

1 [Creating a Public Services Advisory Board.]

2
3 **Ordinance creating a Public Services Advisory Board, comprised of eleven voting**
4 **members appointed by the Board of Supervisors; requiring the advisory board within**
5 **eighteen months of its initial meeting to submit a report to the Board of Supervisors on**
6 **matters pertaining to the performance of public services by private entities; authorizing**
7 **the advisory board to submit other reports or recommendations to the Board of**
8 **Supervisors and to communicate with the Board of Supervisors, other government**
9 **entities, and the public on matters pertaining to public services; and providing for the**
10 **sunsetting of the advisory board in two years.**

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

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

15 Section 1. FINDINGS AND PURPOSE.

16 (a) In recent years, local governments around the country have increasingly considered
17 the option of transferring the provision of public services, in whole or in part, to private entities,
18 including nonprofit organizations.

19 (b) Proponents of transferring the provision of public services to private entities
20 contend, among other things, that such actions may lead to more efficient delivery of services,
21 resulting in higher quality services to the public delivered at lower cost.

22 (c) Opponents of transferring the provision of public services to private entities contend
23 that, among other things, the cost savings and efficiency gains of such actions are overstated
24 and that the public services are less accountable to the public and less subject to
25 requirements that reflect community desires.

1 (d) The question of whether public services should be delivered in whole or in part by
2 private entities is currently being debated with respect to a variety of public services in the City
3 and County of San Francisco.

4 (e) The debate would benefit from a comprehensive analysis of the issues raised by
5 transferring the provision of public services to private entities, including the experiences of
6 such measures both in San Francisco and in other cities around the country.

7 (f) A Public Services Advisory Board is needed to advise the Board of Supervisors and
8 the City regarding the potential benefits and detriments of vesting private entities with the
9 responsibility for providing public services.

10 Section 2. DEFINITIONS.

11 (a) "Advisory Board" means the Public Services Advisory Board.

12 (b) "Public Service" or "Public Services" refers to any program, project, enterprise, or
13 service to the public that: (i) is currently performed, operated, managed, or furnished in whole
14 or in part by the City; (ii) has traditionally been performed, operated, managed, or furnished in
15 whole or in part by the City; or (iii) in other cities around the United States, is commonly
16 performed, operated, managed, or furnished in whole or in part by the city. "Public Services"
17 includes without limitation: recreation and park facilities including without limitation golf
18 courses; public transportation; the provision of electricity to the public; broadband
19 communication networks; and advertising or other displays in the public rights-of-way.

20 Section 3. ESTABLISHMENT AND COMPOSITION OF ADVISORY BOARD.

21 (a) Public Services Advisory Board. There shall be established a Public Services
22 Advisory Board of the City and County of San Francisco. Generally, the Advisory Board shall
23 advise the Board of Supervisors on issues relating to whether various Public Services should
24 be performed by the City, in whole or in part, or by private entities, in whole or in part.

1 (b) Voting Members. The Advisory Board shall consist of eleven voting members
2 appointed by the Board of Supervisors. The members shall be appointed from the following
3 categories, and each member shall have a record of demonstrated community activism or
4 other significant experience in the applicable category: (i) organized labor; (ii) environmental
5 protection; (iii) parks and recreation; (iv) small business; (v) economic development; (vi)
6 energy; (vii) public transportation; (viii) public health; (ix) land use; (x) communications
7 technology; (xi) community organizing; and (xii) water. Each voting member shall be
8 appointed no later than 45 days after the effective date of this Ordinance.

9 (c) Nonvoting Members. There shall be four nonvoting members on the Advisory
10 Board: (i) a representative of the Department of Public Works; (ii) a representative of the Civil
11 Service Commission; (iii) a representative of the Office of the Controller; and (iv) a
12 representative of the Office of the City Administrator.

