

File No. 220635

Committee Item No. 7

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 6, 2022

Board of Supervisors Meeting

Date _____

Cmte Board

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Completed by: Victor Young Date July 1, 2022

Completed by: _____ Date _____

[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.

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 deleting Section 4.138, and revising Sections 4.139, 4.140, 4.141, 16.129, and F1.102, to read as follows:

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.

~~SEC. 4.138. DEPARTMENT OF SANITATION AND STREETS.~~

~~(a) **Establishment.** There shall be a Department of Sanitation and Streets, which shall come into existence three months after the Transition Date for the Sanitation and Streets Commission in Section 4.139(d). The Department shall be headed by the Director of Sanitation and Streets, who shall be qualified by either technical training or management experience in environmental services or the maintenance, sanitation, or cleaning of public spaces; and shall~~

1 ~~have a demonstrated knowledge of best practices regarding cleaning and maintenance of high-~~
2 ~~traffic or publicly accessible areas. The Department shall assume all responsibilities previously~~
3 ~~under the jurisdiction of the Department of Public Works that pertain to the duties specified in~~
4 ~~subsection (b).~~

5 ~~(b) **Duties.** Except as otherwise provided in the Charter or pursuant to Section 4.132, in~~
6 ~~addition to any other duties assigned by ordinance, the Department shall have the following~~
7 ~~duties:~~

8 ~~—— (1) efficient and systematic street sweeping, sidewalk cleaning, and litter~~
9 ~~abatement;~~

10 ~~—— (2) maintenance and cleaning of public restrooms in the public right of way;~~

11 ~~—— (3) provision and maintenance of city trash receptacles;~~

12 ~~—— (4) removal of illegal dumping and graffiti in the public right of way;~~

13 ~~—— (5) maintenance of public medians, and of street trees in the public right of way~~
14 ~~pursuant to section 16.129;~~

15 ~~—— (6) maintenance of City streets and sidewalks;~~

16 ~~—— (7) construction, repair, remodeling, and management services for City owned~~
17 ~~buildings and facilities; and~~

18 ~~—— (8) control of pests on City streets and sidewalks.~~

19 ~~The Board of Supervisors may limit, modify, or eliminate the duties set forth in~~
20 ~~subsections (1) through (8), and may transfer any of those duties to the Department of Public~~
21 ~~Works or other City departments, by ordinance approved by two thirds of the Board. Nothing in~~
22 ~~this Section 4.138 shall relieve property owners of the legal responsibilities set by local or State~~
23 ~~law, including as those laws may be amended in the future.~~

24 ~~(c) **Refuse Collection and Disposal Ordinance.** The Director of Sanitation and Streets~~
25 ~~shall perform the responsibilities assigned to the Director of Public Works by the Refuse~~

1 ~~Collection and Disposal Ordinance of November 8, 1932, as it may be amended from time to~~
2 ~~time.~~

3 ~~(d) **Administrative Support.** By no later than the Transition Date in Section 4.139(d),~~
4 ~~the Board of Supervisors shall by ordinance require the City Administrator, the Department of~~
5 ~~Public Works, and/or any other City department to provide administrative support for the~~
6 ~~Department, which shall include but need not be limited to human resources, performance~~
7 ~~management, finance, budgeting, technology, emergency planning, training, and employee safety~~
8 ~~services. At any time more than two years and three months after the Transition Date, the Board~~
9 ~~of Supervisors may adopt ordinances requiring the Department of Sanitation and Streets to~~
10 ~~assume responsibility for some or all of that administrative support.~~

11 ~~(e) **Transition.** No later than the Transition Date in Section 4.139(d), the City~~
12 ~~Administrator shall submit to the Board of Supervisors a proposed ordinance amending the~~
13 ~~Municipal Code, including but not limited to the Public Works Code, to conform to Sections~~
14 ~~3.104, 4.139, 4.140, 4.141, 16.129, F1.102, and this Section 4.138, as adopted or amended by~~
15 ~~the voters at the November 3, 2020 election.~~

16 17 **SEC. 4.139. SANITATION AND STREETS COMMISSION.**

18 (a) **Purpose.** There is hereby established a Sanitation and Streets Commission. ~~The~~
19 ~~Commission shall set policy directives and provide oversight for the Department of Sanitation~~
20 ~~and Streets.~~

21 (b) **Membership and Terms of Office.**

22 (1) The Commission shall consist of five members, appointed as follows:
23 Seats 1 and 2 shall be appointed by the Board of Supervisors. Seat 3 shall be appointed by the
24 Controller subject to confirmation by the Board of Supervisors. Seats 4 and 5 shall be appointed
25 by the Mayor subject to confirmation by the Board of Supervisors.

