

[Board deadlines during recess; votes needed when Board members are disqualified; hold-over appointments; Department of Aging and Adult Services; Commission on the Environment; legislative aides.]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Sections 2.103, 2.104, 2.117, 3.104, 4.118, 4.120, and Article XVII, and by adding Section 4.101-1, to: toll deadlines for action by the Board when the Board is in recess; reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest; limit hold-over appointments on boards and commissions to 120 days; give the Commission on Aging authority over the Department of Aging and Adult Services; clarify the authority of the Commission on the Environment to consider environmental justice issues and to review City building and land use policies for environmental sustainability; and, delete the specific number of Board aides set in the Charter.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2004, a proposal to amend the Charter of the City and County by amending Sections 2.103, 2.104, 2.117, 3.104, 4.118, 4.120, and Article XVII, and by adding Section 4.101-1, to read as follows:

Note: Additions are single-underline italics Times New Roman.
Deletions are ~~strikethrough italics Times New Roman~~.

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Section 1. The San Francisco Charter is hereby amended, by amending Section 2.103 to read as follows:

SEC. 2.103. MEETINGS.

The Board of Supervisors shall meet at the legislative chambers in City Hall at 12:00 noon on the eighth day in January in each odd-numbered year. Thereafter, regular meetings shall be held on such dates and at such times as shall be fixed by resolution.

The meetings of the Board shall be held in City Hall, provided that, in case of emergency, the Board, by resolution, may designate some other appropriate place as its temporary meeting place.

Notice of any special meeting shall be published at least 24 hours in advance of such special meeting.

The Board of Supervisors, by motion, may schedule special meetings of the Board in locations in San Francisco other than City Hall. Notice of special meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings. Motions to schedule special meetings of the Board in locations in San Francisco other than City Hall shall first be introduced and referred to a committee of the Board for hearing and consideration.

The Board of Supervisors, by motion, may authorize a committee of the Board of Supervisors to schedule a special meeting of the committee of the Board in a location in San Francisco other than City Hall. Notice of special committee meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings.

Any deadline for action by the Board of Supervisors set in the Charter or the Municipal Code, and not otherwise required by state or federal law, shall be tolled during any period when the Board is in recess, except for those deadlines relating to: (1) preparing and adopting the City's budget, the Municipal Transportation Agency's budget, or any other agency's budget that

requires Board approval; (2) calling or conducting elections; or (3) collective bargaining. For purposes of this section, "recess" shall mean any period of time when the Board of Supervisors has by resolution canceled in advance all regularly-scheduled meetings of the Board and its committees. The recess shall be deemed to begin, for tolling purposes, on the date of the last regularly-scheduled meeting of the Board or its committees before the recess and to end on the date of the first regularly-scheduled meeting of the Board or its committees after the recess, not to exceed a period of 45 days.

Section 2. The San Francisco Charter is hereby amended, by amending Section 2.104 and Article XVII to read as follows:

SEC. 2.104. QUORUM.

The presence of a majority of the members of the Board of Supervisors at a regular or special meeting shall constitute a quorum for the transaction of business. In the absence of a quorum, a smaller number of members may compel the attendance of absent members in the manner and under the penalties established by the Board of Supervisors.

The Board of Supervisors shall act by a majority, two-thirds, three-fourths, or other vote of all members of the Board. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

But if one or more members of the Board are disqualified from voting on a matter because of a conflict of interest, the number of votes required to take an action shall be determined by applying the appropriate fraction to the total number of seats on the Board minus the number of members who have been disqualified. A simple majority shall be calculated as the first whole number greater than one-half the number of members. In all other cases, fractions of votes shall be rounded upward to the next whole number. Nothing in this paragraph shall affect

or reduce the number of members of the Board of Supervisors who must be present to constitute a quorum for the transaction of business.

ARTICLE XVII: DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:

“Business day” shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

“Confirm” or “confirmation” shall mean the approval by a majority of the members of the Board of Supervisors.

“Discrimination” shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.

“Domestic partners” shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

“Elector” shall mean a person registered to vote in the City and County.

“For cause” shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.

“General municipal election” shall mean the election to be held in the City and County on the Tuesday immediately following the first Monday in November in odd-numbered years.

“Initiative” shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or

other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.

“Notice” shall mean publication in an official newspaper (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office.

“One-third,” “a majority” or “two-thirds” of ~~the Board of Supervisors or any other~~ a board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission. “One-third,” “a majority” or “two-thirds” of the Board of Supervisors shall mean one-third, a majority or two-thirds of the Board, as determined pursuant to Section 2.104 of this Charter.

“Published” shall mean published in an official newspaper of the City and County.

“Referendum” shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.

“Special municipal election” shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

“Statewide election” shall mean an election held throughout the state.

“Voter” shall mean an elector who is registered in accordance with the provisions of state law.

Section 3. The San Francisco Charter is hereby amended, by adding Section 4.101-1 to read as follows:

SEC. 4.101-1. LIMIT ON TENURE OF COMMISSIONERS BEYOND THE EXPIRATION OF THEIR TERMS OF OFFICE.

