BOARD of SUPERVISORS

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M E M O R A N D U M

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Shirleen McSpadden, Executive Director, Homelessness and Supportive Housing
Charles Minor, Local Homeless Coordinating Board
Mary Hom, Our City, Our Home Oversight Committee

FROM: Victor Young, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: July 18, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2022 Election

The Board of Supervisors' Rules Committee has received following Charter Amendment for the November 8, 2022, Election. This matter is being **re-referred** to you in accordance with Rules of Order 2.22.4.

File No. 220535 Charter Amendment - Homelessness Oversight Commission

Charter Amendment (Second Amendment) to amend the Charter of the City and County of San Francisco to create the Homelessness Oversight Commission ("Commission") to oversee the Department of Homelessness and Supportive Housing; to provide that the Commission lacks jurisdiction to approve or disapprove criteria used to ascertain eligibility or priority for programs and services, where such criteria are required as a condition of funding; to require the Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that the Commission shall appoint the members of the Local Homeless Coordinating Board and the Shelter Monitoring Committee, and requiring those bodies to advise the Commission, and to require the Our City, Our Home Oversight Committee to advise the Commission and the Health Commission, in addition to advising the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund and on monies appropriated from the Fund; and

to specify that services relating to homelessness are subject to audit by the Controller; at an election to be held on November 8, 2022.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
Patrick Ford, Ethics Commission
Michael Canning, Ethics Commission
Dylan Scheider, Homelessness and Supportive Housing
Emily Cohen, Homelessness and Supportive Housing
Bridget Badasow, Homelessness and Supportive Housing
Jaura Marshall, Office of the Controller
Jessica Shimmin, Office of the Controller

[Charter Amendment - Homelessness Oversight Commission]

Describing and setting forth a proposal to the voters at an election to be held on November 8, 2022, to amend the Charter of the City and County of San Francisco to create the Homelessness Oversight Commission ("Commission") to oversee the Department of Homelessness and Supportive Housing; to provide that the Commission lacks jurisdiction to approve or disapprove criteria used to ascertain eligibility or priority for programs and services, where such criteria are required as a condition of funding; to require the Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that the Commission shall appoint the members of the Local Homeless Coordinating Board, requiring the Local Homeless Coordinating Board and the Shelter Monitoring Committee to advise the Commission, and to require the Our City, Our Home Oversight Committee to advise the Commission and the Health Commission, in addition to advising the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund and on monies appropriated from the Fund; and to specify that services relating to homelessness are subject to audit by the Controller.

NOTE: **Unchanged Charter text and uncodified text** are in plain font.
Additions are *single-underline italics Times New Roman font*.
Deletions are ~~*strike-through italics Times New Roman font*~~.
Asterisks (* * * *) indicate the omission of unchanged Charter subsections.

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of the City and County by adding Section 4.133 to Article IV, and amending Section F1.101 of Appendix F, to read as follows:

SEC. 4.133. HOMELESSNESS OVERSIGHT COMMISSION.

(a) There shall be a Homelessness Oversight Commission ("Commission") to oversee the Department of Homelessness and Supportive Housing ("Department"), or any successor agency. The Department shall, to the extent prescribed by ordinance, manage and direct housing, programs, and services for persons experiencing homelessness in the City, including, but not limited to, street outreach, homeless shelters, transitional housing, homelessness prevention, and permanent supportive housing.

(b) The Commission shall consist of seven members, appointed as follows:

(1) Seats 1, 2, 3, and 4 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. Each nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days of the date the Clerk of the Board receives notice of the nomination from the Mayor. If the Board fails to act on the nomination within those 60 days, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or on the 61st day after the Clerk of the Board receives notice of the nomination, whichever is earlier. Seat 1 shall be held by a person who has personally experienced homelessness. Seat 2 shall be held by a person with significant experience providing services to or engaging in advocacy on behalf of persons experiencing homelessness. Seat 3 shall be held by a person with expertise in mental health service delivery or substance use treatment. Seat 4 shall be held by a person with a record of participation in a merchants' or small business association, or neighborhood association. In addition to the aforementioned qualifications, at least one of the Mayor's appointees shall have experience in budgeting, finance, and auditing.

(2) Seats 5, 6, and 7 shall be appointed by the Board of Supervisors. Seat 5 shall be held by a person who has personally experienced homelessness. Seat 6 shall be held by

a person with significant experience providing services to or engaging in advocacy on behalf of persons experiencing homelessness. Seat 7 shall be held by a person with significant experience working with homeless families with children and/or homeless youth.

(3) Section 4.101 shall apply to these appointments, with a particular emphasis on diversity in ethnicity, race, age, sex, gender identity, sexual orientation, and types of disabilities.

(c) Commission members shall serve at the pleasure of their respective appointing authorities and may be removed by their appointing authorities at any time. Vacancies shall be filled by the respective appointing authorities as prescribed in subsections (b)(1) and (2).

(d) Commissioners shall serve four-year terms, beginning at noon on May 1, 2023; provided, however, the term of the initial appointees in Seats 1, 5, and 6 shall be a two-year term, expiring at noon on May 1, 2025.

(e) The Commission shall elect a Chair, Vice-Chair, and officers for other such positions, if any, that it chooses to create.