1 Each nomination of the Mayor and the Controller shall be subject to approval by the
2 Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days of the
3 date the Clerk of the Board receives notice of the nomination from the Mayor or Controller. If
4 the Board fails to act on the nomination within those 60 days, the nominee shall be deemed
5 approved. The appointment shall become effective on the date the Board adopts a motion
6 approving the nomination or on the 61st day after the Clerk of the Board receives notice of the
7 nomination, whichever is earlier.

8 Qualifications for commissioners that are desirable, but not required, include a
9 background or experience in cleaning and maintaining public spaces, urban forestry, urban
10 design, construction, skilled crafts and trades, finance and audits, architecture, landscape
11 architecture, engineering, or performance measurement and management.

12 ~~—— (1) The Commission shall consist of five members, appointed as follows:~~

13 ~~Seats 1 and 2 shall be appointed by the Mayor subject to confirmation by the Board of~~
14 ~~Supervisors. Each nomination shall be the subject of a public hearing and vote within 60 days. If~~
15 ~~the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is~~
16 ~~transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.~~
17 ~~Seat 1 shall be held by a person who is a small business owner. Seat 2 shall be held by a person~~
18 ~~with experience in project management.~~

19 ~~Seat 3 shall be appointed by the Controller subject to confirmation by the Board of~~
20 ~~Supervisors. The nomination shall be the subject of a public hearing and vote within 60 days. If~~
21 ~~the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is~~
22 ~~transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.~~
23 ~~Seat 3 shall be held by a person who has a background in finance and audits.~~

24 ~~Seats 4 and 5 shall be appointed by the Board of Supervisors. Seat 4 shall be held by a~~
25 ~~person who has a background in either urban forestry, urban design, or environmental services.~~

~~Seat 5 shall be held by a person with significant experience in cleaning and maintaining public spaces.~~

(2) Members of the Commission shall serve four-year terms; provided, however, the term of the initial appointees in Seats 1 and 4 shall be two years.

(3) Members may be removed at will by their respective appointing officer.

(c) **Duties.** ~~With regard to the Department of Sanitation and Streets, beginning three months after the Transition Date in subsection (d), the Commission shall exercise all the powers and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, and may take other actions as prescribed by ordinance. The Commission shall hold public hearings and set policies for the Department of Public Works (the "Department") regarding sanitation standards and protocols, and maintenance of the public right of way.~~ In addition, the Commission shall:

(1) review and evaluate data regarding ~~the street and sidewalk~~ conditions of the public right of way, including but not limited to data collected by the Department; and annual reports generated by the Controller; and

(2) establish minimum standards of cleanliness for the public right of way, and set baselines for services to be administered by the Department to maintain cleanliness of the public right of way.;

Notwithstanding Sections 4.102, 4.103, and 4.104 of this Charter, the Commission shall exercise only the powers set forth in this subsection (c), and the Public Works Commission shall exercise the oversight authority described in those sections over the Department of Public Works, as set forth in Section 4.141.

~~—— (3) approve all contracts proposed to be entered into by the Department, provided that the Commission may delegate this responsibility to the Director of the Department, or the Director's designee;~~

1 ~~—— (4) perform an annual cost analysis evaluating whether there are inefficiencies~~
2 ~~or waste in the Department's administration and operations; and~~

3 ~~—— (5) perform an annual review on the designation and filling of Department~~
4 ~~positions, as exempt, temporary, provisional, part time, seasonal or permanent status, the~~
5 ~~number of positions that are vacant, and at the Commission's discretion, other data regarding~~
6 ~~the Department's workforce. This function shall not in any way limit the roles of the Civil~~
7 ~~Service Commission or the Department of Human Resources under the Charter.~~

8 **(d) Transition provisions following November 8, 2022 election.**

9 The tenures and terms of members of the Commission on November 8, 2022 shall
10 continue as provided in this Section 4.139.

