[Charter Amendment - Boards, Commissions, and Advisory Bodies]

Describing and setting forth a proposal to the voters at an election to be held on November 3, 2026, to amend the Charter of the City and County of San Francisco by 1) defining and distinguishing between Commissions and Advisory Bodies; 2) retaining in the Charter certain Commissions and Advisory Bodies and in some cases modifying their powers and duties; 3) transferring from the Charter to the Administrative Code certain Commmissions and Advisory Bodies and in some cases modifying their powers and duties; 4) when modifying the powers and duties of a body, in some cases renaming the body or making it an Advisory Body rather than a Commission; 5) removing references in the Charter to certain bodies: 6) eliminating certain bodies, and requiring the Board of Supervisors to enact ordinances eliminating certain bodies; 7) requiring the Board of Supervisors to enact ordinances modifying certain bodies in ordinances; 8) establishing a Continuum of Care Subcommittee to assume the powers and duties of the Local Homeless Coordinating Board; 9) generally establishing term limits equating to 12 years of service on Commissions and Advisory Bodies, with terms of four years for Commissions and three years for Advisory Bodies, and generally limiting holdover service by members of Commissions and Advisory Bodies; 10) generally changing specific qualifications for service on certain Commissions from required to desired qualifications; 11) where the Mayor and Board of Supervisors each have authority to appoint members of a Commission, generally increasing the number of Board votes required to reject mayoral appointees; 12) changing the structure of appointments for the Sheriff's Department Oversight Board; 13) generally removing the power of most Commissions to nominate department heads, and the related requirement that the Mayor appoint only department heads so nominated; 14) reducing the number of Commissions with the power to appoint their respective department heads and instead authorizing the Mayor to exercise that power; 15) generally removing the power of

Commissions to remove department heads, and instead authorizing the Mayor to exercise that power; 16) reducing the number of Commissions whose members may be removed only for cause; 17) revising procedures for the Police and Fire Commissions and the Department of Police Accountability relating to discipline of sworn members of the Police and Fire Departments; 18) revising the process for the Ethics Commission to place a measure on the ballot; 19) abolishing the possible recall of members of the Airport, Ethics, Port, and Public Utilities Commissions; and 19) making other minor or clarifying changes regarding Commissions and Advisory Bodies.

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 3, 2025, a proposal to amend the Charter of the City and County by:

(1) revising Article XVII and Sections 2.114, 3.100, 3.104, 3.105, 4.100, 4.101, 4.101.1, 4.101.5, 4.102, 4,104, 4.105, 4.106, 4.107, 4.108, 4.109, 4.110, 4.111, 4.112, 4.113, 4.114, 4.115, 4.117, 4.119, 4.120, 4.121, 4.122, 4.133, 4.134, 4.135, 4.136, 4.137, 4.140, 5.102, 5.103, 5.105, 5.106, 6.102, 7.102, 8.102, 8.103, 8A.101, 8A.102, 8A.106, 8A.107, 8A.111, 8A.115, 8B.121,8B.123, 8B.125, 8B.126, 9.105, 9.113, 10.100, 10.104, 12.100, 12.200, 12.204, 13.103.5, 13.110, 14.103, 15.100, 15.102, 15.105, 16.107, 16.108, 16.108-1, 16.127-1, 16.127-3, 16.127-4, 16.127-5, 16.127-7, 16.127-9, 16.128-4, 16.128-6, 16.128-7, 16.128-8, 16.128-11, 16.130, A8.343, A8.344, A8.346, A8.400, and B3.581;

(2) deleting Sections 4.103, 4.123, 4.124, 4.125, 4.139, 4.141, 16.119, 16.127-2, 16.127-6, 16.127-8, 16.127-12, 16.128-13, A8.409-6, and all of Appendix D, including Sections D3.750, D3.750-1, D3.750-2, D3.750-3, D3.750-4, D3.750-5, and D3.750-6;

(3) adding Sections 4.101.6, 4.101.7, 4.138, 14.101.1, and 18.116; and

(4) transferring the following Sections as revised to the Administrative Code: Sections 4.107(c), 4.111, 4.117, 4.118(b)-(c), 4.121(b)-(c), 4.122, 4.133, 4.134, 4.135(d), 4.137, 5.103(b), 8A.111, 8B.125(7)(a)-(7)(c), 16.108-1(a)-(c), 16.108-1(d), and 16.128-11; all 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.

ARTICLE XVII: DEFINITIONS

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

"Advisory Body" shall mean a multimember body, whether permanent or temporary, and regardless of name or composition, established by this Charter, by ordinance or resolution, by state or federal law, or by the initiative of a body so established, that does not have legal authority to exercise the sovereign powers of the City and County by making binding decisions on behalf of the City and County.

* * * *

"Commission" shall mean a multimember body, whether permanent or temporary, and regardless of name or composition, that has authority to exercise the sovereign powers of the City and County by making binding decisions on behalf of the City and County. Commissions may be established by ordinance, by resolution adopted by the Municipal Transportation Agency Board of Directors, or by state or federal law. Unless otherwise provided in this Charter, each multimember body established in this Charter is a Commission, with the exception of the Board of Supervisors.

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

* * * *

"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.

* * * *

"One-third," "a majority" or "two-thirds" of the Board of Supervisors *or any Commission* ~~*or any other board or commission of the City and County*~~ shall mean one-third, a majority, or two-thirds of all members of *the Board of Supervisors or such Commission.* ~~*such board or commission.*~~

* * * *

ARTICLE II: LEGISLATIVE BRANCH

SEC. 2.114. NON-INTERFERENCE IN ADMINISTRATION.

(a) Except for the purpose of inquiry, the Board of Supervisors shall deal with the administrative service for which the City Administrator is responsible solely through such officer, and for administrative or other functions for which elective officials or ~~*boards or c*~~*C*ommissions are responsible solely through the elective official, the ~~*board or c*~~*C*ommission or the chief executive officer of such ~~*board or c*~~*C*ommission concerned, or their designees.

(b) Neither the Board of Supervisors, its committees, nor any of its members, shall have any power or authority, nor shall they dictate, suggest, or interfere with respect to any appointment, promotion, compensation, disciplinary action, contract or requisition for purchase, or other administrative actions or recommendations of the City Administrator or of department heads under the City Administrator or under the respective ~~*boards and c*~~*C*ommissions. The Board of Supervisors shall deal with administrative matters only in the manner provided by this Charter, and any dictation, suggestion, or interference herein prohibited on the part of any

Supervisor shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

(c) Notwithstanding any other provisions of this ~~s~~Section *2.114*, it shall not constitute prohibited interference for a member of the Board of Supervisors to testify regarding administrative matters other than specific contract and personnel decisions at a public meeting of a ~~*City board, commission, task force or other appointive body*~~ *Commission or Advisory Body*, or for the Board of Supervisors to adopt legislation regarding administrative matters other than specific contract and personnel decisions.

(d) Violation of this ~~s~~Section *2.114* shall constitute official misconduct.

ARTICLE III: EXECUTIVE BRANCH – OFFICE OF MAYOR

SEC. 3.100. POWERS AND RESPONSIBILITIES.

* * * *

The Mayor shall have responsibility for:

* * * *

8. Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the proposed budget from the various ~~c~~Commissions, officers, and departments; and

* * * *

The Mayor shall have the power to:

10. Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all ~~*boards and commissions*~~ *Commissions with all or a majority of seats* appointed by the Mayor;

* * * *

12. Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, provided that no member of the staff shall receive a salary in excess of seventy percent of that paid the Mayor. For purposes of this provision, staff does not include the City Administrator, department heads, or employees of departments placed under his or her direction by Section 3.104. Notwithstanding any other provisions or limitations of this Charter to the contrary, the Mayor may not designate nor may the City and County employ on the Mayor's behalf any person to act as deputy to the Mayor or any similar employment classification, regardless of title, whose responsibilities include but are not necessarily limited to supervision of the administration of any department for which the City Administrator, an elected official other than the Mayor or a~~n appointed board or commission~~ *Commission* is assigned responsibility elsewhere in this Charter;

* * * *

18. Unless otherwise ~~*specifically*~~ provided *in this Charter*, make appointments to *Commissions* ~~*boards and commissions*~~ which shall be effective immediately and remain so, unless rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods, and diverse populations of the City and County;

19. *Unless otherwise provided in this Charter,* ~~*A*~~*a*ppoint *and remove* department heads ~~*subject to the provisions of this Charter*~~; and

* * * *

SEC. 3.104. CITY ADMINISTRATOR.

* * * *

The City Administrator shall have responsibility for:

* * * *

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

* * * *

The City Administrator shall have power to:

* * * *

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

* * * *

SEC. 3.105. CONTROLLER; CITY SERVICES AUDITOR; INSPECTOR GENERAL.

