or judicial review, then the accrual of such penalties and costs shall be stayed until the
23 determination of such appeal or review is final.

24 * * * *

1 (d) Liens. The City may create and impose liens against any property owned or
2 operated by a person who fails to pay a penalty assessed by administrative citation. The
3 procedures provided for in Chapter ~~XX10~~, of ~~Chapter 10~~ Article XX of the *San Francisco*
4 Administrative Code shall govern the imposition and collection of such liens.

5 * * * *

6
7 Section 12. The Administrative Code is hereby amended by revising Section 16.202,
8 to read as follows:

9 **SEC. 16.202. DEFINITIONS.**

10 Unless the context requires otherwise, the words and phrases set forth in Sections
11 16.202.1 through 16.202.~~1715~~, inclusive, shall have the meanings respectively ascribed to
12 them in said sections.

13
14 Section 13. The Administrative Code is hereby amended by revising Section 18.13-1,
15 to read as follows:

16 **SEC. 18.13-1. MAXIMUM PERMISSIBLE OVERTIME.**

17 * * * *

18 (f) At such time as the Controller submits to the Board of Supervisors six and nine
19 month standard financial reports and, if performed, three month reports, the Controller shall
20 include budgeted overtime versus actual overtime projections in such reports. These reports
21 shall also describe the extent to which each department has complied with the requirements
22 of this section. The Controller, in consultation with the Director of Human Resources and the
23 Director of Transportation, shall also submit an annual overtime report to the Board of
24 Supervisors. The annual overtime report shall include budgeted and actual overtime by
25 department, the number of exemptions granted by the Directors of the Human Resources

1 Department and the Municipal Transportation Agency and an aggregate analysis of the
2 justifications for these exemptions, the identification of critical staffing shortages, improved
3 management practices, and other recommendations to reduce overtime spending.

4 (g) A hearing on the reports described in subsection (f) shall be calendared as a
5 standing agenda item of the Budget and Finance Committee or another fiscal committee of
6 the Board of Supervisors as determined by the President of the Board of Supervisors.

7 (h) If the reports described in subsection (e) identify any departments out of
8 compliance with this section, then a hearing on each such department's noncompliance will
9 be calendared as an agenda item of the Budget and Finance Committee or another fiscal
10 committee of the Board of Supervisors as determined by the President of the Board of
11 Supervisors, at which hearing each Appointing Officer or designee for such department will
12 report his or her department's plan for coming into compliance with this section.

13 * * * *

14
15 Section 14. The Administrative Code is hereby amended by revising Section 21C.2, to
16 read as follows:

17 **SEC. 21C.2. PREVAILING RATE OF WAGES REQUIRED IN CONTRACTS FOR**
18 **JANITORIAL SERVICES; NON-PROFIT ORGANIZATIONS EXCLUSION.**

19 (a) Prevailing Wage Requirement. Every Contract issued by the City and County of
20 San Francisco for Janitorial Services to be performed at any facility owned or leased by the
21 City and County of San Francisco, where such work is to be done directly under the contract
22 awarded (a "prime contract") must require that any Individual performing Janitorial Services
23 thereunder be paid not less than the Prevailing Rate of Wages, including fringe benefits or the
24 matching equivalents thereof, paid in private employment for similar work in the area in which
25 the Contract is being performed, as determined by the Civil Service Commission. This Section

1 does not extend to contracts beyond those entered into by the City specifically for janitorial
2 services on property owned or leased by the City.

3 (~~ab~~) Exclusion. This Section shall not apply to a Contract for Janitorial Services with a
4 non-profit organization to provide work experience for persons with disabilities.

5 (~~bc~~) Definitions. For purposes of this Section, the following definitions shall apply to the
6 terms used herein:

7 (~~1~~) "Contract" shall mean an agreement for Janitorial Services to be performed
8 at the expense of the City and County of San Francisco or to be paid out of moneys deposited
9 in the treasury or out of trust moneys under the control or collected by the City and County of
10 San Francisco, and does not include contracts for the sale of goods, contracts issued by the
11 San Francisco Airport Commission or to be performed at any facility owned, leased or
12 otherwise under the jurisdiction of the San Francisco Airport Commission, agreements
13 entered into before the effective date of this Section, or contracts for a cumulative amount of
14 \$10,000 or less per janitorial service provider in each fiscal year.

15 (~~2~~) "Janitorial Services" shall mean maintenance and cleaning services on
16 property owned or leased by the City and County of San Francisco.

17 (~~3~~) "Prevailing Rate of Wages" shall mean that rate of compensation as
18 determined under Section 21C.7.

19 (~~ed~~) Preemption. Nothing in this Section shall be interpreted or applied so as to create
20 any power or duty in conflict with any federal or state law.

21 (~~de~~) Effective Date and Application. This Section shall become effective 30 days after
22 it is enacted, is intended to have prospective effect only, and shall not be interpreted to impair
23 the obligations of any pre-existing agreement to which the City is a party, unless such pre-
24 existing agreement has been amended after the effective date of this Section.
25

1 (ef) Severability. If any part or provision of this Section, or the application thereof to
2 any Person or circumstance, is held invalid, the remainder of this Section, including the
3 application of such part or provisions to other Persons or circumstances, shall not be affected
4 thereby and shall continue in full force and effect. To this end, the provisions of this Section
5 are severable.
6

7 Section 15. The Administrative Code is hereby amended by revising Section 21C.3, to
8 read as follows:

9 **SEC. 21C.3. PREVAILING RATE OF WAGES AND DISPLACED WORK**
10 **PROTECTION REQUIRED FOR WORKERS IN PUBLIC OFF-STREET PARKING LOTS,**
11 **GARAGES, OR STORAGE FACILITIES FOR AUTOMOBILES.**

12 * * * *

13 (b) Definitions. For purposes of this Section, the following definitions shall apply to the
14 terms used herein:

15 (21) "Lease, Management Agreement, or Other Contractual Arrangement" shall
16 mean an agreement with the City and County of San Francisco for the operation of a public
17 off-street parking lot, garage, or storage facility for automobiles on property owned or leased
18 by the City and County of San Francisco.

19 (32) "Prevailing Rate of Wages" shall mean that rate of compensation as
20 determined in Section 21C.7.

21 (43) "Public Off-Street Parking Lot, Garage, or Automobile Storage Facility"
22 shall mean any off-street parking lot, garage, or automobile storage facility that is operated on
23 property owned or leased by the City and County of San Francisco.