11 ~~—— (1) The Commission shall come into existence on the Transition Date, which~~
12 ~~shall be established by the Board of Supervisors by written motion adopted by a majority vote of~~
13 ~~its members, provided that the Transition Date shall be no earlier than July 1, 2022. The Board~~
14 ~~of Supervisors shall vote on a written motion to establish the Transition Date no later than~~
15 ~~January 1, 2022. If the Board of Supervisors fails to adopt such a motion by January 1, 2022, the~~
16 ~~Clerk of the Board of Supervisors shall place such a motion on the agenda of a Board of~~
17 ~~Supervisors meeting at least once every three months thereafter until such time as the Board of~~
18 ~~Supervisors adopts a motion establishing the Transition Date. The Mayor, Board of Supervisors,~~
19 ~~and Controller shall make initial appointments to the Commission by no later than three months~~
20 ~~before the Transition Date. The terms of all five members shall commence at noon on the~~
21 ~~Transition Date.~~

22 ~~—— (2) The Commission shall have its inaugural meeting by no later than 30 days~~
23 ~~after three members of the Commission have assumed office.~~

24 ~~—— (3) The Director of Public Works or person serving in an acting capacity as~~
25 ~~Director of Public Works, at the time the Commission comes into existence, shall perform the~~

1 ~~duties of the Director of the Department of Sanitation and Streets in an acting capacity until the~~
2 ~~Commission appoints a new Director in accordance with the Charter provisions governing~~
3 ~~appointment of a department head serving under a commission.~~

4
5 **SEC. 4.140. DEPARTMENT OF PUBLIC WORKS.**

6 ~~Except as otherwise specified in the Charter, including in Section 4.138(b)(7), the~~
7 ~~Department of Public Works shall design, build, and improve the City's infrastructure and~~
8 ~~public right of way, and assume any other duties assigned by ordinance or pursuant to Section~~
9 ~~4.132. The Department shall be headed by the Director of Public Works, who shall be qualified~~
10 ~~by either technical training or management experience in engineering or architecture.~~

11 (a) **Responsibilities of Department.** There shall be a Department of Public Works
12 (the "Department"). On January 1, 2023, the Department shall assume the responsibilities of
13 the Department of Sanitation and Streets as they existed on December 31, 2022, and shall retain
14 the existing responsibilities of the Department of Public Works. The Department shall be headed
15 by a Director of Public Works appointed by the Mayor as provided in Sections 3.100(19) and
16 4.102(5).

17 Except as otherwise provided in the Charter or pursuant to Section 4.132, in addition to
18 any other duties assigned by ordinance, the Department shall have the following duties: the
19 design, building, repair, and improvement of the City's infrastructure, including City-owned
20 buildings and facilities and the public right of way; maintenance of the public right of way,
21 including street sweeping, and litter abatement; the provision and maintenance of City trash
22 receptacles and removal of illegal dumping and graffiti in the public right of way; and planting
23 and maintenance of street trees pursuant to Section 16.129.

24 (b) Nothing in this Section 4.140 shall relieve property owners of their legal
25 responsibilities set by City or State law, including as those laws may be amended in the future.

1 (c) **Transition.**

2 (1) Notwithstanding subsection (a), the Director of Public Works or person
3 serving in an acting capacity as Director of Public Works on December 31, 2022, shall continue
4 to serve in that capacity beginning on January 1, 2023. If at that time there is a person in an
5 acting capacity serving as the Director of Public Works, or if at any time the position of Director
6 of Public Works is vacant for any reason, the position shall be filled in accordance with the
7 Charter provisions governing appointment of a department head. This subsection (c)(1) does not
8 modify the powers vested in the Public Works Commission to remove the Director of Public
9 Works in accordance with Section 4.102(6).

10 (2) By no later than June 30, 2023, the Director of Public Works shall submit
11 to the Board of Supervisors a proposed ordinance amending the Municipal Code to conform to
12 Sections 4.139, 4.140, and 4.141 and the repeal of Section 4.138.