* * * *

(b) The Controller shall be responsible for the timely accounting, disbursement, or other disposition of monies of the City and County in accordance with sound financial practices applicable to municipalities and counties. The Controller shall have the power and duties of a County auditor, except as otherwise provided in this Charter. The Controller shall have authority to audit the accounts and operations of all ~~*boards, c*~~*C*ommissions, *Advisory Bodies,* officers, and departments to evaluate their effectiveness and efficiency. The Controller may require periodic or special reports of departmental operations, contracts, revenues, and expenditures, and shall have access to, and authority to, examine all documents, records, books, and other property of any ~~*board, c*~~*C*ommission, *Advisory Body,* officer, or department. Further, the Controller may

subpoena witnesses, administer oaths, and compel the production of books, papers, testimony, and other evidence with respect to matters affecting the conduct of any department or office of the City and County. The preceding sentence authorizes the Controller to compel testimony or production from any person or entity including but not limited to City and County officers and employees; persons or entities that have or are seeking a contract, grant, lease, loan, or other agreement with the City and County, and their employees or officers; applicants for or recipients of permits, licenses, land use entitlements, tax incentives, benefits, or services from the City and County, and their employees or officers; and registered City lobbyists. The Controller and employees of the Controller, including the Inspector General, may seek and execute search warrants to the extent permitted by State law.

* * * *

(e) The Controller shall exercise general supervision over the accounts of all officers, ~~c~~*C*ommissions, *Advisory Bodies,* ~~*boards,*~~ and employees of the City and County charged in any manner with the receipt, collection, or disbursement of City and County funds or other funds, in their capacity as City and County officials or employees. The Controller shall establish accounting records, procedures, and internal controls with respect to all financial transactions of the City and County. Such records, procedures, and controls shall permit the financial statements of the City and County to be prepared in conformity with generally accepted accounting principles applicable to municipalities and counties.

* * * *

ARTICLE IV: EXECUTIVE BRANCH – ~~*BOARDS,*~~ COMMISSIONS*, ADVISORY BODIES,* AND DEPARTMENTS

SEC. 4.100. GENERAL.

(a) In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, ~~*appointive boards, commissions,*~~ *Commissions,* and other units of government that ~~*perform*~~ *exercise* the sovereign powers of the City and County.

(b) Except as otherwise provided in this Charter, each Commission and Advisory Body shall be subject to this Article IV, as applicable. To the extent *the* law permits, each ~~*appointive board, commission, or other unit of government of the City and County*~~ *Commission and Advisory Body* established by State or Federal law shall be subject to the provisions of this Article IV and this Charter.

SEC. 4.101. ~~*BOARDS AND*~~ COMMISSIONS *AND ADVISORY BODIES* – COMPOSITION

(a) Unless otherwise provided in this Charter, the composition of each ~~*appointive board, commission, or advisory body of any kind*~~ *Commission and Advisory Body* established by this Charter or legislative act of the United States of America, the State of California, or the ~~*Board of Supervisors*~~ *City and County* shall be broadly representative of the communities of interest, neighborhoods, and the diversity of the City and County in ethnicity, race, age, sex, gender identity, sexual orientation, and types of disabilities.

(b) All members of such bodies as described in subsection (a) shall be residents of the City and County and the minimum age required to vote in municipal elections in the City and County, at all times during *their service on the body*~~*the term of their respective offices*~~, unless otherwise ~~*specifically*~~ provided in this Charter. Either or both of the requirements set forth in the first sentence of this subsection (b) shall not apply to ~~*boards, commissions, or advisory bodies*~~ *Commissions and Advisory Bodies* established by legislative act if the legislation specifically exempts the position from either or both requirements, or if the appointing officer or entity

makes a finding that a person meeting both requirements, and willing to serve, could not be located.

(c) It shall be the official City policy that the composition of each ~~*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*~~ *Commission and Advisory Body* shall reflect the interests and contributions of people of all races, ethnicities, ages, sexes, gender identities, sexual orientations, and types of disabilities. The voters therefore urge in the strongest terms all City officers and agencies involved in nominating, appointing, or confirming members of those ~~*appointive boards, commissions, or advisory*~~ bodies to consider and as appropriate support the nomination, appointment, or confirmation of women, people of color, seniors, people with disabilities, and people that reflect a range of sexual orientations and gender identities to fill seats on those bodies.

(d) The ~~*Commission on the Status of Women shall*~~ *Board of Supervisors by ordinance shall assign a department to* conduct an analysis of appointments to ~~*appointive boards,*~~ ~~*c*~~*C*ommissions~~,~~ and ~~*a*~~*A*dvisory ~~*b*~~*B*odies ~~*established in the Charter or by legislative act,*~~ in the second and fourth year of each mayoral term, to track the diversity of appointments to such bodies. This analysis, to be based only on voluntary disclosures, shall include ethnicity, sex, gender identity, sexual orientation, disability status, and any other relevant demographic qualities.

(e) Vacancies on ~~*appointive boards, commissions, or other units of government*~~ *Commissions and Advisory Bodies* shall be filled for the balance of the unexpired term in the manner prescribed ~~*by this Charter or ordinance*~~ for initial appointments.

~~*(f) Terms of office shall continue as they existed on the effective date of this Charter.*~~

(f) Unless otherwise provided in the law establishing or governing a Commission or Advisory Body, members serve at the pleasure of their appointing authority and may be removed by their appointing authority without cause.

(g) Members of Commissions and Advisory Bodies shall receive no compensation from the City and County unless (1) otherwise provided in this Charter, (2) authorized by ordinance under Article II of this Charter, (3) authorized in an annual or supplemental appropriation ordinance under Article IX of this Charter, (4) authorized under Section 8A.106 of this Charter, or (5) the member is a City employee acting in the scope of their employment.

SEC. 4.101.1. PROHIBITION ON ~~*BOARD MEMBERS AND*~~ COMMISSIONERS SEEKING ELECTIVE OFFICE.

(a) Any member of a ~~*board, commission, or other body established by this Charter, other than a citizen advisory committee,*~~ *Commission* shall immediately forfeit ~~*his or her*~~ *their* seat on the ~~*board, commission, or*~~ body upon filing a declaration of candidacy for any State elective office, any elective office referenced in Section 13.101 *of this Charter*, or the Bay Area Rapid Transit Board of Directors.

(b) This Section 4.101.1 shall not apply to members of ~~*boards, commissions, or other bodies*~~ *Commissions* who hold elective offices referenced in Section 13.101 of this Charter, including insofar as the elected official serves on another ~~*board, commission, or other body*~~ *Commission* established by this Charter. This Section 4.101.1 also shall not apply to elected members of bodies established by Article XII of this Charter.

SEC. 4.101.5. HOLD-OVER SERVICE BY ~~*BOARD AND*~~ COMMISSION *AND ADVISORY BODY* MEMBERS.

~~*(a) Application of this Section. Unless otherwise provided in this Charter or required by law, the requirements of this Section shall apply to the members of each appointive board, commission, or other unit of government of the executive branch of the City and County or otherwise created in the Charter ("Charter Commission"). Citizen advisory committees created in the Charter shall not be considered Charter Commissions for purposes of this Section. The provisions of this Section shall not apply to boards or commissions created in Article V (Executive Branch – Arts and Culture) or Article XII (Employee Retirement and Health Service Systems) of this Charter.*~~

~~*(b) Limitations on Hold-Over Service.*~~ Except as otherwise provided in this Charter *or in the law establishing or governing a Commission or Advisory Body*, the tenure of a member of any ~~*Charter*~~ Commission *or Advisory Body* shall terminate no later than 60 days after the expiration of the member's term, unless the member is ~~*re-appointed*~~*reappointed*. A member may not serve as a hold-over member of a ~~*Charter*~~ Commission *or Advisory Body* for more than 60 days after the expiration of *their* ~~*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 60 days after the effective date of this amendment.*~~

SEC. 4.101.6. COMMISSIONS – TERMS AND TERM LIMITS.

Unless otherwise provided in this Charter or in the law establishing or governing a specific Commission, the following provisions shall apply to members of any Commission:

(a) Members shall serve four-year terms. No person may serve as a member of the same Commission for more than three terms.

(b) A part of a term that exceeds two years shall count as a full term; a part of a term that is two years or less shall not. The current term of any person serving on a Commission on January 1, 2027 shall count as a full term if the person serves more than two years of that term.

(c) Terms completed on or before December 31, 2026 shall not count as a term for the purpose of the lifetime term limit in this Section 4.101.6, except for members of the Municipal Transportation Agency Board of Directors.

(d) This Section 4.101.6 shall not apply to the term of a person serving in an ex officio capacity or serving in a seat designated for a City employee or officer.

(e) Any person subject to this Section 4.101.6 who is serving a term that is shorter or longer than four years on January 1, 2027 may complete that term, and all subsequent terms for the seat will be four years, as provided in subsection (a).

(f) All four-year terms in effect on January 1, 2027 will continue. Commissions that have no established terms on January 1, 2027, and Commissions for which a majority of the seats expire in the same year, shall draw lots by no later than April 1, 2027 to establish staggered terms.

SEC. 4.101.7. ADVISORY BODIES – TERMS AND TERM LIMITS.

Unless otherwise provided in this Charter or in the law establishing or governing a specific Advisory Body, the following provisions shall apply to members of any Advisory Body:

(a) Members shall serve three-year terms. No person may serve as an appointed member of the same body for more than four terms.