24 * * * *

1 Section 16. The Administrative Code is hereby amended by revising Sections 22D.2
2 and 22D.3, to read as follows:

3 **SEC. 22D.2. CHIEF DATA OFFICER AND CITY DEPARTMENTS.**

4 * * * *

5 (*b*c) **City Departments.** Each City department, board, commission, and agency
6 ("Department") shall:

7 (1) Make reasonable efforts to make publicly available all data sets under the
8 Department's control, provided however, that such disclosure shall be consistent with the
9 rules and technical standards drafted by the CDO and adopted by COIT and with applicable
10 law, including laws related to privacy;

11 (2) Review department data sets for potential inclusion on DataSF and ensure
12 they comply with the rules and technical standards adopted by COIT;

13 (3) Designate a Data Coordinator (DC) no later than three months after the
14 effective date of Ordinance No. 285-13, who will oversee implementation and compliance with
15 the Open Data Policy within his/her respective department. Each DC shall work with the CDO
16 to implement the City's open data policies and standards. The DC shall prepare an Open Data
17 plan for the Department which shall include:

18 (A) A timeline for the publication of the Department's open data and a
19 summary of open data efforts planned and/or underway in the Department;

20 (B) A summary description of all data sets under the control of each
21 Department (including data contained in already-operating information technology systems);

22 (C) All public data sets proposed for inclusion on DataSF;

23 (D) Quarterly updates of data sets available for publication.

24 (4) The DC 's duties shall include, but are not limited to the following:
25

1 (A) No later than six months after the effective date of Ordinance No.
2 285-13, publish on DataSF, a catalogue of the Department's data that can be made public,
3 including both raw data sets and application programming interfaces ("API's").

4 (B) Appear before COIT and respond to questions regarding the
5 Department's compliance with the City's Open Data policies and standards;

6 (C) Conspicuously display his/her contact information (including name,
7 phone number or email address) on DataSF with his/her department's data sets;

8 (D) Monitor comments and public feedback on the Department's data
9 sets on a timely basis and provide a prompt response;

10 (E) Notify the Department of Technology upon publication of any
11 updates or corrective action;

12 (F) Work with the CDO to provide citizens with secure access to their
13 own private data by outlining the types of relevant information that can be made available to
14 individuals who request such information;

15 (G) Implement the privacy protection guidelines established by the CDO
16 and hold primary responsibility for ensuring that each published data set does not include
17 information that is private, confidential, or proprietary; and

18 (H) Make reasonable efforts to minimize restrictions or license-related
19 barriers on the reuse of published open data.

20 (*ed*) Department of Technology. The Department of Technology (DT) shall provide
21 and manage a single Internet site (web portal) for the City's public data sets
22 (<http://data.sfgov.org> or successor site), called "DataSF." In managing the site, DT shall:

23 (1) Publish data sets with reasonable, user-friendly registration requirements,
24 license requirements, or restrictions that comply with the rules and technical standards drafted
25 by the CDO and adopted by COIT;

1 (2) Provide mechanisms for departments to indicate data sets that have been
2 recently updated;

3 (3) Include an on-line forum to solicit feedback from the public and to
4 encourage public discussion on Open Data policies and public data set availability;

5 (4) Forward open data requests to the assigned DC; and,

6 (5) Take measures to ensure access to public data sets while protecting
7 DataSF from unlawful abuse or attempts to damage or impair use of the website.

8
9 **SEC. 22D.3. STANDARDS AND COMPLIANCE.**

10 * * * *

11 (b) The following Open Data Policy deadlines are measured from effective date of
12 Ordinance No. 285-13:

13 * * * *

14
15 Section 17. The Administrative Code is hereby amended by revising Chapter 43,
16 Article XIII, Sections 43.13.1 through 43.13.8, to read as follows:

17 **SEC. 43.13.1. SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY**
18 **REVENUE BOND LAW.**

19 This Article shall be known as the San Francisco Municipal Transportation Agency
20 Revenue Bond Law.

21
22 **SEC. 43.13.2. DEFINITIONS.**

23 For purposes of this Article, the following terms shall have the meanings given below:

24 ~~—(a)—~~ *The term* "Board" shall mean the Board of Supervisors of the City.

25 ~~—(b)—~~ *The term* "Board of Directors" shall mean the Board of Directors of the SFMTA.

1 ~~(c)~~ *The term* "Charter" shall mean the Charter of the City.

2 ~~(d)~~ *The term* "City" shall mean the City and County of San Francisco.

3 ~~(e)~~ *The term* "Director of Transportation" shall mean the Director of Transportation
4 of the SFMTA, or his/her designee, or any successor to that Office.

5 ~~(f)~~ *The term* "SFMTA" shall mean the San Francisco Municipal Transportation
6 Agency of the City.

7
8 **SEC. 43.13.3. NATURE OF AUTHORITY PROVIDED IN ARTICLE.**

9 The general authority provided in this Article is intended to be in addition to, and not
10 limited by, specific provisions authorizing the issuance of bonds, notes or other evidences of
11 indebtedness and is separate and complete authority for the actions authorized in this Article.
12

13 **SEC. 43.13.4. ISSUANCE; INTEREST; SALE.**

14 (a) Subject to the approval, amendment or rejection of the Board in each instance,
15 the Board of Directors shall have authority to issue revenue bonds for any SFMTA-related
16 purpose, including but not limited to new capital improvements and refundings (including the
17 refunding of bonds issued by The Parking Authority of the City and County of San Francisco
18 or nonprofit corporations), and secured solely by revenues available to the SFMTA and
19 pledged by the SFMTA to such bonds, under such terms and conditions as the Board of
20 Directors may authorize by resolution. Refunding revenue bonds may be issued to further any
21 SFMTA purpose, including but not limited to the refunding of obligations issued or entered into
22 by corporations or The Parking Authority of the City and County of San Francisco to finance
23 parking garages, and the Board of Directors may by resolution approve such refundings
24 based on parameters for debt service savings or other benefits from such refundings
25 (notwithstanding any other savings test in this Article ~~43~~ or in any other law).

1 (b) Revenue bonds issued pursuant to this Article shall bear a rate of interest not to
2 exceed the maximum legal rate of interest and shall be prescribed by resolution of the Board
3 of Directors.

4 (c) Revenue bonds issued pursuant to this Article may be sold at either competitive
5 or negotiated sale as the Board of Directors may determine by resolution and such
6 determination may be delegated by the Board of Directors to the Director of Transportation.

7 (d) In connection with the issuance of any revenue bonds issued pursuant to this
8 Article, the Board of Directors may enter into credit enhancement or liquidity agreements.

9 (e) In connection with the issuance of any revenue bonds pursuant to this Article, the
10 Board of Directors may appoint such agents and other professionals as necessary or
11 desirable.

12
13 **SEC. 43.13.5. SECURITY; NATURE OF OBLIGATION.**

14 (a) Revenue bonds issued pursuant to this Article may be secured by the gross
15 revenues (including parking garage and parking meter revenues and excluding general fund
16 transfers and including or excluding any other portion of the revenues as may be particularly
17 described in the related documents) of the SFMTA, in each case as provided in the
18 documentation for such revenue bonds. Revenue bonds issued pursuant to this Article shall
19 be special obligations of the SFMTA, payable as to principal and interest solely out of
20 revenues of the SFMTA expressly pledged therefor. The general fund of the City shall not be
21 liable for the payment of such revenue bonds, and neither the credit nor taxing power of the
22 City, the State of California or any political subdivision thereof shall be pledged to the payment
23 of the principal of or interest on the revenue bonds. No holder of a revenue bond shall have
24 the right to compel the exercise of the taxing power of the City, the State of California or any
25 political subdivision thereof to pay the revenue bonds or the interest thereon.

1 (b) Revenue bonds issued pursuant to this Article shall not be included in the
2 bonded debt limit provided for in Section 9.106 of the Charter. Nothing in this Article shall
3 prevent the City from issuing general obligation bonds for the purpose of acquiring,
4 constructing, improving or developing transit, transportation and/or related facilities, subject to
5 the general obligation bond issue procedure provided for in the Charter.

6 (c) Notwithstanding anything to the contrary in this ~~Article XIII~~, Chapter ~~43~~, the
7 requirements and limitations set forth in Sections 9.107, 9.108 and 9.109 of the Charter shall
8 in no way limit the authority of the SFMTA to issue revenue bonds or refunding revenue
9 bonds.

10 (d) The Board of Directors may by resolution authorize the issuance of bonds,
11 certificates of participation or other types of debt obligations to refund any bond issued or
12 permitted to be refunded pursuant to the provisions of this Article ~~VIII~~. Said resolution shall
13 set forth the benefits and the purpose for the issuance of such refunding obligations.

14 (e) In addition to revenue bonds as described herein, the Board of Directors by
15 resolution may determine to issue revenue bonds, special facility revenue bonds, notes or
16 commercial paper, and related credit enhancement or liquidity facilities, secured by a parity or
17 subordinate lien on all or a portion of the revenues of the SFMTA, in each case as provided in
18 the related documents for such obligation. The authorization and issuance of such obligations
19 shall be entitled to the same rights and benefits, and shall be subject to the same parameters
20 and procedures, as are set forth herein for revenue bonds.

21
22 **SEC. 43.13.6. ACTIONS CONCERNING VALIDITY OF BONDS.**

23 (a) Any action by the Board of Directors or the City to determine, or any action by an
24 interested person challenging, the validity of the SFMTA's revenue bonds shall be brought
25

1 pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the California
2 Code of Civil Procedure.

3 (b) For the purposes of Section 860 of the Code of Civil Procedure, any action
4 initiated pursuant to this section shall be brought in the Superior Court of the City and County
5 of San Francisco.

6
7 **SEC. 43.13.7. POWERS CONFERRED BY ARTICLE ARE SUPPLEMENTAL.**

8 The powers conferred by the provisions of this Article are in addition to and
9 supplemental to the powers conferred by the Charter or any other ordinance or law.

10
11 **SEC. 43.13.8. AUTHORIZATION OF OFFICIALS.**

12 The Mayor, the Director of Transportation, the City Attorney, the Controller ~~of the City~~,
13 the Treasurer ~~of the City~~, the City Administrator, the Clerk of the Board and other officers of the
14 City and their duly authorized deputies and agents are hereby authorized and directed, jointly
15 and severally, to take such actions and to execute and deliver such certificates, agreements,
16 requests or other documents, as they may deem necessary or desirable to facilitate the
17 purposes of this ~~Section XIII of Chapter 43~~ Article.

18
19 Section 18. The Administrative Code is hereby amended by revising Section 68.3, to
20 read as follows:

21 **SEC. 68.3. ESTABLISHMENT OF CULTURAL EQUITY ENDOWMENT FUND.**

22 There is hereby established a Cultural Equity Endowment Fund.

23 (a) Any unexpended balances remaining in the allocation to the Fund at the close of
24 any fiscal year shall be deemed to be provided for a specific purpose within the meaning of
25

1 Charter Section 9.113, shall earn interest on these balances, and shall be carried forward and
2 accumulated in the Fund for the purposes set forth in this Chapter 68.

3
4 Section 19. The Administrative Code is hereby amended by revising Sections 79A.5
5 and 79A.6, to read as follows:

6 **SEC. 79A.5. WEBSITE NOTICE.**

7 Each *city City* officer, department, board or commission shall post on its official website
8 and maintain an updated list of all Proposed Projects. At a minimum, the list shall contain a
9 description and the property address of each Proposed Project. The officer, department,
10 board or commission shall add a Proposed Project to the list at the earliest time when the
11 following events may occur:

12 (1) either the private sponsor of the Proposed Project or the *city City* officer,
13 department, board or commission that is considering funding directly or administering the
14 Proposed Project submits an application for environmental review for the Proposed Project to
15 the Planning Department; or

16 (2) the *city City* officer, department, board or commission decides to fund a pre-
17 development study for the Proposed Project; or

18 (3) a project has applied to the Mayor's Office of Housing or other City department
19 for funding in response to a Notice of Funding Availability.

20
21 **SEC. 79A.6. WRITTEN NOTICE.**

22 A *city City* officer, department, board or commission shall promptly provide notice of
23 any action on a Proposed Project that is posted on a *city City* website as provided in Section
24 ~~79.5AA.5~~ to any individual or neighborhood organization that has indicated in writing or by e-
25 mail, an interest in a specific property or geographic area. Such notice may be given either by

1 mail or electronically if the individual or neighborhood organization has provided electronic
2 contact information. The notice shall be provided at least 30 days prior to the date of any
3 public hearing or action on the Proposed Project, or within five days after receipt of the
4 request if the request is made less than 30 days prior to the hearing.