13
14 **SEC. 4.141. PUBLIC WORKS COMMISSION.**

15 (a) **Purpose.** There is hereby established a Public Works Commission. ~~The Commission~~
16 ~~shall set policy directives and provide oversight for the Department of Public Works.~~

17 (b) **Membership and Terms of Office.**

18 (1) The Commission shall consist of five members, appointed as follows:

19 Seats 1 and 5 shall be appointed by the Board of Supervisors. ~~Seat 1 shall be held by a~~
20 ~~registered professional engineer licensed in the State of California, with a background in civil,~~
21 ~~mechanical, or environmental engineering, and Seat 5 shall be an at large position.~~ Seats 2 and
22 4 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. ~~Each~~
23 ~~nomination shall be the subject of a public hearing and vote within 60 days. If the Board of~~
24 ~~Supervisors fails to act on a nomination within 60 days of the date the nomination is transmitted~~
25 ~~to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed. Seat 2 shall be~~

1 ~~held by a registered architect licensed in the State of California, and Seat 4 shall be an at large~~
2 ~~position.~~ Seat 3 shall be ~~held by a person with a background in finance with at least 5 years in~~
3 ~~auditing experience,~~ appointed by the Controller subject to confirmation by the Board of
4 Supervisors. ~~The nomination shall be the subject of a public hearing and vote within 60 days. If~~
5 ~~the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is~~
6 ~~transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.~~

7 Each nomination of the Mayor and the Controller shall be subject to approval by the
8 Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days of the
9 date the Clerk of the Board receives notice of the nomination from the Mayor or Controller. If
10 the Board fails to act on the nomination within those 60 days, the nominee shall be deemed
11 approved. The appointment shall become effective on the date the Board adopts a motion
12 approving the nomination or on the 61st day after the Clerk of the Board receives notice of the
13 nomination, whichever is earlier.

14 Qualifications for commissioners that are desirable, but not required, include a
15 background or experience in cleaning and maintaining public spaces, urban forestry, urban
16 design, construction, skilled crafts and trades, finance and audits, architecture, landscape
17 architecture, engineering, or performance measurement and management.

18 (2) Members of the Commission shall serve four-year terms; provided, however,
19 the term of the initial appointees in Seats 1, 3, and 5 shall be two years.

20 (3) Commissioners may be removed from office at will by their respective
21 appointing authority.

22 **(c) Powers and Duties.**

23 ~~(1)~~—With regard to the Department of Public Works, ~~beginning on September~~
24 ~~1, 2022,~~ the Commission shall exercise all the powers and duties of boards and commissions set

1 forth in Sections 4.102, 4.103, and 4.104, except for the authority conferred on the Sanitation
2 and Streets Commission in Section 4.139, and may take other actions as prescribed by ordinance.

3 ~~——— (2) The Commission shall oversee the Department's performance, including~~
4 ~~evaluation of data collected by the Department, the Controller, and other City agencies.~~

5 ~~——— (3) The Commission shall approve all contracts proposed to be entered into by~~
6 ~~the Department, provided that the Commission may delegate this responsibility to the Director of~~
7 ~~Public Works, or the Director's designee.~~

8 ~~——— (4) The Commission shall require the Director of Public Works, or the~~
9 ~~Director's designee, to provide the Commission with proof of adequate performance of any~~
10 ~~contract entered into by the Department for public works involving the City's infrastructure or~~
11 ~~public right of way, based on written documentation including documentation that the building~~
12 ~~official has issued a building or site permit and a final certificate of occupancy.~~

13 ~~——— (5) The Commission shall perform an annual review on the designation and~~
14 ~~filling of Department positions, as exempt, temporary, provisional, part time, seasonal or~~
15 ~~permanent status, the number of positions that are vacant, and at the Commission's discretion,~~
16 ~~other data regarding the Department's workforce. This function shall not in any way limit the~~
17 ~~roles of the Civil Service Commission or the Department of Human Resources under the~~
18 ~~Charter.~~

19 (d) **Transition provisions following November 8, 2022 election.**

20 The tenures and terms of members of the Commission on November 8, 2022 shall
21 continue as provided in this Section 4.141.

22 ~~—(1) The Mayor, Board of Supervisors, and Controller shall make initial appointments~~
23 ~~to the Commission by no later than the Appointment Deadline, which shall be either noon on~~
24 ~~June 1, 2022, or an earlier date established by the Board of Supervisors by written motion~~
25 ~~adopted no later than January 1, 2022 by a majority vote of its members. The Commission shall~~

1 ~~come into existence either at noon on the 31st day after the Appointment Deadline, or at noon on~~
2 ~~the date that three members of the Commission have assumed office, whichever is later. The~~
3 ~~terms of all five members shall commence at noon on the 31st day after the Appointment~~
4 ~~Deadline, regardless of when the Commission comes into existence.~~

5 ~~—(2) The Commission shall have its inaugural meeting by no later than three months~~
6 ~~after the terms of the initial members begin.~~