(f) The Commission shall have the following powers and duties:

(1) With respect to the Department, the Commission shall exercise all of the powers and duties of boards and commissions as set forth in Sections 4.102, 4.103, and 4.104, including but not limited to, approving applicable departmental budgets, formulating goals consistent with the overall objectives of the City and County, holding hearings and taking testimony, conducting public education and outreach concerning programs and services for homeless persons in San Francisco, and issues concerning homelessness, and conducting performance audits of the Department to assess the efficiency and effectiveness of the Department's delivery of services to persons experiencing homelessness and persons participating in programs overseen by the Department.

(2) Notwithstanding the Commission's authority to review and set policies, the Commission shall not have the authority to approve, disapprove, or modify criteria used to ascertain eligibility or priority for programs and/or services operated or provided by the Department, where such criteria are required as a condition of the receipt of state or federal funding.

(g) The Mayor and the Board of Supervisors shall make their initial appointments to Seats 1-7, respectively, on the Commission by no later than noon, March 1, 2023. The Commission shall come into existence upon the appointment, and confirmation where required, of four members, or at noon on May 1, 2023, whichever is later. The Commission shall have its inaugural meeting within 30 days of its coming into existence.

(h) By no later than May 1, 2023, the City shall enact an ordinance that:

(1) Amends Article XXXI of Chapter 5 of the Administrative Code, to provide that the Commission shall appoint all members of the Local Homeless Coordinating Board ("LHCB") and that the LHCB's sole duties shall be to serve as the Continuum of Care governing body and to advise the Commission on issues relating to the City's participation in the Continuum of Care program. This subsection (h)(1) shall not preclude the City by ordinance from amending said Article XXXI in a manner that is not inconsistent with this subsection or as necessary to comply with federal requirements relating to the Continuum of Care.

(2) Amends Article XII of Chapter 20 of the Administrative Code, to provide that the Shelter Monitoring Committee shall advise the Commission in lieu of advising the LHCB. This subsection (h)(2) shall not preclude the City by ordinance from amending said Article XII in a manner that is not inconsistent with this subsection.

(3) Amends Article XLI of Chapter 5 of the Administrative Code and Section 2810 of Article 28 of the Business and Tax Regulations Code, to provide that the Our City, Our Home Oversight Committee ("Oversight Committee") shall advise and make recommendations

to the Commission and the Health Commission, in addition to advising and making recommendations to the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund ("Fund") and on monies appropriated from the Fund, which monies are subject to the City budget approval process set forth in Article IX of the Charter, and to provide that the needs assessment conducted by the Oversight Committee shall inform the Department's strategic planning process. This subsection (h)(3) shall not preclude the City by ordinance from amending said Article XLI and said Section 2810 in a manner that is not inconsistent with this subsection, Section 2811 of the Business and Tax Regulations Code, and Articles XIIIA and XIIIC of the California Constitution, as may be amended from time to time.

(i) The references in subsection (h) to the LHCB, Shelter Monitoring Committee, and Oversight Committee do not change their character as bodies created by ordinance. Accordingly, they are not subject to provisions in the Charter or Municipal Code that apply exclusively to bodies enumerated in the Charter or created by the Charter, including but not limited to Charter Sections 4.101.1 and 4.101.5.

(j) Within one year of the effective date of the ordinance adopted by the Board of Supervisors in compliance with subsection (h), the City Attorney shall cause subsections (h)-(j) of this Section 4.133 to be removed from the Charter.

F1.101. CITY SERVICES AUDITOR; SERVICES AUDIT UNIT.

(a) In addition to the other duties prescribed by this Charter, the Controller shall perform the duties of a City Services Auditor, responsible for monitoring the level and effectiveness of services provided by the government of the City and County of San Francisco to the people of San Francisco. The City Services Auditor shall establish and maintain a Services Audit Unit in the Controller's Office to ensure the financial integrity and improve the overall performance and efficiency of City government. The Services Audit Unit shall review

performance and cost benchmarks developed by City departments in consultation with the Controller and based on their departmental efficiency plans under Chapter 88 of the Administrative Code, and conduct comparisons of the cost and performance of San Francisco City government with other cities, counties, and public agencies performing similar functions. In particular, the Services Audit Unit shall assess:

(1) Measures of workload addressing the level of service being provided or providing an assessment of need for a service;

(2) Measures of efficiency including cost per unit of service provided, cost per unit of output, or the units of service provided per full time equivalent position; and

(3) Measures of effectiveness including the quality of service provided, citizen perceptions of quality, and the extent a service meets the needs for which it was created.

(b) The service areas for which data is collected and comparisons conducted shall include, but not be limited to:

(1) The cleanliness and condition of streets, sidewalks, and the urban environment and landscape;

(2) The performance of other public works and government-controlled public utilities, including water and clean water programs;

(3) Parks, cultural, and recreational facilities;

(4) Transportation, as measured by the standards set out in Charter Section 8A.103, provided, however, that primary responsibility for such assessment shall continue to be exercised by the Municipal Transportation Agency pursuant to Charter Section 8A.100 et seq.;

(5) The criminal justice system, including the Police Department, Juvenile and Adult Probation Departments, Sheriff, District Attorney, and Public Defender;

(6) Fire and paramedic services;

(7) Public health, human services, *and services relating to homelessness*;

(8) City management; and,

(9) Human resources functions, including personnel and labor relations.

(c) The information obtained using the service measurement standards set forth above shall be compiled on at least an annual basis, and the results of such benchmark studies, as well as comparative data, shall be available on the City's website.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
ANNE PEARSON
Deputy City Attorney

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