5
6 Section 20. The Administrative Code is hereby amended by revising Section 93.5, to
7 read as follows:

8 **SEC. 93.5. ENFORCEMENT.**

9 (a) The City Attorney may enforce the provisions of this Chapter through a civil
10 action in any court of competent jurisdiction. Before filing an action under this Chapter, the
11 City Attorney shall give written notice of the violation to the limited services pregnancy center.
12 The written notice shall indicate that the limited services pregnancy center has ten (10) days
13 in which to cure the false, misleading, or deceptive advertising. If the limited services
14 pregnancy center has not responded to the written notice within ten (10) days, or refuses to
15 cure the false, misleading, or deceptive advertising within that period, the City Attorney may
16 file a civil action.

17 (b) The City Attorney may apply to any court of competent jurisdiction for injunctive
18 relief compelling compliance with any provision of this Chapter and correcting the effects of
19 the false, misleading, or deceptive advertising. Such an injunction may require a limited
20 services pregnancy center to:

21 (1) Pay for and disseminate appropriate corrective advertising in the same
22 form as the false, misleading, or deceptive advertising.

23 (2) Post a notice on its premises, in a location clearly noticeable from the
24 waiting area, examination area, or both, stating:
25

1 (A) Whether there is a licensed medical doctor, registered nurse, or
2 other licensed medical practitioner on staff at the center; and

3 (B) Whether abortion, emergency contraception, or referrals for
4 abortion or emergency contraception are available at the center.

5 (3) Such other narrowly tailored relief as the court deems necessary to
6 remedy the adverse effects of the false, misleading, or deceptive advertising on women
7 seeking pregnancy-related services.

8 (c) Upon a finding by a court of competent jurisdiction that a limited services
9 pregnancy center has violated Section 93.4 of this Chapter, the City shall be entitled to
10 recover civil penalties from each and every party responsible for the violation of not less than
11 fifty dollars (\$50) and not more than five hundred dollars (\$500) per violation. In addition, if
12 the City prevails it shall be entitled to reasonable attorney's fees and costs pursuant to order
13 of the court.

14 (*ed*) Nothing in this Chapter shall be interpreted as restricting or otherwise limiting the
15 enforcement authority that state law or the Charter or Municipal Code vest in the City, its
16 agencies, officers or employees or any state agency.

17 (*fe*) Nothing in this Chapter shall be interpreted as creating a right of action for any
18 party other than the City.

19 (*gt*) Nothing in this Chapter shall be interpreted as restricting, precluding or otherwise
20 limiting a separate or concurrent criminal prosecution under the Municipal Code or state law.
21 Jeopardy shall not attach as a result of any court action to enforce the provisions of this
22 Chapter.

23
24 Section 21. The Business and Tax Regulations Code is hereby amended by revising
25 Section 906.1, to read as follows:

1 **SEC. 906.1. BIOTECHNOLOGY EXCLUSION.**

2 * * * *

3 ~~[(i) Reserved.]~~

4 (ji) The Tax Collector shall submit an annual report to the Board of Supervisors for
5 each year for which the biotechnology exclusion authorized under this Section is available that
6 sets forth aggregate information on the dollar value of the biotechnology exclusions taken
7 each year, the number of businesses taking the exclusion, the change in the number of
8 biotechnology businesses engaging in business in the City, and any increase or decrease in
9 the number of jobs in the biotechnology business sector compared to the number of jobs in
10 the biotechnology business sector for the immediately preceding calendar year.

11 (ki) The Assessor-Recorder and the Tax Collector shall jointly prepare and submit
12 an annual report to the Board of Supervisors for each year for which the biotechnology
13 exclusion authorized under this Section is available that sets forth any increases in property
14 taxes resulting from biotechnology businesses location, relocation or expansion to or within
15 the City.

16 (lk) The Mayor's Office of Economic Development shall coordinate community
17 educational workshops on the biotechnology industry.

18 (ml) The Controller, after five years from the enactment of this Ordinance, shall
19 perform an assessment and review of the effect of the biotechnology tax exclusion. Based on
20 such assessment and review the Controller shall prepare and submit an analysis to the Board
21 of Supervisors. The analysis shall be based on criteria deemed relevant by the Controller,
22 and may include but is not limited to, data contained in the annual reports to the Board of
23 Supervisors as required by subsections (ij) and (aj) of ~~Section 1~~this Section.

1 Section 22. The Business and Tax Regulations Code is hereby amended by revising
2 Section 906.2, to read as follows:

3 **SEC. 906.2. CLEAN TECHNOLOGY BUSINESS EXCLUSION.**

4 * * * *

5 (h) The effective date of this Section 906.2 shall be January 1, 2006 except that the
6 amendments to Section 906.2 made by Ordinance ~~08-313-08~~ do not apply to tax years
7 beginning before January 1, 2009.

8 * * * *

9
10 Section 23. The Business and Tax Regulations Code is hereby amended by revising
11 Section 906.3-1, to read as follows:

12 **SEC. 906.3-1. CENTRAL MARKET STREET AND TENDERLOIN AREA CITIZEN'S**
13 **ADVISORY COMMITTEE.**

14 * * * *

15 (c) Duties of the Citizen's Advisory Committee may include:

16 (1) Advise the City Administrator of community issues in order to better align
17 the Community Benefit Agreements called for under the Central Market Street and Tenderloin
18 Area Payroll Expense Tax Exclusion *in Section 906.3 of this Code*, with the community needs.

19 * * * *

20
21 Section 24. The Campaign and Governmental Conduct Code is hereby amended by
22 revising Section 3.301, to read as follows:

23 **SEC. 3.301. MEETINGS TO BE TELEVISED.**

24 The Ethics Commission shall televise its regular and special meetings on San
25 Francisco Government Television (SFGovTV). The Ethics Commission shall not be required

1 to televise the portions of its meetings that are held in closed session or otherwise required to
2 be confidential.

3
4 Section 25. The Environment Code is hereby amended by revising Section 402, to
5 read as follows:

6 **SEC. 402. TENANT BICYCLE PARKING IN EXISTING COMMERCIAL BUILDINGS.**

7 * * * *

8 (b) Bicycle Access to Commercial Buildings.