7 ~~—(3) The Director of Public Works at the time the Commission comes into existence~~
8 ~~shall remain in that position unless removed from it in accordance with the Charter provisions~~
9 ~~governing removal of a department head serving under a commission. If a person is serving in~~
10 ~~an acting capacity as Director at the time the Commission comes into existence, the preceding~~
11 ~~sentence applies, except that the position shall also be considered vacant for purposes of the next~~
12 ~~sentence. If the position of Director is vacant for any reason, including removal of the incumbent~~
13 ~~Director, the position shall be filled in accordance with the Charter provisions governing~~
14 ~~appointment of a department head serving under a commission. In that event, a person removed~~
15 ~~from the position under the first sentence of this subsection may be considered for appointment~~
16 ~~to the position.~~

18 **SEC. 16.129. STREET TREE MAINTENANCE.**

19 (a) **Definitions.** For purposes of this Section 16.129:

20 * * * *

21 “Maintenance” (and its root “Maintain”) shall mean those actions necessary to
22 promote the life, growth, health, or beauty of a Tree. Maintenance includes both routine
23 maintenance and major maintenance. Routine maintenance includes adequate watering to ensure
24 the Tree’s growth and sustainability; weed control; removal of Tree-well trash; staking;
25 fertilizing; routine adjustment and timely removal of stakes, ties, Tree guards, and Tree grates;

1 bracing; and Sidewalk repairs related to the Tree’s growth or root system. Major maintenance
2 includes structural pruning as necessary to maintain public safety and to sustain the health,
3 safety, and natural growth habit of the Tree; pest and disease-management procedures as needed
4 and in a manner consistent with public health and ecological diversity; and replacement of dead
5 or damaged Trees. Pruning practices shall be in compliance with International Society of
6 Arboriculture Best Management Practices and ANSI Pruning Standards, whichever is more
7 protective of Tree preservation, or any equivalent standard or standards selected by the Director
8 of the Department of Public Works~~Sanitation and Streets~~.

9 * * * *

10 “Street Tree” shall mean any Tree growing within the public right-of-way, including
11 unimproved public streets and Sidewalks, and any Tree growing on land under the jurisdiction of
12 the Department of Public Works~~or the Department of Sanitation and Streets~~. “Street Tree” does
13 not include any other forms of landscaping.

14 * * * *

15 (f) **Creating the Street Tree Maintenance Fund; Annual City Contributions.**

16 There shall be a Street Tree Maintenance Fund (the “Fund”). * * * *

17 * * * *

18 (h) **Administration and Use of the Fund.** The Department of Public Works~~Sanitation~~
19 ~~and Streets~~ shall administer the Fund. Monies in the Fund shall only be used for the following
20 purposes: * * * *

21 (i) **Annual Reports.** Commencing with a report filed no later than January 1, 2019,
22 covering the fiscal year ending June 30, 2018, the Department of Public Works~~Sanitation and~~
23 ~~Streets~~ shall file annually with the Board of Supervisors, by January 1 of each year, a report
24 containing the amount of monies collected in and expended from the Fund during the prior fiscal
25 year, and such other information as the Director of the Department of Public Works~~Sanitation~~

1 ~~and Streets~~, in the Director's sole discretion, shall deem relevant to the operation of this Section
2 16.129.

3 * * * *

4
5 **F1.102. STREET, SIDEWALK, AND PARK CLEANING AND MAINTENANCE.**

6 (a) The Services Audit Unit shall conduct annually a performance audit of the City's
7 street, sidewalk, and public park maintenance and cleaning operations. The annual audit shall:

8 (1) Include quantifiable, measurable, objective standards for street, sidewalk, and
9 park maintenance, to be developed in cooperation and consultation with ~~the Department of~~
10 ~~Sanitation and Streets~~, the Department of Public Works, and the Recreation and Park
11 Department;

12 (2) Based upon such measures, report on the condition of each geographic portion of
13 the City;

14 (3) To the extent that standards are not met, assess the causes of such failure and
15 make recommendations of actions that will enhance the achievement of those standards in the
16 future;

17 (4) Ensure that all bond funds related to streets, parks and open space are spent in
18 strict accordance with the stated purposes and permissible uses of such bonds, as approved by the
19 voters.

20 Outside of the audit process, the City departments charged with cleaning and
21 maintaining streets, sidewalks, and parks shall remain responsible for addressing individual
22 complaints regarding specific sites, although the Controller may receive and investigate such
23 complaints under Section F1.107.