(b) A part of a term that exceeds 18 months shall count as a full term; a part of a term that is 18 months or less shall not. The current term of any person serving on an Advisory Body on January 1, 2027 shall count as a full term if the person serves more than 18 months of that term.

(c) Terms completed on or before December 31, 2026 shall not count as a term for the purpose of the lifetime term limit in this Section 4.101.7.

(d) This Section 4.101.7 shall not apply to the term of a person serving in an ex officio capacity or serving in a seat designated for a City employee or officer.

(e) Any person subject to this Section 4.101.7 who is serving a term that is shorter or longer than three years on January 1, 2027 may complete that term, and all subsequent terms for the seat will be three years, as provided in subsection (a).

(f) All three-year terms in effect on January 1, 2027 will continue. Advisory Bodies that have no established terms on January 1, 2027, and Advisory Bodies for which a majority of the seats expire in the same year, shall draw lots by no later than April 1, 2027 to establish staggered terms.

SEC. 4.102. ~~*BOARDS AND*~~ COMMISSIONS – POWERS AND DUTIES.

Unless otherwise provided in this Charter, each *Commission* ~~*appointive board, or commission or other unit of government of the executive branch of the City and County*~~ shall:

1. Formulate, evaluate, and approve goals, objectives, plans, and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors ~~*through the adoption of City legislation*~~;

~~*2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose, and goals, subject to review and approval by the Mayor and the Board of Supervisors;*~~

~~*3*~~*2*. After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare, and submit the annual proposed budget ~~*on behalf of the executive branch*~~ and the Board of Supervisors' authority under Section 9.103; *and*

~~*4. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions;*~~

~~*5. Unless otherwise specifically provided, submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor;*~~

~~*6. Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct;*~~

~~*7. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;*~~

~~*8*~~3. Exercise such other powers and duties as shall be prescribed by *ordinance.*~~*the Board of Supervisors; and*~~

~~*9. Appoint an executive secretary to manage the affairs and operations of the board or commission.*~~

In furtherance of the discharge of its responsibilities, ~~*an appointive board, commission*~~ *each Commission* ~~*or other unit of government*~~ may:

4. Recommend to the Mayor for submission to the Board of Supervisors rates, fees, and similar charges coming within their respective jurisdictions;

5. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors; and

~~*10*~~6. Hold hearings and take testimony.~~*; and*~~

~~*11. Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.*~~

Each ~~*board or commission*~~ *Commission*, relative to the affairs of its own department, shall deal with administrative matters solely through the department head or ~~*his or her*~~ *their* designees, and any dictation, suggestion, or interference herein prohibited on the part of any member of a ~~*board or commission*~~ *Commission* shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the ~~*board or commission's*~~ *Commission's* powers of hearing and inquiry as provided in this Charter.

~~***SEC. 4.103. BOARDS AND COMMISSIONS – ANNUAL REPORT.***~~

~~*As of the operative date of this Charter and until this requirement is changed by the Board of Supervisors, each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activeties, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. The Annual Report can be included in the Annual Statement of Purpose as provided for in Section 4.102(2).*~~

SEC. 4.104. ~~*BOARDS AND*~~ COMMISSIONS – RULES AND REGULATIONS.

(a) Unless otherwise provided in this Charter, each *Commission* ~~*appointive board, commission or other unit of government of the executive branch of the City and County*~~ shall:

1. Adopt rules and regulations consistent with this Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended, or repealed, without a public hearing. At least ten days' public notice shall be given for such public hearing. ~~*All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.*~~

2. Hold meetings open to the public and encourage the participation of interested persons. Except for the actions taken at closed sessions, any action taken at other than a public meeting shall be void. Closed sessions may be held in accordance with applicable state statutes and ordinances ~~*of the Board of Supervisors*~~.

3. Keep a record of the proceedings of each regular or special meeting. Such record shall indicate how each member voted on each question. These records, except as may be limited by state law or ordinance, shall be available for public inspection.

(b) The presence of a majority of the members of ~~*an appointive board, commission or other unit of government*~~ *a Commission* shall constitute a quorum for the transaction of business by such body. The term "presence" shall include participation by teleconferencing or other electronic means as authorized by ~~*Government Code Section 54953(b) or any successor legislation*~~ *state law* after the Board of Supervisors has adopted an ordinance pursuant to subsection (c) allowing such participation when the member is physically unable to attend in person, as certified by a health care provider, due to the member's pregnancy, childbirth, or related condition. The Board of Supervisors may also, as part of a parental leave policy adopted pursuant to subsection (c), authorize a member of a ~~*board or commission*~~ *Commission* to participate in meetings by teleconferencing or other electronic means when the member is absent to care for ~~*his or her*~~ *their* child after birth of the child, or after placement of the child with the member or the member's immediate family for adoption or foster care.

(c) Unless otherwise required by this Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter, except that the rules and regulations of the body may provide that, with respect to matters of procedure the body may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum. All ~~*appointive boards, commissions or other units of government*~~ *Commissions* shall act by a majority~~, *two-thirds, three-fourths or other*~~ vote of all members *unless this Charter or the ordinance establishing or governing the Commission requires a higher threshold*. 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 *or*

because the City Attorney has advised that the member is legally prohibited from voting due to a conflict of interest.

(*d*~~e~~) Notwithstanding the provisions of Charter Section 10.101, the Board of Supervisors shall provide by ordinance for parental leave policies for members of *Commissions* ~~*appointive boards, commissions or other units of government*~~, including, but not limited to, authorization to participate in meetings by teleconferencing or other electronic means pursuant to subsection (b) and subject to the restrictions listed in that subsection.

SEC. 4.105. PLANNING COMMISSION.

GENERAL. The Planning Commission shall consist of seven members ~~*nominated and appointed pursuant to this section*~~. Four of the members shall be ~~*nominated*~~ *appointed* by the Mayor, and three of the members shall be nominated by the President of the Board of Supervisors *and approved by the Board of Supervisors*~~. Charter Section 4.101 shall apply to these appointments~~, with particular emphasis *for both Mayoral and Board appointments* on the geographic diversity of City neighborhoods. ~~*Vacancies shall be filled by the appointing officer*~~.

Each nomination of the ~~*Mayor and the*~~ President of the Board of Supervisors is subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors.

~~*Members may be removed by the appointing officer only pursuant to Section 15.105*~~.

~~*In order to stagger the terms, three members shall initially serve two-year terms, and four members shall initially service four-year terms. The initial two and four-year terms of office shall be instituted as follows:*~~

~~*1. The respective terms of office of members of the Planning Commission who hold office on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the four members appointed by the Mayor and the three members appointed by the President of the Board of Supervisors shall succeed to said offices at that time.*~~

~~*2. The Clerk of the Board of Supervisors shall determine by lot which two of the four Mayoral appointees shall serve an initial two-year term, and which one of the three appointees of the President of the Board of Supervisors shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.*~~

~~*The Commission shall provide the Mayor with at least three qualified candidates for Director of Planning, selected on the basis of administrative and technical qualifications, with special regard for experience, training and knowledge in the field of City planning.*~~

The Commission may contract with consultants for such services as it may require subject to the fiscal provisions of this Charter.

* * * *

ZONING ADMINISTRATOR. The Director of Planning shall appoint a Zoning Administrator from a list of qualified applicants provided pursuant to the Civil Service provisions of the Charter. The Zoning Administrator shall be responsible for the determination of all zoning variances. The administrator shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance, and in accordance with the general and specific rules of the zoning ordinance, subject to such conditions and safeguards as the Zoning Administrator may impose. The power to grant variances shall be applied only when the plain and literal interpretation and enforcement of the zoning ordinance

would result in practical difficulties~~,~~ *or* unnecessary hardships, or where the results would be inconsistent with the general purpose of the zoning ordinance. Decisions of the Zoning Administrator regarding zoning variances may be appealed to the Board of Appeals.

Before any such variance may be granted, there shall appear, and the Zoning Administrator shall specify in ~~*his or her*~~ findings, the facts in each case which shall establish:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same district or zone;

(b) That ow~~n~~ing to such exceptional or extraordinary circumstances the literal enforcement of the zoning ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone and vicinity;

(d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located; and

(e) That the granting of such variance will be in harmony with the general purpose and intent of the zoning ordinance and will not adversely affect the general plan.

The determination of the Zoning Administrator shall be final except that appeals therefrom may be taken, as hereinafter provided, to the Board of Appeals, exclusively and notwithstanding any other provisions of this Charter, by any person aggrieved or by any office, agency, or department of the City and County. An appeal from a determination of the Zoning Administrator shall be filed with the Board of Appeals within ten days from the date of such determination. Upon making a ruling or determination upon any matter under ~~*his or her*~~ *the Zoning Administrator's* jurisdiction, the Zoning Administrator shall thereupon furnish a copy

thereof to the applicant and to the Director of Planning. No variance granted by the Zoning Administrator shall become effective until ten days thereafter. An appeal shall stay all proceedings in furtherance of the action appealed from.

* * * *

SEC. 4.106. BOARD OF APPEALS.