9 (1) Applicability. Beginning January 1, 2012, or 30 days after the effective date of
10 this Section, whichever is later, an owner, lessee, manager, or other person who controls a
11 building within the scope of Section 402 shall allow tenants to bring bicycles into the subject
12 building.

13 (2) Request for Limited Access. The owner, lessee, manager, or other person who
14 controls a building within the scope of Section 402 who wishes to prescribe specific details
15 and limitations on bicycle access to the subject building shall complete a Bicycle Access Plan
16 in accordance with subsection (b)(3) below.

17 (3) Bicycle Access Plan.

18 (A) Completion of Plan. The Bicycle Access Plan ("Plan") shall be in writing on a
19 form provided by the Department of the Environment. Bicycle access shall be granted to the
20 requesting tenant ~~or~~ and its employees in accordance with the Plan.

21 (B) Plan Information. The Plan shall include:

- 22 (i) the location of entrances;
- 23 (ii) route to elevators and/or stairs that accommodate bicycle access;
- 24 (iii) the route to a designated area for bicycle parking on an accessible level if
25 such bicycle parking is made available; and

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(iv) such other information as the Department of the Environment may require.

The Plan shall provide that bicycle access is available, at a minimum, during the regular operating hours of the subject building.

(C) Plan Amendment. The Plan may be amended from time to time to accommodate requests from other tenants ~~or~~ to provide bicycle access under this Section 402.

(4) Exception.

(A) Application. The owner, lessee, manager, or other person who controls a building may apply to the Director of the Department of the Environment for an exception if:

(i) the building's elevators are not available for bicycle access because unique circumstances exist involving substantial safety risks directly related to the use of such elevator; or

(ii) there is alternate covered off-street parking or alternate indoor no-cost bicycle parking that meets the layout and security requirements for Class 1 and Class 2 bicycle parking spaces as established by Planning Code Sections 155.1 and 155.2 and is available on the premises or within three blocks or 750 feet, whichever is less, of the subject building sufficient to accommodate all tenants ~~or~~ of the building requesting bicycle access.

* * * *

(6) Space for Bicycles. Nothing in this Section 402 shall be construed to require an owner, lessee, manager, or other person who is in control of a building within the scope of this Section 402 to provide space outside the tenant's leased space for bicycles brought into such building.

* * * *

1 Section 26. The Environment Code is hereby amended by revising Section 427, to
2 read as follows:

3 **SEC. 427. COMMUTER BENEFITS PROGRAM.**

4 * * * *

5 (c) **Administration and Enforcement.**

6 * * * *

7 (4) The Director of the Department of the Environment, or his or her designee,
8 may issue administrative citations to any Covered Employer who fails to provide at least one
9 transportation benefit programs to Covered Employees as required by Section 421(b). San
10 Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of
11 Administrative Fines," is hereby incorporated in its entirety and shall govern the amount of
12 fees and the procedure for imposition, enforcement, collection, and administrative review of
13 administrative citations issued to enforce this Section ~~184.77427~~.

14 * * * *

15
16 Section 27. The Environment Code is hereby amended by revising Section 713, to
17 read as follows:

18 **SEC. 713. WAIVERS.**

19 (a) Waivers from the requirements of this Chapter are available under the following
20 circumstances:

21 (1) Emergency. A City department may grant itself a waiver from any
22 requirement of this Chapter, except the requirements of Section ~~706(a)(4)~~ 706(a)(1), when it is
23 necessary to respond to an emergency which endangers public health or safety. In such case,
24 the City department shall report to the Director on a form provided by the Director regarding
25 the emergency that prevented compliance with this Chapter within five business days. City

1 departments desiring an emergency waiver from the requirements of Section ~~706(a)(4)~~
2 706(a)(1) shall confer with the General Manager of the San Francisco Public Utilities
3 Commission.

4 (2) Cost Prohibitive. A City department may request a waiver from the Director
5 on a form provided by the Director if compliance with this Chapter is cost prohibitive. The
6 Task Force shall provide the Director with a recommendation with respect to the waiver
7 request. The Director may grant a waiver upon a finding that the requesting department has:

8 (A) Demonstrated which specific requirements are cost prohibitive as
9 weighed against the potential economic, environmental and health benefits posed by a
10 particular requirement; and

11 (B) If applicable for Section 705, developed a reasonable plan to
12 maximize the number of LEED points attainable.

13 (3) Other. If, due to specific circumstances, compliance would defeat the intent
14 of this Chapter or create an unreasonable burden on the construction project or City
15 department, the City department may request a waiver from that requirement from the
16 Director on a form provided by the Director. The Task Force shall provide the Director with a
17 recommendation with respect to the waiver request. The Director may grant a waiver upon a
18 finding that the requesting Department has:

19 (A) Documented the circumstances and burdens at issue; and

20 (B) If applicable for Section 705, developed a reasonable plan to
21 maximize the number of LEED points attainable.

22 (b) The Director shall respond to a request for a waiver within 35 days.

23 (c) The Director may not waive the requirements of Sections ~~706(a)(4)~~ 706(a)(1), 707,
24 and 708, except in the case of emergencies as provided in subsection (a)(1). Departments
25 seeking waivers of the requirements of Section 710(b) must follow the procedures provided

1 for in Section 710(b)(2)(F). Granting of a waiver for any requirement of this Chapter does not
2 waive any requirement of San Francisco Building Code Chapter 13C.

3 (d) The Director shall report to the Commission on the Environment regularly on
4 waivers requested, granted and denied.

5
6 Section 28. The Health Code is hereby amended by revising Sections 29.5, 29.11, and
7 29.27, to read as follows:

8 **SEC. 29.5. TEMPORARY MASSAGE PRACTITIONER PERMIT; TRAINEE PERMIT**
9 **FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.**

10 (a) Upon completion and submission of an application for a massage practitioner
11 permit for a practitioner who is not certified as a massage practitioner or therapist by the
12 CAMTC pursuant to the California Business and Professions Code, as required in Section
13 29.3 of this Article, and upon payment of all fees for the permit, an applicant may request a
14 temporary massage practitioner permit. If requested, the Director shall issue the temporary
15 massage practitioner permit which is valid for the period during which the application is under
16 review, but in no event for more than 60 days. The Director may revoke the permit at any time
17 if he or she finds that the applicant has failed to meet any of the requirements of Section
18 29.41903 of this Article.

