

File No. 111079

Committee Item No. 6
Board Item No. 15

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 2/16/11

Board of Supervisors Meeting

Date 2/28/12

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input 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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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Completed by: Linda Wong

Date 2/13/12

Completed by: L.W.

Date 2/22/12

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Administrative Code – Additional Preapproval Notice for Certain City Projects]

Ordinance adding Chapter 79A to the San Francisco Administrative Code to expand upon the minimum notice requirements prior to approval of a City Project that are mandated by the Citizens' Right-to-Know Act of 1998.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough-normal~~.

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

Section 1. The San Francisco Administrative Code is hereby amended by adding Chapter 79A, to read as follows:

CHAPTER 79A

ADDITIONAL PREAPPROVAL NOTICE FOR CERTAIN CITY PROJECTS

SEC. 79A.1. Findings.

1. On June 2, 1998, the San Francisco voters adopted Proposition I, the Citizens' Right-to-Know Act of 1998. Proposition I was codified as Chapter 79 of the San Francisco Administrative Code.
2. Chapter 79 establishes minimum notice requirements prior to the Approval of a City Project by any city officer, department, board or commission. This Chapter 79A expands upon those notice requirements.
3. In order to make a fully informed decision on projects requiring public notice under this Chapter, the Board should have information about the nature and extent of the notice provided to the public by the sponsoring officer, department, board or commission prior to the Board's action on a proposed City Project.

1 **SEC. 79A.2. Scope.**

2 The notice requirements of this Chapter 79A shall apply to any City Project that is within the
3 scope of Chapter 79. The exemptions of Section 79.3 and the requirements applicable to a change in
4 the project set forth in Section 79.4 shall apply.

5
6 **SEC. 79A.3. Definitions.**

7 The definitions of "Approve or Approval" and "City Project" shall be as set forth in Section
8 79.2.

9 "Proposed Project" shall mean any project within the scope of Chapter 79 and this Chapter
10 where a City department, board, commission, or official makes any decision to potentially fund directly
11 or administer the project through the use of federal, state, or other funding sources.

12
13 **SEC. 79A.4. Signposting Requirements.**

14 The signposting requirements of Section 79.5 shall apply, except that the sign shall be posted at
15 least thirty (30) days prior to consideration of Approval of a City Project.

16
17 **SEC. 79A.5. Website Notice.**

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

22 (1) either the private sponsor of the Proposed Project or the city officer, department, board or
23 commission that is considering funding directly or administering the Proposed Project submits an
24 application for environmental review for the Proposed Project to the Planning Department; or
25

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

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

5 (4) the city officer, department, board or commission takes any step towards potentially
6 funding or administering a Proposed Project.

7
8 **SEC. 79A.6. Written Notice.**


9 A city officer, department, board or commission shall promptly provide notice of any action on
10 a Proposed Project that is posted on a city website as provided in Section 79.5A to any individual or
11 neighborhood organization that has indicated, in writing or by e-mail, an interest in a specific property
12 or geographic area. Such notice may be given either by mail or electronically if the individual or
13 neighborhood organization has provided electronic contact information. The notice shall be provided
14 at least 30 days prior to the date of any public hearing or action on the Proposed Project, or within five
15 days after receipt of the request if the request is made less than 30 days prior to the hearing.

16 **SEC. 79A.7. Information to be Provided to Board of Supervisors by Sponsoring Officer,**
17 **Department, Board or Commission.**

18 Any sponsoring officer, department, board or commission seeking Board approval of a project
19 within the scope of this Chapter shall provide to the Clerk of the Board, upon introduction of the
20 approval action, a description of how they complied with the notice provided to the public
21 pursuant to requirements of San Francisco Administrative Code Chapter 79 and Sections
22 79A.4, 79A.5, and 79A.6 above.

23
24 Section 2. Effective Date. This ordinance shall become effective 30 days from the
25 date of passage.

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

3 By: 
4 JUDITH A. BOYAJIAN
5 Deputy City Attorney
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Supervisor Farrell
BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

[Administrative Code – Additional Preapproval Notice for Certain City Projects]

Ordinance adding Chapter 79A to the San Francisco Administrative Code to expand upon the minimum notice requirements prior to approval of a City Project that are mandated by the Citizens' Right to Know Act of 1998.

Existing Law

In June 1998, the voters adopted Proposition I, which is known as the Citizens' Right-to-Know Act of 1998. Proposition I is codified as Chapter 79 of the San Francisco Administrative Code. It establishes minimum public notice requirements for certain projects that are being funded directly by the City or administered by the City through the use of federal, state or other funding sources.

Amendments to Current Law

The proposed ordinance adds Chapter 79A to the Administrative Code. Chapter 79A expands upon the minimum notice requirements for projects that are within the scope of Chapter 79.

Background Information

Under the current notice provisions for City-funded projects, neighborhood notice comes too late in the process to enable the public to provide meaningful input to the City decisionmakers. Expanding upon the notice that Chapter 79 currently requires and requiring it earlier in the process will address this problem.