(a) The Board of Appeals shall consist of five members ~~*nominated and appointed pursuant to this section*~~. Three of the members shall be ~~*nominated*~~ *appointed* by the Mayor, and two of the members shall be ~~*appointed*~~ *nominated* by the President of the Board of Supervisors *and approved by the Board of Supervisors*. ~~*Charter Section 4.101 shall apply to these appointments. Vacancies shall be filled by the appointing officer.*~~

Each nomination of ~~*the Mayor and*~~ the President of the Board of Supervisors is subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors.

Members may be removed by the appointing ~~*officer*~~ *authority* only *for official misconduct in the manner provided in* ~~*pursuant to*~~ Section 15.105*(b)*.

~~*In order to stagger the terms, three members shall initially serve two-year terms, and two members shall initially service four-year terms. The initial two and four-year terms of office shall be instituted as follows:*~~

~~*1. The respective terms of office of members of the Board of Appeals who hold office on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the three*~~

~~*members appointed by the Mayor and the two members appointed by the President of the Board of Supervisors shall succeed to said offices at that time.*~~

~~*2. The Clerk of the Board of Supervisors shall determine by lot which two of the three Mayoral appointees shall serve an initial two-year term, and which one of the two appointees of the President of the Board of Supervisors shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.*~~

The Board shall appoint and may remove an executive *director*~~*secretary*~~, who shall serve as department head.

(b) The Board shall hear and determine appeals with respect to any person who has been denied a permit or license, or whose permit or license has been suspended, revoked, or withdrawn, or who believes that ~~*his or her*~~ *their* interest or the public interest will be adversely affected by the grant, denial, suspension, or revocation of a license or permit, except for a permit or license under the jurisdiction of the Recreation and Park Commission or Department, ~~*or*~~ the Port Commission, *the Municipal Transportation Agency, or the Airport Commission,* or a building or demolition permit for a project that has received a permit or license pursuant to a conditional use authorization.

(c) The Board of Appeals shall hear and determine appeals:

1. Where it is alleged there is error or abuse of discretion in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the provisions of any ordinance adopted by the Board of Supervisors creating zoning districts or regulating the use of property in the City and County; or

2. From the rulings, decisions, and determinations of the Zoning Administrator granting or denying applications for variances from any rule, regulation, restriction, or requirement of the zoning or set-back ordinances, or any section thereof. Upon the hearing of such appeals, the Board may affirm, change, or modify the ruling, decision, or determination

appealed from, or, in lieu thereof, make such other additional determinations as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrator by this Charter or by ordinance.

(d) After a hearing and any necessary investigation, the Board may concur in the action of the department involved, or by the affirmative vote of four members (or if a vacancy exists, by a vote of three members) overrule the action of the Department.

Where the Board exercises its authority to modify or overrule the action of a department, the Board shall state in summary its reasons in writing.

SEC. 4.107. HUMAN RIGHTS ~~*COMMISSION*~~*AGENCY*.

~~*The Human Rights Commission shall consist of eleven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms*~~. ~~*Members may be removed by the Mayor.*~~

(a) The ~~*Commission*~~ *Human Rights Agency* shall:

1. Investigate complaints of unlawful discrimination against any person;

2. Ensure the civil rights of all persons;

~~*3. Ensure that the affirmative action plans of each department of the City and County are current and are being properly implemented; and report on the implementation of such affirmative action plans to the Mayor and Board of Supervisors;*~~

~~*4.*~~*3.* Promote understanding among the residents of the City and County and work cooperatively with governmental agencies, community group*s,* and others to eliminate discrimination and the results of past discrimination by furnishing information, guidance, and technical assistance; *and*

~~*5. Study, investigate, mediate and make recommendations with respect to the solving of community-wide problems resulting in intergroup tensions and discrimination;*~~

~~*6. Implement the provisions of ordinances prohibiting discrimination in all contracts and subsequent subcontracts, franchises, leases, concessions or other agreements for or on behalf of the City and County; and*~~

~~*7.*~~*4.* Issue such rules and regulations for the conduct of its business, and prepare such ordinances with respect to human rights for consideration by the Board of Supervisors as are necessary to carry out the purposes of this ~~s~~Section *4.107*.

(b) In performing its duties, the ~~*Commission*~~ *Agency* may hold hearings, issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, take testimony, and issue appropriate orders and petitions for court orders in such manner as may be prescribed by law.

(c) The Human Rights Commission shall be an Advisory Body consisting of eleven members appointed by the Mayor. The Commission shall:

1. In collaboration with the Human Rights Agency, ensure the civil rights of all persons;

2. In collaboration with the Human Rights Agency, promote understanding among the residents of the City and work cooperatively with governmental agencies, community groups, and others to eliminate discrimination and the results of past discrimination by furnishing information, guidance, and technical assistance;

3. Study, investigate, mediate, and make recommendations with respect to the solving of community-wide problems resulting in intergroup tensions and discrimination; and

4. Provide advice to the Human Rights Agency regarding rules, regulations, and ordinances that the Agency may prepare under Section 4.107(a)(4).

As set forth in Section 18.116 of this Charter, subsection (c) of this Section 4.107 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this subsection to the Administrative Code. Thereafter, the subsection may be amended or repealed by ordinance.

SEC. 4.108. FIRE COMMISSION.

(a) The Fire Commission shall consist of five members appointed by the Mayor~~, pursuant to Section 3.100, for four-year terms~~. ~~Members may be removed by the Mayor.~~

(b) In addition to any other powers set forth in this Charter, the Fire Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency *or effectiveness* of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under this section.

SEC. 4.109. POLICE COMMISSION.

(a) The Police Commission shall consist of seven members ~~appointed pursuant to this section~~.

The Mayor shall ~~nominate~~*appoint* four members to the ~~c~~*C*ommission~~, at least one of whom shall be a retired judge or an attorney with trial experience~~.

The ~~Rules Committee of the~~ Board of Supervisors~~, or any successor committee thereto,~~ shall ~~nominate~~*appoint* three ~~other~~ members to the ~~c~~*C*ommission. ~~Each nomination shall be subject to confirmation by the Board of Supervisors, and the Mayor's nominations shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors rejects the Mayor's nomination to fill the seat designated for a retired judge or attorney with trial experience, the Mayor shall nominate a different person with such qualifications. If the Board of Supervisors fails to act on a mayoral nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed. Appointment to fill a vacancy on the commission shall become operative on the date the Board of Supervisors adopts a motion confirming the nomination, or on the 61st day following the date a~~

~~*mayoral nomination is transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to vote on the nomination prior to such date. Confirmations of nominations to fill a vacancy that will be created upon the expiration of a sitting member's term shall become operative upon the expiration of the sitting member's term, or, if the Board of Supervisors fails to act on a mayoral nomination to fill such anticipated vacancy, on the 61st day following the date the nomination was transmitted to the Clerk of the Board of Supervisors or on the expiration of the sitting member's term, whichever occurs later. The terms and tenures of all members sitting on the commission as of the effective date of the amendments to this section approved at the November 2003 election shall terminate at 12 noon on April 30, 2004. To stagger the terms of the seven members thereafter, of the first four members nominated by the Mayor, two members shall serve terms of two years and two members shall serve terms of four years, and of the three members nominated by the Rules Committee, one member shall serve a term of one year, one member shall serve a term of two years, and one member shall serve a term of three years. The Clerk of the Board of Supervisors shall designate such initial terms by lot. All subsequent appointments to the commission shall be for four-year terms.*~~

~~*The tenure of each member shall terminate upon the expiration of the member's term. The Mayor shall transmit a nomination or renomination to the Clerk of the Board of Supervisors no later than 60 days prior to the expiration of the term of a member nominated by the Mayor. For vacancies occurring for reasons other than the expiration of a member's term, within 60 days following the creation of such vacancy, the Mayor shall nominate a member to fill such vacancy if the vacancy is for a seat filled by nomination of the Mayor.*~~

The District Attorney, Sheriff, and Public Defender may recommend persons to the Mayor and Board of Supervisors for ~~*nomination or*~~ appointment to the Police Commission.

~~*The Mayor, with the consent of the Board of Supervisors, may remove a member the Mayor has nominated. The Board of Supervisors may remove a member the Rules Committee has nominated.*~~

~~*Notwithstanding any other provision of the Charter, the Chief of Police may be removed by the Commission or the Mayor, acting jointly or separately of each other.*~~

(b) In addition to any other powers set forth in this Charter, the Police Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency *or effectiveness* of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under this section.

SEC. 4.110. HEALTH COMMISSION.

The Health Commission shall consist of seven members appointed by the Mayor~~,~~ ~~*pursuant to Section 3.100, for four-year terms*~~. The Commission shall have less than a majority of direct care providers. ~~*Members may be removed by the Mayor only pursuant to Section 15.105*~~. The Commission shall control the property under its jurisdiction.

The Commission and the Department shall manage and control the City and County hospitals, emergency medical services, and in general provide for the preservation, promotion, and protection of the physical and mental health of the inhabitants of the City and County, except where ~~*the*~~*this* Charter grants such authority to another officer or department. The Commission and the Department may also determine the nature and character of public nuisances and provide for their abatement.

SEC. 4.111. HUMAN SERVICES COMMISSION.

The Human Services Commission shall *be a Commission* consist*ing* of five members appointed by the Mayor*, pursuant to Section 3.100, for four-year terms*. *Members may be removed by the Mayor only pursuant to Section 15.105. The Commission shall oversee all divisions of the Human Services Agency, except for the Department of Aging and Adult Services.*

As set forth in Section 18.116 of this Charter, this Section 4.111 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended or repealed by ordinance, provided that no ordinance shall modify the membership and appointment structure of the Human Services Commission so long as the Human Services Commission exists and continues to be a Commission as defined in this Charter.

SEC. 4.112. PUBLIC UTILITIES COMMISSION.

(a) The Public Utilities Commission shall consist of five members appointed by the Mayor*, subject to confirmation by a majority of the Board of Supervisors*. *Each of the members shall serve for a term of four years. Members may be removed by the Mayor only pursuant to Section 15.105.*

(b) *In making appointments to the Commission, the Mayor shall consider the following desirable qualifications, among other factors the Mayor deems relevant: Seat 1 on the Commission shall be a member with* experience in environmental policy and an understanding of environmental justice issues*; Seat 2 shall be a member with* experience in ratepayer or consumer advocacy*; Seat 3 shall be a member with* experience in project finance*; and , Seat 4 shall be a member with* expertise in water systems, power systems, or public utility management*, and Seat 5 shall be an at-large member*.

(c) *The respective terms of office of members of the Public Utilities Commission who old office on August 1, 2008 shall expire at noon on that date, and the members appointed pursuant*

~~*to the amendments to this Section approved at the June 2008 election shall succeed to said office at that time. In order to provide for staggered terms, the members appointed to Seats 2 and 4 shall serve for an initial term of two years from August 1, 2008. The remaining three members appointed to Seats 1, 3, and 5 shall serve for an initial term of four years from August 1, 2008, and thereafter the terms of all members shall be four years.*~~

~~*(d)*~~ The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use, and control of all water and energy supplies and utilities of the City as well as the real, personal, and financial assets, which are under the Commission's jurisdiction on the operative date of this Charter, or assigned pursuant to Section 4.132.

SEC. 4.113. RECREATION AND PARK COMMISSION.

The Recreation and Park Commission 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 only pursuant to Section 15.105.*~~

Pursuant to the policies and directives set by the Commission and under the direction and supervision of the General Manager, the Recreation and Park Department shall manage and direct all parks, playgrounds, recreation centers, and all other recreation facilities, avenues and grounds under the Commission's control or placed under its jurisdiction thereafter, unless otherwise ~~*specifically*~~ provided in this Charter.

The Department shall promote and foster a program providing for organized public recreation of the highest standard.

The Department shall issue permits for the use of all property under the Commission's control, pursuant to the policies established by the Commission.

As directed by the Commission, the Department shall administer the Park, Recreation and Open Space Fund pursuant to Section 16.107 of this Charter.

The Department shall have the power to construct new parks, playgrounds, recreation centers, recreation facilities, squares, and grounds, and to erect and maintain buildings and structures on parks, playgrounds, square, avenues, and grounds, except as follows:

1. No building or structure, except for nurseries, equipment storage facilities, and comfort stations, shall be erected, enlarged, or expanded in Golden Gate Park or Union Square Park unless such action has been approved by a vote of two-thirds of the Board of Supervisors;

2. No park land may be sold or leased for non-recreational purposes, nor shall any structure on park property be built, maintained, or used for non-recreational purposes, unless approved by a vote of the electors. However, with permission of the Commission and approval by the Board of Supervisors, subsurface space under any public park, square, or playground may be used for the operation of a public automobile parking station under the authority of the *Municipal Transportation Agency*~~*Department of Parking and Traffic*~~, provided that the Commission determines that such a use would not be, in any material respect or degree, detrimental to the original purpose for which a park, square, or playground was dedicated or in contravention of the conditions of any grant under which a park, square, or playground might have been received. The revenues derived from any such use, less the expenses incurred by the *Municipal Transportation Agency*~~*Department of Parking and Traffic*~~ in operating these facilities, shall be credited to Recreation and Park Department funds.

3. The Commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions, and other special events and may permit the lessee to charge an admission fee.

SEC. 4.114. PORT COMMISSION.

(a) The Port Commission shall consist of five members ~~*who shall be*~~ appointed by the Mayor~~*, subject to confirmation by a majority of the Board of Supervisors*~~. ~~*Each of the members*~~

~~*shall serve for a term of four years. They shall be subject to recall, suspension and removal in the same manner as an elected official.*~~

(b) The Commission shall have the composition and organization, and the powers, duties and responsibilities with respect to the Port that are set forth in the Burton Act, Statutes of 1968, Chapter 1333, as amended, and in the Agreement Relating to the Transfer of the Port of San Francisco from the State of California to the City and County, executed on the 24th day of January 1969.

(c) The Commission shall be subject to ~~*the provisions of*~~ Sections 4.101 through ~~*4.103*~~ *4.104* of this Charter, so far as those powers and duties are not inconsistent with the Burton Act and the Transfer Agreement as they are referred to in ~~*the above paragraph*~~ *subsection (b)*.

SEC. 4.115. AIRPORT COMMISSION.

The Airport Commission shall consist of five members appointed by the Mayor~~*, pursuant to Section 3.100, for four-year terms*~~. ~~*Members may be removed by the Mayor only pursuant to Section 15.105.*~~

~~*The Commission shall provide the Mayor with at least three qualified candidates for Director of Airports, related on the basis of executive, administrative and technical qualifications.*~~

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use, and control of all property, as well as the real, personal and financial assets which are under the Commission's jurisdiction.

Subject to the approval, amendment or rejection of the Board of Supervisors of each issue, the Commission shall have exclusive authority to plan and issue revenue bonds for airport-related purposes.

SEC. 4.117. ENTERTAINMENT COMMISSION.

The ~~*San Francisco*~~ Entertainment Commission shall *be a Commission* consist*ing* of seven members~~ *nominated and appointed pursuant to this section*~~. The Mayor shall ~~*nominate*~~ *appoint* four members to the ~~*c*~~*C*ommission, and the Board of Supervisors shall appoint~~*, by motion,*~~ three ~~*other*~~ members to the ~~*c*~~*C*ommission. ~~*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. If the Board of Supervises fails to act on a mayoral nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. Appointments to the commission shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or on the 61st day following the date the mayoral nomination was transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act upon the nomination prior to such date.*~~

~~*Of the four members nominated by the Mayor, the Mayor shall nominate one member to represent the interests of City neighborhood associations or groups, one member to represent the interests of entertainment associations or groups, one member to represent the interests of the urban planning community, and one member to represent the interests of the law enforcement community. Of the three members of the commission appointed by the Board of Supervisors, one member shall represent the interests of City neighborhood associations or groups, one member shall represent the interests of entertainment associations or groups, and one member shall represent the interests of the public health community.*~~

~~*To stagger the terms of the members, the initial appointments to the commission shall be as follows: the Mayor shall nominate two members to serve terms of four years, one member to serve a term of three years, and one member to serve a term of two years. Of the three remaining members of the commission, the Board of Supervisors shall appoint one member to serve a term of four years, one member to serve a term of three years, and one member to serve a*~~

~~*term of two years. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of four years.*~~

~~*Members of the commission nominated by the Mayor may be suspended by the Mayor and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the commission appointed directly by the Board of Supervisors may be suspended by a motion of the Board of Supervisors approved by six votes and may be removed by the Board of Supervisors only as set forth in Section 15.105.*~~

As set forth in Section 18.116 of this Charter, this Section 4.117 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended or repealed by ordinance, provided that no ordinance shall modify the membership and appointment structure of the Entertainment Commission so long as the Entertainment Commission exists and continues to be a Commission as defined in this Charter.

SEC. 4.118. ~~*COMMISSION ON THE*~~ *DEPARTMENT OF THE* ENVIRONMENT.

~~*(a) 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*~~ ~~u~~*U*nder 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.

(b) The Environment Council shall be an Advisory Body consisting of seven members appointed by the Mayor. The ~~*Commission*~~ *Council* 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, except for those regarding building and land use.

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

Unless the Board of Supervisors by ordinance extends the term of the Council, this subsection (b) will expire by operation of law, and the Council shall sunset, on June 1, 2031. In that event and after that date, the City Attorney shall cause this Section to be removed from the Administrative Code.

(c) As set forth in Section 18.116 of this Charter, subsection (b) of this Section 4.118 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer

that subsection to the Administrative Code. Thereafter, the subsection may be amended or repealed by ordinance.

SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.

(a) The Commission on the Status of Women shall *be an Advisory Body* consist*ing* of ~~*seven*~~ *eleven* members~~. Commission members shall be~~ appointed by the Mayor~~, pursuant to Section 3.100, for four-year terms~~. *Notwithstanding the provisions of Section 4.101.7 that generally apply to Advisory Bodies, members of the Commission on the Status of Women shall be subject to the provisions of Section 4.101.6 regarding terms and term limits.*

~~Members may be removed by the Mayor only pursuant to Section 15.105~~.

(b) The Commission shall develop and recommend policies and practices for the City and County to reduce the particular impacts on women and girls of problems such as domestic violence, sexual harassment, employment and health care inequity, and homelessness, as well as advocate on behalf of women and girls in such areas. ~~The Commission may be assigned additional duties and functions by ordinance or pursuant to Section 4.132.~~

(c) As set forth in Section 18.116 of this Charter, this Section 4.119 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended or repealed by ordinance.

SEC. 4.120. DISABILITY AND AGING SERVICES COMMISSION.

(a) The Disability and Aging Services Commission shall *be a Commission* consist*ing* 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 of Disability and Aging Services, including the functions of the Public Guardian/Administrator, as well as carry out any additional duties and functions assigned to the Commission by ordinance or

pursuant to *Charter* Section 4.132. *Notwithstanding any other restrictions in the Charter, the Commission may establish qualifications for the director of the Department of Disability and Aging Services if necessary to comply with state or federal law or funding conditions.*

(b) *In making appointments, the Mayor shall consider the following desirable qualifications among other factors the Mayor deems relevant:* ~~*As of January 15, 2020, Seat 1 on the Commission shall be held by a person*~~ *people* who ~~*is*~~ *are* 60 years old or older; ~~*Seat 2 shall be held by a person*~~ *people* with *disabilities*~~*a disability*~~, as defined under the Americans With Disabilities Act, who ~~*is*~~ *are* 18 years old or older; and ~~*Seat 3 shall be held by a person*~~ *people* who served in the United States military and who ~~*was*~~ *were* discharged or released under conditions other than dishonorable. ~~*Seats 4, 5, 6, and 7, shall have no required qualifications in addition to those set forth in Section 4.101.*~~

~~*(c) For the purpose of calculating the terms of particular seats on the Commission, Seats 1, 2, and 3 are hereby designated as the seats with terms ending on January 15, 2020. Notwithstanding Charter Section 4.101.5, members in those seats who do not as of January 15, 2020 hold the qualifications set forth in subsection (b) respectively may no longer serve in those seats.*~~

(c) As set forth in Section 18.116 of this Charter, this Section 4.120 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended or repealed by ordinance, provided that no ordinance shall modify the membership and appointment structure of the Disability and Aging Services Commission so long as the Disability and Aging Services Commission exists and continues to be a Commission as defined in this Charter.

SEC. 4.121. *DEPARTMENT OF* BUILDING INSPECTION~~*COMMISSION*~~.

(a) The Department of Building Inspection shall have responsibility for the enforcement, administration, and interpretation of the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes, except where this Charter specifically grants that power to another department.

The Director of Building Inspection shall be the department head of the Department of Building Inspection and shall be qualified by either technical training or administrative experience in the enforcement of building and other construction codes. The Director shall serve as the building official of the City and County. The Director shall not serve as an officer or member of any standing or ad hoc committee of any building industry or code development or enforcement organization or public agency other than the City and County of San Francisco without the prior approval of the Mayor.

The Department of Building Inspection shall have the sole authority to contract for the publication of the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes, and any amendments thereto. Other provisions of this Charter and the Administrative Code notwithstanding, the selection of a publisher shall be based on the lowest retail cost to the public of a complete set of these codes.

(b) The Building Inspection Commission shall *be a Commission* consist*ing* of seven members ~~*nominated and appointed pursuant to this Section 4.121 and with an emphasis on seeking to include members concerned with tenant safety and habitability issues*~~. Four members shall be ~~*nominated*~~ *appointed* by the Mayor ~~*for a term of two years*~~. Three members shall be nominated by the President of the Board of Supervisors ~~*for a term of two years*~~ *and approved by the Board of Supervisors*. *In making appointments to the Commission, the appointing authorities shall consider the following desirable qualifications, among other factors the appointing authorities deem relevant: experience with or concerns about tenant safety and habitability issues;* ~~*Two of the four Mayoral appointments shall each have one or more of the following*~~

~~*qualifications: be an active, formerly active, or retired*~~ *experience as a* structural engineer, architect, or residential builder*, whether active, formerly active, or retired;* ~~*. One of the three Board President appointments shall have one or more of the following qualifications: be a*~~ *current status as a* residential tenant*;* or *past or present experience* work*ing* ~~*or have worked*~~ for a non-profit housing organization.

Each nomination of ~~*the Mayor and*~~ the President of the Board of Supervisors is subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors. ~~*Members may be removed by the appointing officer only pursuant to Section 15.105. Vacancies occurring in the offices of members, shall be nominated and appointed in accordance with the appointment process specified in this paragraph.*~~

The Building Inspection Commission shall have responsibility for oversight of the Department of Building Inspection*.* ~~*, which shall have responsibility for the enforcement, administration, and interpretation of the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes, except where this Charter specifically grants that power to another department.*~~

The Commission shall oversee the inspection and regulation of additions, alterations, and repairs in all buildings and structures covered by the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes. However, nothing in this Section 4.121 shall diminish or alter the jurisdiction of the Planning Commission or Department over changes of use or occupancy under the Planning Code. The Commission shall ensure the provision of minimum standards to safeguard life or limb, health, property, and the public welfare by regulating and

controlling the safe use of such buildings and structures. The Commission shall ensure the vigorous enforcement of City laws mandating the provision of heat and hot water to residential tenants. The Commission shall also ensure the enforcement of local, state, and federal disability access laws. ~~*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 members of the Commission shall serve without compensation.

The Commission shall adopt rules and regulations consistent with fulfilling its responsibilities under this ~~*Charter*~~ *Section*. The Commission shall also adopt rules and regulations governing Commission meetings and also adopt requirements for notification and mailing for Commission business. The Commission shall hold public hearings on all proposed amendments to the San Francisco Building Code, Electrical Code, Housing Code, Plumbing Code, and Mechanical Code.

The Commission shall constitute the Abatement Appeals Board~~*, and shall assume all powers granted to this entity under this Charter and the San Francisco Building Code*~~.

The Commission shall appoint and may remove at its pleasure members of the ~~*Board of Examiners, Access Appeals Commission, and*~~ Code Advisory ~~*Committee*~~ *Council*, *which shall be an Advisory Body with* ~~*all of which shall have*~~ the powers and duties to the extent set forth in the San Francisco Building Code.

The Commission may reverse, affirm, or modify determinations made by the Department of Building Inspection on all permits required for a final certificate of completion. The Commission's jurisdiction under this paragraph, however, shall not extend to permits appealable to the Planning Commission or Board of Appeals. Appeals of decisions within the Commission's jurisdiction must be filed with the Commission within fifteen days of the challenged determination. The Commission's action shall be final.

(c) The Access Appeals Subcommittee shall be a Commission established to hear appeals under California Health and Safety Code Section 19957.5, as that section may be amended from time to time. The Access Appeals Subcommittee shall be a subcommittee of the Board of Appeals, and shall consist of five members appointed by the Board of Appeals. The Board of Appeals may establish rules governing the procedures of the Access Appeals Subcommittee to the extent such rules are not established by ordinance. Members of the Access Appeals Commission on January 1, 2027 may continue to serve as members of the Subcommittee unless removed or replaced by the Board of Appeals.

(d) As set forth in Section 18.116 of this Charter, subsections (b) and (c) of this Section 4.121 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer those subsections to the Administrative Code. Thereafter, those subsections may be amended or repealed by ordinance, provided that no ordinance shall modify the membership and appointment structure of the Building Inspection Commission so long as the Building Inspection Commission exists and continues to be a Commission as defined in this Charter.

SEC. 4.122. YOUTH COMMISSION.

(a) ~~There is hereby established a commission to be known as the Youth Commission (hereinafter called "Commission")~~ The Youth Commission is an Advisory Body to advise the Board of Supervisors and Mayor on issues relating to children and youth. The Commission shall operate under the jurisdiction of the Board of Supervisors.