Except as otherwise provided in this Charter, the tenure of a member of any appointive board, commission or advisory body of any kind established by this Charter or legislative act of the United States of America, the State of California or the Board of Supervisors shall terminate no later than 120 days after the expiration of the member's term, unless the member is re-appointed. A member may not serve as a hold-over member of such board, commission, or other body for more than 120 days after the expiration of his or her term. The tenure of any person sitting as a hold-over member on the effective date of this amendment shall terminate no later than 120 days after the effective date.

Section 4. The San Francisco Charter is hereby amended, by amending Sections 3.104 and 4.120, to read as follows:

SEC. 3.104. CITY ADMINISTRATOR.

The Mayor shall appoint or reappoint a City Administrator, subject to confirmation by the Board of Supervisors. The appointee shall have at least ten years' governmental management or finance experience with at least five years at the city, county, or city and county level. The City Administrator shall have a term of office of five years, and may be removed by the Mayor subject to approval by the Board of Supervisors.

The City Administrator shall have responsibility for:

1. Administrative services within the executive branch, as assigned by the Mayor or by ordinance;
2. Administering policies and procedures regarding bonded or other long-term indebtedness, procurement, contracts and building and occupancy permits, and for assuring that

all contracts and permits are issued in a fair and impartial manner and that any inspections involved with the issuance of permits shall be carried out in a like manner;

3. Coordinating all capital improvement and construction projects except projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions;

4. Preparing and recommending bond measures for consideration by the Mayor and Board of Supervisors; and

5. Administering, budgeting and control of publicity and advertising expenditures.

The City Administrator shall have power to:

6. With the concurrence of the Mayor, appoint and remove the directors of the Departments of Administrative Services, ~~Solid Waste, Public Guardian/Administrator,~~ and Public Works, and such other department heads which are placed under his or her direction;

7. Propose rules governing procurement and contracts to the Board of Supervisors for consideration;

8. Award contracts without interference from the Mayor or Board of Supervisors; and

9. Coordinate the issuance of bonds and notes for capital improvements, equipment and cash flow borrowings, except for projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions.

In those instances where contract awards are not subject to Board of Supervisors' review, the City Administrator shall award contracts in full compliance with applicable laws and this Charter. The City Administrator's decision in such cases shall be final.

SEC. 4.120. COMMISSION ON AGING AND ADULT SERVICES.

The Commission on Aging and Adult Services shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. The Commission shall oversee the Department on Aging and Adult Services, including the functions of the Public Guardian/Administrator, as well as carry out any additional ~~The~~

duties and functions ~~of the Commission shall be~~ assigned to the Commission pursuant to Section 4.132 or by ordinance.

Section 5. The San Francisco Charter is hereby amended, by amending Section 4.118, to read as follows:

SEC. 4.118. COMMISSION ON THE ENVIRONMENT.

The Commission on the Environment shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Department of the Environment shall regularly produce an assessment of San Francisco's environmental condition. It shall also produce and regularly update plans for the long-term environmental sustainability of San Francisco.

Pursuant to the policies and directives set by the Commission, and under the supervision and direction of the department head, the Department shall manage the environmental programs, duties and functions assigned to it pursuant to Section 4.132 or by ordinance.

The Commission shall have the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, including environmental justice ~~except for those regarding building and land use~~.

The Commission may investigate and make recommendations to all City agencies related to operations and functions, such as:

1. Solid waste management;
2. Recycling;
3. Energy conservation;
4. Natural resource conservation;
5. Environmental inspections;
6. Toxics;

7. Urban forestry and natural resources;
8. Habitat restoration; and
9. Hazardous materials.

The Commission shall conduct public education and outreach to the community on environmental issues, including, but not limited to each of the categories listed above.

Nothing in this section shall be construed to limit or abridge the powers and responsibilities or authority of the Building Inspection Commission or the Planning Commission under the Charter.

Section 6. The San Francisco Charter is hereby amended, by amending Section 2.117, to read as follows:

SEC. 2.117. OFFICES OF THE BOARD OF SUPERVISORS.

Each member of the Board of Supervisors shall have legislative aides ~~two staff members~~ pursuant to Section 10.104, subject to budgetary constraints and a mayoral veto through the annual appropriation ordinance. The Board of Supervisors shall appoint a Clerk of the Board. The Clerk of the Board shall have charge of the office and records of the Board and its committees and its classified staff. The Clerk shall keep a public record of the proceedings of the board as provided by Section 2.108 of this Charter and shall keep properly indexed files of all ordinances and resolutions. The Clerk shall be responsible for the publication, as required by law, of ordinances, resolutions and other matters acted on by the Board for which publication is specified. The Clerk shall have such other duties and responsibilities as the Board of Supervisors may prescribe.

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The Board of Supervisors shall appoint and may remove a Budget Analyst and such appointment shall be made solely on the basis of qualifications by education, training and experience for the position to be filled. The Budget Analyst shall be responsible for such duties as the Board of Supervisors shall prescribe.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney