

[Authorizing the Board of Supervisors to meet by teleconferencing during a state of emergency; requiring the Board to post various notices on its website and eliminating the requirement that the Board publish those notices in the newspaper.]

## 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 Section 2.103 to allow the Board of Supervisors to meet by teleconferencing or other electronic means during a state of emergency, and by amending Sections 2.103, 2.108, 2.117, 16.112, and Article XVII, to: (1) require that City departments, including the Board of Supervisors, post various notices on the departments' websites and eliminate the requirement that the departments publish such notices in the City's official newspaper; and (2) assign individual section numbers to the definitions contained in Article XVII.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2005, a proposal to amend the Charter of the City and County by amending Section 2.103 to read as follows:

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

#### **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 posted in City Hall and on the Board's website, and a copy of the notice filed with the Government Information Center of the Public Library 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 and on the Board's website, and a copy of the notice filed with the Government Information Center of the Public Library 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 and on the Board's website, and a copy of the notice filed with the Government Information Center of the Public Library at least 15 days in advance of such special meetings.

During a state of emergency declared by the Mayor under Charter Section 3.100(13), the Board of Supervisors may meet by teleconferencing or other electronic means as authorized by Government Code Section 54953(b) or any successor legislation. To the extent reasonably possible, such teleconferences or other electronic meetings shall be carried on the government access channel of any local cable television system.

**SEC. 2.108. PUBLIC'S RIGHT TO KNOW.**

The Board of Supervisors shall adopt and maintain a Sunshine Ordinance to liberally provide for the public's access to their government meetings, documents and records.

The Clerk of the Board of Supervisors shall keep a permanent public record of the proceedings of the Board showing all action considered and taken, the text of ordinances and resolutions voted upon and the vote of each member of the Board regarding any matter before the Board. The Clerk of the Board shall cause the text of all ordinances or resolutions passed by the Board to be readily available to the public.

A written calendar of the business scheduled for each meeting of the Board of Supervisors or any standing or special committee comprised of Board members and established by the Board shall be prepared and available to the public before each meeting. Summaries of board and committee calendar items of general public interest, as determined by the Clerk of the Board, and a statement of where and when copies of proposed ordinances and resolutions may be obtained, shall be posted in City Hall and on the Board's website, and a copy of the information filed with the Government Information Center of the Public Library, ~~published~~ commencing at least 36 hours before the commencement time of each regular meeting and at least 18 hours before the commencement time of each special meeting.

Except as otherwise provided in this Charter, or by ordinance, notice of the title or the purport and subject matter of each proposed ordinance which is introduced and referred to committee shall be posted in City Hall and on the Board's website, and a copy of the notice filed with the Government Information Center of the Public Library, ~~published~~ within five days after its presentation to the board and a copy of such proposed ordinance shall be kept available for inspection in the office of the Clerk of the Board. Each ordinance required to be included in the

municipal code shall be printed promptly after final passage, and copies shall be made available to the public.

All ordinances, after final passage or upon their becoming effective shall be certified by the Clerk of the Board and recorded in a book kept for that purpose, and resolutions adopted shall be certified and recorded in a like manner. Notice that an ordinance has been passed for second reading, that an ordinance has been finally passed, and that a resolution has been adopted, together with a statement of where copies may be obtained, shall be posted in City Hall and on the Board's website, and a copy of the notice filed with the Government Information Center of the Public Library, published once within five days of such passage for second reading, final passage, or adoption.

#### **SEC. 2.117. OFFICES OF THE BOARD OF SUPERVISORS.**

Each member of the Board of Supervisors shall have two staff members pursuant to Section 10.104. 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 posting publication, as required by law, of ordinances, resolutions and other matters acted on by the Board for which posting publication is specified. The Clerk shall have such other duties and responsibilities as the Board of Supervisors may prescribe.

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.

**SEC. 16.112. CITIZEN PARTICIPATION; PUBLIC NOTICES, HEARINGS AND ACCESS TO PUBLIC DOCUMENTS.**

The publication *or posting* of and full public access to public documents, except for those subject to confidentiality, shall be as required by law.

Notice shall be *posted at the department's main office and on the department's website, and a copy of the notice filed with the Government Information Center of the Public Library, published* in a timely manner before any public hearing, and shall include a general description of said hearing.

Notice shall be given, and public hearings held before:

(a) Any facility used by the public, including but not limited to libraries and health facilities, shall be closed, eliminated, or its level of services reduced, or prior to the leasing, selling or transfer of management of said facility;

(b) Any significant change in the operating schedule or route of a street railway, bus line, trolley bus line or cable car line is adopted;

(c) Any fee, schedule of rates, charges or fares which affects the public is instituted or changed; should any such action be approved, the result shall also be noticed; or

(d) Any amendment to the general plan, change in zoning or change in land use is adopted.

In addition, notice shall be given for the following:

(e) Any sale, lease, rental, encumbrance or exchange of real property held by the City and County;

(f) Special assessment districts and protests of special assessment districts;

(g) Requests for bids or proposals for the purchase or lease of materials, supplies, equipment, services, construction, work or improvements involving expenditure of \$50,000 or more; notice shall also be given after any such award is made; the Board may by ordinance reduce the dollar threshold for such notice; and

(h) Polling places and precinct officers for any election.

## **ARTICLE XVII: DEFINITIONS**

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

### **SEC. 17.100. "BUSINESS DAY."**

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

### **SEC. 17.101. "CONFIRM" OR "CONFIRMATION."**

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

### **SEC. 17.102. "DISCRIMINATION."**

“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.

### **SEC. 17.103. "DOMESTIC PARTNERS."**

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

### **SEC. 17.104. "ELECTOR."**

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

**SEC. 17.105. "FOR CAUSE."**

“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.

**SEC. 17.106. "GENERAL MUNICIPAL ELECTION."**

“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.

**SEC. 17.107. "INITIATIVE."**

“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.

**SEC. 17.108. "NOTICE."**

“Notice” shall mean publication in an official newspaper (as defined by ordinance) *where specifically required by law*, and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office. *"Notice" shall otherwise mean posting at the department's main office and on the department's website, and filing a copy of the document with the Government Information Center of the Public Library.*

**SEC. 17.109. "ONE-THIRD," "A MAJORITY" OR "TWO-THIRDS."**

“One-third,” “a majority” or “two-thirds” of the Board of Supervisors or any other 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.

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

**SEC. 17.110. "REFERENDUM."**

“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.

**SEC. 17.111. "SPECIAL MUNICIPAL ELECTION."**

“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.

**SEC. 17.112. "STATEWIDE ELECTION."**

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

**SEC. 17.113. "VOTER."**

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

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

By: \_\_\_\_\_  
THOMAS J. OWEN  
Deputy City Attorney