19 * * * *

20
21 **SEC. 29.11. APPLICATION FOR MASSAGE ESTABLISHMENT, SOLO**
22 **PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE**
23 **PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.**

24 (a) Unless all massage practitioners or therapists providing services are certified as
25 a massage practitioner or therapist by CAMTC pursuant to the California Business and

1 Professions Code, every applicant for a massage establishment, solo practitioner massage
2 establishment, or outcall massage service permit shall:

3 (1) file an application with the Director upon a form provided by the Director;

4 (2) provide a complete set of fingerprints, through the Live Scan process, or any
5 comparable successor technology, for the purpose of ~~undergoing~~ a criminal background
6 check; and

7 (3) ~~and~~ pay a non-refundable application fee, as set forth in Section 29.26.

8 * * * *

9
10 **SEC. 29.27. VIOLATIONS AND ADMINISTRATIVE PENALTIES.**

11 (a) Any person who violates any provision of this Article or any rule or regulation
12 adopted pursuant to Section 29.25 may, after being provided notice and an opportunity to be
13 heard, be subject to the following monetary penalties and/or permit penalties.

14 (1) **Establishment Operating Without a Permit from the San Francisco**
15 **Department of Public Health.**

16 (A) Administrative fine: Up to \$1,000 per day of operating without a permit; and

17 (B) Permit penalty: Revocation, and Massage Establishment location and
18 permittee are ineligible for a new permit from the San Francisco Department of Public Health
19 for 180 days.

20 (C) Repeat violations: Same penalties as (a)(1)(A) and (a)(1)(B).

21 (2) **Establishment Violating Conditions of California Business and**
22 **Professions Code Sections 4600-4620 and all Implementing Regulations.**

23 (A) Administrative fine: Up to \$1,000 per day of operating without a permit; and

24 (B) Permit penalty: Massage Establishment location and permittee are ineligible
25 for a permit from the San Francisco Department of Public Health for 180 days.

1 (C) Repeat violations: Same penalties as (a)(~~23~~)(A) and (a)(~~23~~)(B).

2 * * * *

3
4 Section 29. The Municipal Elections Code is hereby amended by revising Section 300,
5 to read as follows:

6 **SEC. 300. DEADLINES FOR SUBMISSION OF MEASURES.**

7 (a) Charter Amendments and Bond Measures. Except as provided in Subsection (c)
8 of this Section, proposed Charter amendments and bond measures shall be submitted to the
9 voters at the next election held no fewer than 102 days after the date said measure is
10 received by the Director of Elections.

11 The Board of Supervisors may submit, and the Director of Elections shall have the
12 discretion to accept, one proposed Charter amendment or bond measure per election that is
13 received fewer than 102 days before the date of the election, provided that said measure is
14 received no fewer than 95 days before the date of the election.

15 (b) Measures Submitted by the Mayor, Board of Supervisors, or Four or More
16 Supervisors. Ordinances and declarations of policy proposed by a majority of the Board of
17 Supervisors or by four or more Supervisors pursuant to Charter Section 2.113, or by the
18 Mayor pursuant to Charter Section 3.100 (~~1615~~), shall be submitted to the voters at the next
19 election held no fewer than 95 days after the date said measure is transmitted to the Director
20 of Elections.

21 * * * *

22
23 Section 30. The Municipal Elections Code is hereby amended by revising Section 590,
24 to read as follows:

25 **SEC. 590. VOTER INFORMATION PAMPHLET; PUBLIC EXAMINATION.**

1 California Elections Code Sections 9295 and 13313 require that certain materials
2 submitted for publication in the voter information pamphlet shall be subject to a 10-day public
3 examination period. The public examination period for each category of material is specified
4 below. Following the close of the public examination period for each category of material, the
5 Department of Elections may proceed with publication of that material.

6 (a) **Candidate Materials.** Candidate legal names submitted under Section 210 of
7 this Code Article, candidate qualification statements submitted under Section 220 of this Code
8 Article, ballot designations submitted under Section 225 of this ArticleCode, and translated or
9 transliterated Chinese names submitted under Section 401 of this ArticleCode shall be
10 available for public examination for a period often days immediately following the filing
11 deadline for submission of those materials.

12 (b) **Ballot Measure Materials.**

13 (1) **Ballot Digests.** Statements prepared by the Ballot Simplification
14 Committee pursuant to Section 610 of this Code Article shall be available for public
15 examination starting no later than noon on the eighty-fourth day prior to the election. The
16 examination period shall end at noon on the seventy-fourth day prior to the election.

17 (2) **Controller Statements.** Statements prepared by the Controller pursuant to
18 Section 520 of this Code Article shall be available for public examination starting no later than
19 noon on the eighty-fourth day prior to the election. The public examination period shall end at
20 noon on the seventy-fourth day prior to the election.

21 (3) **City Attorney Statements or Questions.** Statements or questions
22 prepared by the City Attorney pursuant to Section 510 of this Code Article shall be available for
23 public examination starting no later than noon on the eighty-fourth day prior to the election.
24 The public examination period shall end at noon on the seventy-fourth day prior to the
25 election.

1 (4) **Proponent and Opponent Arguments.** Proponent and opponent
2 arguments submitted pursuant to Section 535(a) of this Code Article shall be available for
3 public examination starting no later than noon on the eighty-first day prior to the election. The
4 public examination period shall end at noon on the seventy-first day prior to the election.

5 (5) **Rebuttal Arguments.** Rebuttal arguments submitted pursuant to Section
6 535(b) of this Code Article shall be available for public examination starting no later than noon
7 on the seventy-seventh day prior to the election. The public examination period shall end at
8 noon on the sixty-seventh day prior to the election.

9 (6) **Paid Arguments.** Paid arguments submitted pursuant to Section 535(c) of
10 this Code Article shall be available for public examination starting no later than noon on the
11 seventy-seventh day prior to the election. The public examination period shall end at noon on
12 the sixty-seventh day prior to the election.

13 * * * *

14
15 Section 31. The Park Code is hereby amended by revising Section 12.12, to read as
16 follows:

17 **SEC. 12.12. GOLF FEES – GENERAL.**

18 * * * *

19 (b) **Discount Fee Categories.**

20 (1) Bay Area Rates shall apply to residents of the following Bay Area counties
21 who provide proof of residency: San Francisco (for residents without a valid Resident Golf
22 Card), Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Santa Cruz, Solano
23 and Sonoma.

24 (2) Junior Rates shall apply to persons 17 years of age and under.
25

1 (3) Resident Rates shall apply to persons holding Resident Golf Cards per
2 subsection (c) below.

3 (~~34~~) Resident Senior Rates shall apply to persons 65 years of age and above
4 holding Resident Golf Cards per subsection (c) below.

5 (~~45~~) Tournament Rates.

6 (~~iA~~) Residents shall pay Tournament Rates, not Resident Rates, for
7 tournament play.

8 (~~iiB~~) A Junior Tournament Rate, applicable to a group of 16 or more
9 players aged 17 years and under, shall be 50 percent of the regular Tournament Rate for the
10 applicable course. The Junior Tournament Rate shall apply to juniors participating in the
11 Family Tournament held at Golden Gate Park, and the City Championship held at Lincoln
12 Park and Harding Park.

13 (~~56~~) Twilight Rates shall apply to rounds commencing no earlier than four hours
14 before sunset, as determined by the Department.

15 * * * *

16 (e) Motorized Golf Carts.

17 (1) Subject to subsection (2) below, the rental fees for motorized golf carts
18 shall be \$26.00 for carts at Lincoln Park, McLaren Park (Gleneagles) and Sharp Park, and
19 \$40.00 for carts at Harding Park.

20 (2) There shall be no fee for a motorized golf cart for

21 (~~iA~~) persons paying Tournament Rates at any of the Golf Courses, and

22 (~~iiB~~) persons paying either Standard or Tournament Rates at Harding
23 Park.

24 * * * *

1 Section 32. The Police Code is hereby amended by revising and renumbering Article
2 1, Sections 96, 96.1, 96.2, 96.3, 96.4, 96.5, and 96.6, to read as follows:

3 **SEC. 964. FORECLOSURE RESPONSIBILITY AND ACCOUNTABILITY.**

4 **Title.** This Section shall be known as the Foreclosure Responsibility and Accountability
5 Ordinance.

6
7 **SEC. 964.1. FINDINGS AND PURPOSE.**

8 * * * *

9
10 **SEC. 964.2. DEFINITIONS.**

11 * * * *

12
13 **SEC. 964.3. ENHANCED PENALTIES FOR FORECLOSED PROPERTIES.**

14 * * * *

15 (c) Persons who own ten or more foreclosed properties shall be liable for an
16 increased penalty of up to three times (treble) the amount of any civil penalty assessed by a
17 court of competent jurisdiction for maintaining a foreclosed property in a manner that
18 constitutes a public nuisance. In these circumstances, a court may treble any award of civil
19 penalties authorized by applicable provisions of state and local law including but not limited to
20 the following:

- 21 (i) San Francisco Administrative Code
22 (ii) San Francisco Building Code
23 (iii) San Francisco Electrical Code
24 (iv) San Francisco Fire Code
25 (v) San Francisco Health Code

- 1 (~~vi~~6) San Francisco Housing Code
- 2 (~~vii~~7) San Francisco Mechanical Code
- 3 (~~viii~~8) San Francisco Planning Code
- 4 (~~ix~~9) San Francisco Plumbing Code
- 5 (~~x~~10) San Francisco Public Works Code.

6 (~~ed~~) Nothing in this Article shall be interpreted as restricting or otherwise limiting
7 the enforcement authority that state law or the Charter or Municipal Code vests in the City, its
8 agencies, officers or employees or any state agency.

9
10 **SEC. 964.4. SEVERABILITY.**

11 (~~et~~) If any section, subsection, sentence, clause, or phrase of this ordinance is for
12 any reason held to be invalid or unconstitutional by a decision of any court of competent
13 jurisdiction, such decision shall not affect the validity of the remaining portions of the
14 ordinance. The Board of Supervisors hereby declares that it would have passed this
15 ordinance and each and every section, subsection, sentence, clause, or phrase not declared
16 invalid or unconstitutional without regard to whether any portion of this ordinance would be
17 subsequently declared invalid or unconstitutional.

18
19 **SEC. 964.5. NO CONFLICT WITH STATE OR FEDERAL LAW.**

20 (~~et~~) Nothing in this ordinance shall be interpreted or applied so as to create any
21 requirement, power, or duty in conflict with any federal or state law.

22
23 **SEC. 964.6. UNDERTAKING FOR THE GENERAL WELFARE.**

24 (~~et~~) In adopting and implementing this ordinance, the City and County of San
25 Francisco is assuming an undertaking only to promote the general welfare. It is not assuming,

1 nor is it imposing in its officers and employees, an obligation for breach of which it is liable in
2 money damages to any person who claims that such breach proximately caused injury.

3
4 Section 33. The Police Code is hereby amended by revising Section 1060.20.1, to
5 read as follows:

6 **SEC. 1060.20.1. SUSPENSION BY THE ENTERTAINMENT COMMISSION.**

7 * * * *

8 (c) **PERIOD OF SUSPENSION.** The Entertainment Commission may suspend a
9 permit for the periods of time set forth in this Subsection (c).

10 (1) For the first violation under Subsection (a)(1) through (7) of this Section, for up
11 to 30 days.

12 (2) For the second violation of the same or any other provision of Subsection
13 (a)(1) through (7) within six months of the order of suspension for the first violation, for up to
14 60 days.

15 (3) For the third and subsequent violation of the same or any other provision of
16 Subsection (a)(1) through (7) within six months of the order of suspension for the second or
17 any subsequent violation, for up to 90 days.

18 (4) For the purpose of Subsections (c)(2) and (3) of this Section, calculation of the
19 six months shall not include any period of time during which the permit was suspended.

20 (5) In determining the length of the suspension, the Entertainment Commission
21 shall consider the seriousness and the frequency of the violation(s) in light of the effort taken
22 to correct them and the impact of the violation(s) on the surrounding neighborhood.

23
24 Section 34. The Police Code is hereby amended by revising Section 2900 and deleting
25 Section 2918, to read as follows:

1 **SEC. 2900. DECLARATION OF POLICY.**

2 (a) Building on decades of scientific research, the World Health Organization and
3 the U.S. Environmental Protection Agency have determined that persistent exposure to
4 elevated levels of community noise is responsible for public health problems including, but not
5 limited to: compromised speech, persistent annoyance, sleep disturbance, physiological and
6 psychological stress, heart disease, high blood pressure, colitis, ulcers, depression, and
7 feelings of helplessness.

8 (b) The General Plan for San Francisco identifies noise as a serious environmental
9 pollutant that must be managed and mitigated through the planning and development
10 process. But given our dense urban environment. San Francisco has a significant challenge in
11 protecting public health from the adverse effects of community noise arising from diverse
12 sources such as transportation, construction, mechanical equipment, entertainment, and
13 human and animal behavior.

14 (c) In order to protect public health, it is hereby declared to be the policy of San
15 Francisco to prohibit unwanted, excessive, and avoidable noise. It shall be the policy of San
16 Francisco to maintain noise levels in areas with existing healthful and acceptable levels of
17 noise and to reduce noise levels, through all practicable means, in those areas of San
18 Francisco where noise levels are above acceptable levels as defined by the World Health
19 Organization's Guidelines on Community Noise.

20 ~~(d) It shall be the goal of the noise task force described in this Article to determine if there~~
21 ~~are additional adverse and avoidable noise sources not covered in this statute that warrant regulation~~
22 ~~and to report to the Board of Supervisors and recommend amendments to this Article over the next~~
23 ~~three years. In addition, the noise task force shall develop interdepartmental mechanisms for the~~
24 ~~efficient disposition and any enforcement required in response to noise complaints.~~

1 ~~SEC. 2918. CITY AGENCY NOISE TASK FORCE.~~

2 ~~(a) Membership.~~

3 ~~(1) Voting Members. The Director of Public Health shall convene and coordinate an~~
4 ~~interdepartmental task force for the purpose of coordinating and evaluating enforcement of this Article~~
5 ~~and recommending to the Planning Department necessary changes in the General Plan to address,~~
6 ~~maintain, and improve the acoustical quality of the San Francisco environment. The task force shall be~~
7 ~~comprised of one representative from each of the following City departments: the Department of Public~~
8 ~~Health, the Department of Public Works, the Department of Building Inspection, the Planning~~
9 ~~Department, the Police Department, the Entertainment Commission, and Animal Care and Control.~~
10 ~~The members of the task force shall be appointed by their respective Department Directors.~~

11 ~~(2) Non Voting Members. The Task Force shall invite other City departments, such as the~~
12 ~~Fire Department, the 311 Customer Service Center, and the Municipal Railway, to send a~~
13 ~~representative to sit as a non voting member of the task force with respect to vehicle noise, and~~
14 ~~community representatives when the Director of Public Health deems necessary additional expertise,~~
15 ~~resources, or other assistance.~~

16 ~~(b) Meetings. The task force shall meet on a regular basis and exchange information~~
17 ~~regarding noise abatement matters including but not limited to: motor vehicle noise control,~~
18 ~~coordination of complaint response, animal noise control, implementation of building codes related to~~
19 ~~acoustical insulation of new residential construction, oversight of complaints regarding entertainment~~
20 ~~noise, implementation of General Plan Policies related to noise, environmental review, maintenance~~
21 ~~and upgrades to noise control ordinance as needed, and coordination of noise abatement activities that~~
22 ~~involve more than one department. Upon the Director of Public Health's request, the Task Force shall~~
23 ~~provide consultation services and assistance to the Director of Public Health for the purpose of~~
24 ~~facilitating coordinated implementation of the duties imposed on the Director of Public Health by this~~
25 ~~ordinance.~~

1 ~~(c) Reporting. The Director of Public Health shall report to the Board of Supervisors every~~
2 ~~year for three years with respect to progress and findings of the Task Force and any necessary changes~~
3 ~~in the Regulation of Noise Ordinance, Article 29, San Francisco Police Code, that may be required to~~
4 ~~maintain and improve the acoustical environment of San Francisco. At the end of three years, the task~~
5 ~~force shall sunset unless continued by the Board of Supervisors.~~

6
7 Section 35. The Subdivision Code is hereby amended by revising Section 1396.4, to
8 read as follows:

9 **SEC. 1396.4. CONDOMINIUM CONVERSION FEE AND EXPEDITED CONVERSION**
10 **PROGRAM.**

11 * * * *

12 (j) Waiver or reduction of fee based on absence of reasonable relationship or
13 deferred payment based upon limited means.

14 * * * *

15 (3) A project applicant may apply to the Department of Public Works for a deferral
16 of payment of the fee described in Subsection (e) for the period that the Department
17 completes its review and until the application for expedited conversion is approved, provided
18 that for the twelve months prior to the application, the applicant resided in his or her unit in the
19 subject property as his or her ~~principle~~principal place of residence and the applicant's
20 household income was less than 120% of median income of the City and County of San
21 Francisco as determined by the Mayor's Office of Housing.

22 * * * *


23
24 Section 36. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 37. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

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

14 By:


15 JON GIVNER
16 Deputy City Attorney

17 n:\govern\as2013\1200339\00870341.doc
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25

LEGISLATIVE DIGEST

[Various Codes - Nonsubstantive Clean-Up Ordinance]

Ordinance amending the Administrative, Business and Tax Regulations, Campaign and Governmental Conduct, Environment, Health, Municipal Elections, Park, Police, and Subdivision Codes to make nonsubstantive changes.

Existing Law

The City's Municipal Code is the published compilation of codified ordinances adopted by the Board of Supervisors.

Amendments to Current Law

The ordinance would correct make non-substantive changes in the Municipal Code, including correction of incorrect citations, renumbering and re-lettering certain sections and subsections, correction or deletion of typographical errors, deletion of sunsetted provisions, and inclusion of clarifying language to supply previously omitted headings or references. The ordinance would make no substantive changes to the law.

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CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

JON GIVNER
Deputy City Attorney

DIRECT DIAL: (415) 554-4694
E-MAIL: jon.givner@sfgov.org

March 10, 2014

Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689
By Hand Delivery

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BOARD OF SUPERVISORS
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2014 MAR 10 AM 11:06
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Re: Request to introduce ordinance on behalf of the City Attorney

Dear Angela:

Attached please find an original and two copies of a proposed ordinance for Board of Supervisors consideration. The ordinance proposes various technical corrections and other non-substantive clean-up in the Municipal Code. The following is a list of accompanying documents (three sets):

- Ordinance
- Legislative Digest

If you have any questions, please let me know. Thank you for your assistance.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Jon Givner
Deputy City Attorney