~~SEC. 4.123. YOUTH COMMISSION MEMBERSHIP; APPOINTMENT; TERMS; MEETINGS; COMPENSATION; DIRECTOR.~~

~~(a)~~ (b) ~~Commission~~ Membership**.** The Commission shall consist of *~~seventeen (~~*17*~~)~~ ~~voting~~* members, each of whom shall be between the ages of 12 and 23 years at the time of

appointment. Each member of the Board of Supervisors and the Mayor shall appoint one member to the Commission. The Mayor shall also appoint five ~~*(5)*~~ members from underrepresented communities to ensure that the Commission represents the diversity of the City. ~~*All appointments shall be completed by the sixtieth day after the effective date of this charter amendment and by that date of each year thereafter. Commission members shall serve at the pleasure of their appointing authorities.*~~

The Commission shall consist of individuals who have an understanding of the needs of young people in San Francisco, or experience with children and youth programs or youth organizations, or involvement with school or community activities. The members shall ~~*represent the diversity of ethnicity, race, gender and sexual orientation of the people of the City and County, and shall*~~ be residents of the City and County *but are not required to be the minimum age required to vote in municipal elections in the City and County.*

(~~*b*~~*c*) Term of Office. ~~*Members shall serve a term of one year.*~~ *Notwithstanding Charter Section 4.101.7, members of the Commission shall serve one-year terms and may serve up to three terms. A part of a term that exceeds six months shall count as a full term; a part of a term that is six months or less shall not. The current term of any person serving on the Commission on January 1, 2027 shall count as a full term if the person serves more than six months of that term. Terms completed on or before December 31, 2026 shall not count as a term for the purpose of the lifetime term limit.*

~~*The first one year term for all members shall begin upon the date the Clerk of the Board of Supervisors certifies that all members of the Commission have been appointed following the adoption of this charter amendment. Future terms of office shall begin on that date of each successive year. Members shall conduct the first meeting of the Commission within thirty days of the appointment of all members.*~~

~~*In the event a vacancy occurs during the term of office of any voting member, a successor shall be appointed to complete the unexpired term of the office vacated in a manner similar to that which the member was initially appointed.*~~

~~*(c) Removal of Members. Any member whom the Commission certifies to have missed three regularly scheduled meetings of the Commission in any six month period without prior authorization of the Commission shall be deemed to have resigned from the Commission effective on the date of the written certification from the Commission.*~~

~~*(d) Compensation. Members of the Commission shall not be compensated, nor shall they be reimbursed for expenses.*~~

~~*(e) Meetings. The Commission shall meet at least once a month.*~~

~~*(f) Minutes of Meetings. The Commission shall prepare and maintain permanent minutes of the actions taken during its meetings, and shall file copies with the Clerk of the Board of Supervisors.*~~

~~*(g) Bylaws. To aid in the orderly conduct of business, the Commission shall have the authority to create, amend, and repeal its own code of bylaws.*~~

~~***SEC. 4.124. YOUTH COMMISSION – PURPOSE AND DUTIES.***~~

(d) Purpose and Duties. The purpose of the Commission is to collect all information relevant to advising the Board of Supervisors and Mayor on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the children and youth of San Francisco. Before the Board of Supervisors takes final action on any matter that primarily affects children and youth of the City ~~*and County*~~, the Clerk of the Board of Supervisors shall refer the matter to the Commission for comment and recommendation. The Commission shall provide any response it deems appropriate within 12 days of the date the Board of Supervisors referred the matter to the Commission. After the 12-day period has elapsed, the Board of

Supervisors may act on the matter whether or not the Board has received a response. This referral requirement shall not apply to any matter where immediate action by the Board of Supervisors is necessary to protect the public interest. The Commission shall have the following duties and functions:

(~~*a*~~*1*) Identify the concerns and needs of the children and youth of San Francisco; examine existing social, economic, educational, and recreational programs for children and youth; develop and propose plans that support or improve such programs; and make recommendations thereon to the Mayor and Board of Supervisors.

(~~*b*~~*2*) Identify the unmet needs of San Francisco's children and youth through personal contact with these young people, school officials, ~~*church*~~ *religious* leaders, and others; and hold public forums in which both youth and adults are encouraged to participate.

(~~*c*~~*3*) Elicit the interest, support, and mutual cooperation of private groups (such as fraternal orders, service clubs, associations, ~~*churches*~~*religious institutions*, businesses, and youth organizations) and City-wide neighborhood planning collaborative efforts for children, youth, and families that initiate and sponsor recommendations that address the social, economic, educational, and recreational needs of children and youth in San Francisco. Advise the Board of Supervisors and Mayor about how such recommendations could be coordinated in the community to eliminate duplication in cost and effort.

(~~*d*~~*4*) Advise about available sources of governmental and private funding for youth programs.

(~~*e*~~*5*) Submit recommendations to the Mayor and Board of Supervisors about juvenile crime prevention, job opportunities for youth, recreational activities for teenagers, opportunities for effective participation by youth in the governmental process, and changes in City ~~*and County*~~ regulations that are necessary to improve the social, economic, educational, and recreational advantages of children and youth.

(~~f~~*6*) Respond to requests for comment and recommendation on matters referred to the Commission by officers, departments, agencies, *Commissions, and Advisory Bodies* ~~*boards, commissions and advisory committees*~~ of the City ~~*and County*~~.

~~*(g) Report to the Board of Supervisors the activities, goals, and accomplishments of the Commission by July 1 of each calendar year, effective July 1, 1997.*~~

(e) As set forth in Section 18.116 of this Charter, this Section 4.122 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the Section may be amended or repealed by ordinance.

~~***SEC. 4.125. JURISDICTION.***~~

~~*The Commission shall be under the jurisdiction of the Board of Supervisors; the Commission shall have only those powers created by Sections 4.122 through 4.125 or by ordinance of the Board of Supervisors.*~~

SEC. 4.133. HOMELESSNESS ~~*OVERSIGHT COMMISSION*~~ *ADVISORY BOARD*.

(a) There shall be a Homelessness ~~*Oversight Commission*~~ *Advisory Board* ~~*("Commission")*~~ *("Advisory Board") as an Advisory Body* to ~~*oversee*~~ *provide advice to* 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*~~ *Advisory Board* shall consist of seven members*, with four members appointed by the Mayor and three members appointed by the Board of Supervisors.*~~, appointed as follows:~~ *The Mayor and the Board of Supervisors shall each appoint at least one member who*

has personally experienced homelessness. At least five members of the Advisory Board shall have experience serving or advocating for people currently experiencing homelessness, people at risk of becoming homeless, or people who have experienced homelessness in the past. In making appointments to the Advisory Board, the appointing authorities shall consider that it is desirable for members of the Advisory Board to have a range of experience or expertise in the areas of temporary shelter, housing, and homelessness prevention, among other factors the appointing authorities deem relevant. Notwithstanding the provisions of Section 4.101.7 that generally apply to Advisory Bodies, members of the Advisory Board shall be subject to the provisions of Section 4.101.6 regarding terms and term limits.

~~*(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, 4, 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 annual and long-term goals consistent with the overall objectives of the City and County, establishing departmental performance standards, 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, and the extent to which the Department has met the annual goals and performance standards established by the Commission.*~~

~~*(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.*~~

(c) The Advisory Board shall establish a Continuum of Care Subcommittee ("Subcommittee") to the extent required by federal funding conditions. The Subcommittee shall be an Advisory Body, except that it may participate in decisions about the Continuum of Care program if required by state or federal law or funding conditions. The Subcommittee shall assume the duties of the Local Homeless Coordinating Board. The Advisory Board shall appoint two of its members to the Subcommittee to serve as co-chairs. In addition to the two co-chairs, the Subcommittee shall have between seven and eleven members nominated by members of the Continuum of Care program and appointed by the Advisory Board. The Department of Homelessness and Supportive Housing shall establish a process for members of the program to make nominations for appointment to the Subcommittee.

A quorum of the Subcommittee shall consist of a majority of the number of members appointed at the time, provided that there are at least nine members appointed. The

Subcommittee shall form, and the Local Homeless Coordinating Board shall sunset, upon the appointment of seven members of the Subcommittee.

Members of the Subcommittee shall have experience serving or advocating for people currently experiencing homelessness, people at risk of becoming homeless, or people who have experienced homelessness in the past, or shall have qualifications meeting the required or desirable qualifications for members of a Continuum of Care board.

Notwithstanding Charter Section 4.101.7, members of the Subcommittee shall serve one-year terms and may serve up to 12 terms. A part of a term that exceeds six months shall count as a full term; a part of a term that is six months or less shall not. Service on the Local Homeless Coordinating Board shall not count as a term for the purpose of the lifetime term limit.

(d) As set forth in Section 18.116 of this Charter, this Section 4.133 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended or repealed by ordinance.

SEC. 4.134. SMALL BUSINESS ~~*COMMISSION*~~ *COUNCIL*.

(a) ~~*There shall be a*~~ *The* Small Business ~~*Commission*~~ *Council shall be an Advisory Body that provides* ~~*to oversee*~~ *advice to* the ~~*San Francisco*~~ Office of Small Business *and City agencies that regulate small businesses*. The ~~*Commission*~~ *Council* shall consist of seven members~~*, who shall serve at the pleasure of the appointing authority*~~. The Mayor shall appoint four members ~~*of the Commission*~~; the Board of Supervisors shall appoint ~~*the remaining*~~ three members. *The appointing authorities should make appointments that reflect the diversity of neighborhood and small business interests in the City.* ~~*The Mayor shall designate two of his or her initial appointments to serve for two-year terms; the Board of Supervisors shall designate one of its initial appointments to serve a two-year term. Thereafter, all commissioners shall serve for four-year terms.*~~

(b) *In making appointments to the Council, the appointing authorities shall consider the following desirable qualifications, among other factors the appointing authorities deem relevant:* ~~*At least five of the individuals appointed to the Commission shall be*~~ *current or former* owners, operators, or officers of San Francisco small businesses*.* ~~*. One of the individuals appointed to the Commission may be either a current or former owner, operator, or officer of a San Francisco small business. One member of the Commission may be an*~~ officer*s* or representative*s* of ~~*a*~~ neighborhood economic development organization*s; and* ~~*or an*~~ expert*s* in small business finance.

