FILE NO. 220635

# LEGISLATIVE DIGEST
(Revised 6/27/2022)

[Charter Amendment - Public Works Department and Commission, Sanitation and Streets Department and 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 eliminate the Department of Sanitation and Streets and transfer its responsibilities to the Department of Public Works; to remove special qualifications for members of the Sanitation and Streets Commission and Public Works Commission and for the Director of Public Works; to limit the duties of the Sanitation and Streets Commission to holding hearings, reviewing data, and setting policies for the Department of Public Works regarding sanitation standards and protocols and maintenance of the public right of way; and to provide that the Public Works Commission shall oversee all other aspects of the Department of Public Works.**

## Existing Law

In November 2020, the voters approved Proposition B, a Charter amendment that divided the Department of Public Works into two separate departments—a Department of Public Works and a Department of Sanitation and Streets. Under Proposition B, the Department of Public Works is responsible for designing, building, and improving the City's infrastructure and public right of way. The Director of Public Works must be qualified by either technical training or management experience in engineering or architecture. And the Department of Sanitation and Streets is responsible for sweeping streets and cleaning sidewalks, providing and maintaining sidewalk trash cans, removing graffiti and illegally dumped waste, and maintaining City buildings, public restrooms, and street trees.

Proposition B also established a commission to oversee each department—a Public Works Commission and a Sanitation and Streets Commission. Each commission must have five members: two appointed by the Board of Supervisors, two appointed by the Mayor subject to approval by the Board of Supervisors, and one appointed by the Controller subject to approval by the Board of Supervisors. Proposition B listed specific oversight duties for the two commissions, including duties related to regarding approval of departmental contracts and review of performance under those contracts, and review of staffing of departmental positions. Members of the commissions must have specified qualifications or backgrounds.

Under the transition rules in Proposition B, the Public Works Commission and the Sanitation and Streets Commission will come into existence in July 2022, and the Department of Sanitation and Streets will come into existence in October 2022.

Proposition B also requires the Controller to conduct an annual analysis evaluating whether there are inefficiencies or waste in the two departments' administration, operations, or division of labor.

## Amendments to Current Law

The proposed Charter amendment will eliminate the Department of Sanitation and Streets, and transfer all the powers and duties of that department back to the Department of Public Works.

The proposed Charter amendment will also modify the powers of the two commissions established by Proposition B. The Public Works Commission will have oversight authority over the Department of Public Works, including the power to set policy for the department except in areas within the policymaking jurisdiction of the Sanitation and Streets Commission. The Public Works Commission will also have authority to make recommendations to the Mayor for appointment of the department head, and to remove the department head. The proposed Charter amendment will remove the specific list of Commission duties related to contracts and staffing.

The Sanitation and Streets Commission will have more limited authority to hold hearings and set policy for the Department of Public Works regarding sanitation standards and protocols, and maintenance of the public right of way. The Commission will also have responsibility for evaluating data regarding the street and sidewalk conditions of the public right of way, and establishing minimum standards of cleanliness for the public right of way.

The proposed Charter amendment will also remove the required qualifications for members of the two commissions, and replace those requirements with a list of desirable qualifications for the commissioners. Even though the commissions' powers and the members' qualification requirements will change, the commissions will continue to exist uninterrupted, and the appointed members may continue to serve their current terms.

The proposed Charter amendment also will remove the requirement for the Controller to conduct an annual audit regarding waste and inefficiency in the two departments, but the Controller will retain the authority to audit the Department of Public Works.

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