24 ~~(b) The Services Audit Unit shall conduct annually a cost and waste analysis evaluating~~
25 ~~whether there are inefficiencies or waste in the administration and operations of the Department~~

1 ~~of Sanitation and Streets, and the Department of Public Works or inefficiencies or waste in the~~
2 ~~division of labor between the two departments. The annual audit shall make quantifiable,~~
3 ~~measurable recommendations for the elimination of inefficient operations and functions, and~~
4 ~~shall include:~~

5 ~~—(1) Consolidation of duplicative and overlapping activities and functions;~~

6 ~~—(2) Integration and standardization of information maintenance systems that~~
7 ~~promote interdepartmental sharing of information and resources;~~

8 ~~—(3) Departmental accounting for expenditure of resources in terms of effectiveness~~
9 ~~of the service or product delivered;~~

10 ~~—(4) Departmental deployment and utilization of personnel, the City's personnel~~
11 ~~procurement system, and reforms to enhance the quality of work performance of public~~
12 ~~employees; and~~

13 ~~—(5) Methods of operation to reduce consumption and waste of resources.~~

14 (e~~b~~) In addition, all City agencies engaged in street, sidewalk, or park maintenance shall
15 establish regular maintenance schedules for streets, sidewalks, parks and park facilities, which
16 shall be available to the public and on the department's website. Each such department shall
17 monitor compliance with these schedules, and shall publish regularly data showing the extent to
18 which the department has met its published schedules. The City Services Audit Unit shall audit
19 each department's compliance with these requirements annually, and shall furnish
20
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1 recommendations for meaningful ways in which information regarding the timing, amount and
2 kind of services provided may be gathered and furnished to the public.

3
4 APPROVED AS TO FORM:
DAVID CHIU, City Attorney

5
6 By: /s/
JON GIVNER
7 Deputy City Attorney

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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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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

May 31, 2022

File No. 220635

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Gibson:

The following proposed Charter Amendment for the November 8, 2022, Election was received by the Board of Supervisors' Rules Committee:

**File No. 22635 Charter Amendment - Public Works Department and Commission,
Sanitation and Streets Commission**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to transfer the responsibilities of the Department of Sanitation and Streets to the Department of Public Works; to establish a new seven-member Public Works Commission to replace the five-member Public Works Commission that is currently responsible for overseeing the Department of Public Works; to eliminate the Department of Sanitation and Streets and the five-member Sanitation and Streets Commission; and to establish a new seven-member Sanitation and Streets Commission to hold hearings and set policies for the Department of Public Works regarding maintenance of the public right of way and sanitation standards and protocols; at an election to be held on November 8, 2022.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk
Rules Committee

Attachment

- c: Devyani Jain, Deputy Environmental Review Officer
 Joy Navarrete, Environmental Planning
 Don Lewis, Environmental Planning
 Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines
Sections 15378 and 15060(c)(2) because it would
not result in a direct or indirect physical change in
the environment.

June 6, 2022

Joy Navarrete



OFFICE OF THE CONTROLLER
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield
Controller

Todd Rydstrom
Deputy Controller

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

June 24, 2022

RE: File 220635 – Charter amendment combining Public Works Department and Sanitation and Streets Department and establish the Public Works Commission and the Sanitation and Streets Commission

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would significantly reduce the cost of government.

Beginning in Fiscal Year 2022-23 (FY23), estimated savings would start at approximately \$3.5 million and decrease to \$2.5 million in FY24. Cost savings under this amendment would likely increase in future years if the Board were to authorize independent administrative support for Department of Sanitation and Streets (SAS).

This amendment will make changes to Proposition B, a Charter amendment approved by voters in November 2020 to separate the Department of Public Works (DPW) into two separate departments and establish a commission for each.

The proposed Charter amendment would transfer the responsibilities of the SAS back to DPW, eliminating the newly created SAS. The amendment would also establish a new seven-member Public Works Commission to replace the existing five-member Public Works Commission that oversees DPW. Additionally, the amendment would eliminate the existing five-member Sanitation and Streets Commission and establish a new seven-member Sanitation and Streets Commission that will oversee DPW maintenance of the public right of way and sanitation standards and protocols.