13 (d) Terms of Voting Members. Voting members on the Advisory Board shall serve at
14 the pleasure of the Board of Supervisors, provided, however, that a voting member's term
15 shall expire by operation of law upon the Advisory Board's determination that the member in
16 question has three consecutive unexcused absences from Advisory Board meetings. Upon
17 such a determination, the Advisory Board shall notify the Board of Supervisors in writing that
18 the term of the member has expired. The Board of Supervisors shall promptly appoint a
19 replacement with the requisite background and experience to fill any vacancy among the
20 voting members.

21 Section 4. OPERATIONS OF ADVISORY BOARD.

22 (a) Initial Meeting. The Advisory Board shall hold its initial meeting after all voting
23 members have been appointed; provided, however, that if all seats have not been filled within
24
25

1 forty-five days of the effective date of this Ordinance, five members may at any time thereafter
2 hold the initial meeting and transact Advisory Board business.

3 (b) Officers. At the initial meeting of the Advisory Board, the Advisory Board shall
4 select a Chair and may select other officers.

5 (c) Internal Rules. The Advisory Board shall establish bylaws, rules, and/or
6 regulations for the conduct of its meetings and business. The Advisory Board shall comply
7 with all applicable requirements of San Francisco Administrative Code Chapter 67 (the
8 Sunshine Ordinance).

9 (d) Advisory Board Support. Research assistance for the Advisory Board shall be
10 provided or qualified by the Office of Legislative Analyst of the Board of Supervisors, the
11 Office of the Budget Analyst, and the Office of Economic Analysis in the Office of the
12 Controller. Administrative assistance and staffing for the Advisory Board shall be provided by
13 the Office of the City Administrator and the General Services Agency.

14 (e) Cooperation of City Departments. All City departments, boards, commissions,
15 and agencies shall cooperate with the Advisory Board and assist the Advisory Board as
16 appropriate in the conduct of its business.

17 Section 5. DUTIES OF ADVISORY BOARD.

18 (a) Preparation of Report. The Advisory Board shall submit a report to the Board of
19 Supervisors no later than eighteen months following the Board's initial meeting. The Report
20 shall: (i) provide a general analysis of whether Public Services should be performed by the
21 City, in whole or in part, or by private entities, in whole or in part; and (ii) for each of the Public
22 Services specifically identified in Section 2(b) and any other particular Public Service that the
23 Advisory Board finds should be specifically examined, analyze and make recommendations
24 on whether the Public Service should be performed by the City, in whole or in part, or by
25

1 private entities, in whole or in part. In conducting the foregoing analyses, the report shall
2 consider, at a minimum, the following factors: (i) short and long term fiscal impacts to the
3 City; (ii) quality and cost of services to all segments of the public; (iii) transparency of
4 provision of services; (iv) the importance of City regulatory control over the provision of
5 services and the impact on such control; (v) the ability of City residents and businesses to
6 influence the provision of services; (vi) relevant contractual or other legal considerations; (vii)
7 if the report is recommending a change from the status quo, the specific changes, including
8 legislative changes, that would be needed to implement the recommendation; and (viii) other
9 public interest considerations. In preparing the report, the Advisory Board shall endeavor to
10 avoid duplicating the work of any other preexisting City entity that may be studying similar
11 issues and shall consider any work products of such other City entity and any information on
12 which such work products are based.

13 (b) Other Reports and Activities. At any time, the Advisory Board may submit other
14 reports or recommendations to the Board of Supervisors on issues relating to whether any or
15 all Public Services should be performed by the City, in whole or in part, or by private entities,
16 in whole or in part, including without limitation reports or recommendations regarding any
17 contracts presented to the Board of Supervisors for approval for which such issues are
18 germane. The Advisory Board may at any time communicate its views on matters pertaining
19 to Public Services to the Board of Supervisors, to other City departments, boards,
20 commissions, committees, or agencies, to the business community or any sector thereof, and
21 to the public.

22 Section 6. SUNSET PROVISION. This Ordinance creating the Advisory Board and
23 specifying its operations and duties shall expire by operation of law two years after the
24 effective date of the Ordinance.
25

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

3 By: _____
4 THOMAS J. LONG
5 Deputy City Attorney
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25