Approximately 765 full-time equivalent employees would be moved from SAS to DPW. Recombining departments would reduce the number of staff needed to perform administrative functions for both departments by 9.7 full-time equivalent employees in FY23 and 12 full-time equivalent employees in FY24. DPW would no longer need additional accounting, contracts and information technology staff and SAS would no longer need a department head or administrative

staff. Additionally, the proposed amendment would create other one-time and ongoing costs savings including reductions to administrative services, equipment, and professional services.

Sincerely,

Natasha Mihal

For

Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.


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MEMORANDUM

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
Carla Short, Interim Director, Public Works

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

DATE: May 31, 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 **referred** to you in accordance with Rules of Order 2.22.4.

**File No. 220635 Charter Amendment - Public Works Department and
Commission, Sanitation and Streets Commission**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to transfer the responsibilities of the Department of Sanitation and Streets to the Department of Public Works; to establish a new seven-member Public Works Commission to replace the five-member Public Works Commission that is currently responsible for overseeing the Department of Public Works; to eliminate the Department of Sanitation and Streets and the five-member Sanitation and Streets Commission; and to establish a new seven-member Sanitation and Streets Commission to hold hearings and set policies for the Department of Public Works regarding maintenance of the public right of way and sanitation standards and protocols; 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
 Rachel Alonso, Office of the City Administrator
 David Steinberg, Public Works
 Bryan Dahl, Public Works
 Lena Liu, Public Works

From: [Groth, Kelly \(BOS\)](#)
To: [Young, Victor \(BOS\)](#)
Cc: [Angulo, Sunny \(BOS\)](#)
Subject: Co-Sponsor Request - File No. 220635
Date: Thursday, June 9, 2022 9:00:29 AM

Hi Victor,

Please add Supervisor Chan as a co-sponsor of File No. 220635 - Public Works Department and Commission, Sanitation and Streets Commission.

Thank you,
Kelly

Kelly Groth | 明美
Legislative Aide
Office of Supervisor Chan
District 1, San Francisco Board of Supervisors
(415) 554-7413

From: [Laksh Bhasin](#)
To: [Board of Supervisors \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [SafaiStaff \(BOS\)](#); [Chan, Connie \(BOS\)](#); [ChanStaff \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [Young, Victor \(BOS\)](#); [Preston, Dean \(BOS\)](#); [PrestonStaff \(BOS\)](#)
Subject: File 220535: Replace HSH Commission Mayoral-appointed business seat with Board-nominated supportive housing tenant
Date: Tuesday, May 31, 2022 7:27:23 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board Of Supervisors Rules Committee,

My name is Laksh Bhasin and I coordinate the SF Berniecrats Housing Committee. I am writing to you to oppose the proposed HSH Commission Charter Amendment ([File 220535](#)) unless the following amendments are made:

1. That the commission not be majority appointed by the Mayor
2. That the commission have a seat for a permanent supportive housing tenant appointed by the Board of Supervisors.
3. That the seat for a merchant/neighborhood association member be eliminated.
4. That the OCOH Oversight Board can advise the Board of Supervisors

Supervisor Safaí, in drafting this Charter Amendment, did not listen to the community's needs. Nor did he engage stakeholders, including the voices of permanent supportive housing tenants that are often not heard.

In the April 26 Chronicle exposé on SROs used as supportive housing, it was well-established that the Mayor's Office (not just limited to the current administration) has failed to oversee SROs, with devastating effects on the quality of life of SRO tenants.

A permanent supportive housing tenant who is appointed by the Board of Supervisors would add a voice that is not often heard in conversations around homelessness issues. On the other hand, representatives from neighborhood and merchant councils (currently Seat 4) have often been over-represented in public discussions on homelessness. A businessperson or neighborhood council member simply would not have an understanding of the complex programmatic issues involved with housing homeless folks.

I am also concerned about language that does not allow for the Our City, Our Home Oversight Committee to advise the Mayor and Board of Supervisors. The voters established the OCOH Committee as one with direct oversight over the OCOH special tax, and its role should be retained as such.

The public is supportive of commissions that don't have majority-Mayoral appointments. Prop D, which put the Sheriff's Department under a 4 BOS-3 Mayor oversight board, passed with 68% of the vote in November 2020. There is no reason that this structure can't be replicated with real oversight over the Department of Homelessness and Supportive Housing.

Please oppose the Charter Amendment unless the four recommendations above are incorporated. The City is tired of paper tiger commissions that do nothing; we need real

stakeholder representation to fix the issues in SRO housing.

Sincerely,

Laksh Bhasin

Coordinator, SF Berniecrats Housing Committee