Pursuant to Government Code Section 87103, individuals appointed to the ~~*Commission*~~ *Council* under this Section *who are current or former owners, operators, or officers of San Francisco small businesses* are intended to represent and further the interest of the particular industries, trades, or professions specified herein. Accordingly, it is found that for purposes of persons who hold such office, the specified industries, trades, or professions are tantamount to and constitute the public generally within the meaning of Government Code Section 87103.

~~*(c) The Mayor and the Board of Supervisors shall select Commission members who reflect the diversity of neighborhood and small business interests in the City.*~~

(c) Unless the Board of Supervisors by ordinance extends the term of the Council, this Section will expire by operation of law, and the Council shall sunset, on June 1, 2030. In that event and after that date, the City Attorney shall cause this Section to be removed from the Administrative Code.

(d) As set forth in Section 18.116 of this Charter, this Section 4.134 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended or repealed by ordinance.

SEC. 4.135. HISTORIC PRESERVATION COMMISSION.

(a) GENERAL. There is hereby created a Historic Preservation Commission, which shall advise the City on historic preservation matters, participate in processes that involve historic or cultural resources, and take such other actions concerning historic preservation as may be prescribed by ordinance. The Historic Preservation Commission shall consist of seven members ~~*nominated*~~ *appointed* by the Mayor ~~*and subject to approval by a majority of the Board of Supervisors*~~.

~~*The term and tenure of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of the original appointments to the Historic Preservation Commission, four shall be for a four-year term and three for a two-year term as follows; the odd-numbered seats shall be for four-year terms and the even-numbered seats shall be for two-year terms. After the expiration of the original terms, all appointments shall be for four-year terms, provided however, that a member may holdover until a successor has been nominated by the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of terms a member may serve.*~~

~~*The original nominations shall be made no later than 31 days after the date of the election creating this section. If the Mayor fails to nominate an original appointment within said period, the nomination for the original appointment may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors.*~~

~~*Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a qualified person to fill the vacant seat for the term, or the remainder of the term, subject to approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be made by the President of the Board of Supervisors, subject to the approval of*~~

~~*a majority of the Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.*~~

~~*Members may be removed by the appointing officer only pursuant to Section 15.105.*~~

(b) QUALIFICATIONS. ~~*In addition to the specific requirements set forth below,*~~ ~~*m*~~*M*embers of the Historic Preservation Commission shall be persons specially qualified by reason of interest, competence, knowledge, training, and experience in the historic, architectural, aesthetic, and cultural traditions of the City, *and* interested in the preservation of its historic structures, sites, and areas, and *notwithstanding Section 4.101(b) shall be* residents of the City. *In making appointments, the Mayor shall consider the following desirable professional qualifications of appointees, among other factors the Mayor deems relevant:* ~~*Six of the members of the Historic Preservation Commission shall be specifically qualified in the following fields:*~~

~~*1. Seats 1 and 2:*~~ licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;

~~*2. Seat 3: an*~~ architectural historian*s* meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;

~~*3. Seat 4: an*~~ historian*s* meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;

~~*4. Seat 5: an*~~ historic preservation professional*s* or professional*s* in ~~*a*~~ field*s* such as law, land use, community planning, or urban design with specialized training and/or demonstrable experience in historic preservation or historic preservation planning;~~.~~

~~*5. Seat 6 shall be specially qualified in one of the following fields or in one of the fields set forth for Seats 1, 2, or 3;*~~

~~*a. A*~~ professional archeologist*s* meeting the Secretary of the Interior's Professional Qualification Standards for Archeology;

~~*b. A*~~ real estate professional*s* or contractor*s* who ~~*has*~~ *have* demonstrated a special interest, competence, experience, and knowledge in historic preservation;

~~*c. A*~~ licensed structural engineer*s* with at least four years of experience in seismic and structural engineering ~~*principals*~~ *principles* applied to historic structures; ~~*or*~~ *and*

~~*d. A*~~ person*s* with training and professional experience with materials conservation.

~~*Seat 7 shall be an at large seat subject to the minimum qualifications set forth above.*~~

(c) BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. Charter subsections 4.102(2) and 4.102(4) shall not apply to the Historic Preservation Commission. The Historic Preservation Commission may review and make recommendations on the Planning Department budget and on any rates, fees, and similar charges with respect to appropriate items coming within the Historic Preservation Commission's jurisdiction to the Director of Planning or to the Planning Commission. The Director of Planning shall assume the powers and duties that would otherwise be executed by an Historic Preservation Commission department head. The Planning Department shall render staff assistance to the Historic Preservation Commission.

(d) As set forth in Section 18.116 of this Charter, this subsection (d) of Section 4.135 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this subsection to the Planning Code. Thereafter, the subsection may be amended or repealed by ordinance.

LANDMARK AND HISTORIC DISTRICT DESIGNATIONS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or

modification of landmark designations and historic district designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding landmarks designations to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding historic district designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a landmark or historic district shall be final unless appealed to the Board of Supervisors.

CERTIFICATES OF APPROPRIATENESS. The Historic Preservation Commission shall approve, disapprove, or modify certificates of appropriateness for work to designated landmarks or within historic districts. For minor alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any Certificate of Appropriateness before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a ~~2/3~~ *two-thirds* vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission or Planning Commission's decision on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

SIGNIFICANT OR CONTRIBUTORY BUILDING AND CONSERVATION DISTRICT DESIGNATIONS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of Significant or Contributory building and Conservation District designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding Significant or Contributory Buildings to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding Conservation District designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation, Decisions of the Historic Preservation Commission to disapprove designation of a Significant or Contributory building or Conservation District shall be final unless appealed to the Board of Supervisors.

ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to determine if a proposed alteration is a Major Alteration or a Minor Alteration. The Historic Preservation Commission shall have the authority to approve, disapprove, or modify applications for permits to alter or demolish designated Significant or Contributory buildings or buildings within Conservation Districts. For Minor

Alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any permit to alter before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and II) or Contributory (Category III only) building, the Planning Commission may modify any decision on a permit to alter by a ~~*2/3*~~*two-thirds* vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission's or Planning Commission's decision on a permit to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

MILLS ACT CONTRACTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors, without referral or recommendation of the Planning Commission.

~~*PRESERVATION ELEMENT OF THE GENERAL PLAN. The Historic Preservation Commission shall recommend to the Planning Commission a Preservation Element of the General Plan and shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan. Other objectives, policies, and*~~

~~*provisions of the General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but that concern historic preservation shall be referred to the Historic Preservation Commission for its comment and recommendations prior to action by the Planning Commission. When the Planning Commission recommends to the Board of Supervisors for approval or rejection proposed amendments to the General Plan that concern historic preservation, any recommendation or comments of the Historic Preservation Commission on such proposed amendments shall be forwarded to the Board of Supervisors for its information.*~~

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Historic Preservation Commission regarding effects upon historic or cultural resources: ordinances and resolutions concerning historic preservation issues and historic resources; redevelopment project plans; waterfront land use and project plans; and such other matters as may be prescribed by ordinance. If the Planning Commission is required to take action on the matter, the Historic Preservation Commission shall submit any report to the Planning Commission as well as to the Board of Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the Board of Supervisors.

OTHER DUTIES. For proposed projects that may have an impact on historic or cultural resources, the Historic Preservation Commission shall have the authority to review and comment upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act. The Historic Preservation Commission shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National

Historic Preservation Act. The Historic Preservation Commission shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement. The Historic Preservation Commission shall have the authority to oversee and direct the survey and inventory of historic properties.

~~*Once a quorum of members of the Historic Preservation Commission has been originally appointed and approved, the Historic Preservation Commission shall assume any powers and duties assigned to the Landmarks Preservation Advisory Board until the Municipal Code has been amended to reflect the creation of the Historic Preservation Commission.*~~

~~*BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter subsections 4.102(3), 4.102(4), 4.102(5), and 4.102(6) shall not apply to the Historic Preservation Commission. The Historic Preservation Commission may review and make recommendations on the Planning Department budget and on any rates, fees, and similar charges with respect to appropriate items coming within the Historic Preservation Commission's jurisdiction to the department head of the Planning Department or the Planning Commission. The department head of the Planning Department shall assume the powers and duties that would otherwise be executed by an Historic Preservation Commission department head. The Planning Department shall render staff assistance to the Historic Preservation Commission.*~~

SEC. 4.136. DEPARTMENT OF POLICE ACCOUNTABILITY.

(a) There shall be under the Police Commission a Department of Police Accountability ("DPA").

(b) The ~~*Mayor shall appoint a nominee of the*~~ Police Commission ~~*as*~~ *shall appoint* the Director of DPA~~*, subject to confirmation by the Board of Supervisors*~~. The Director shall serve at the pleasure of the Police Commission. ~~*If the Board of Supervisors fails to act on the*~~

~~*appointment within 30 days, the appointment shall be deemed approved. In the event the office is vacant, until the Mayor makes an appointment and that appointment is confirmed by the Board, the Police Commission shall appoint an interim Director who shall serve at the pleasure of the Police Commission.*~~ The appointment of the Director shall be exempt from the civil service requirements of this Charter. The Director shall never have been a uniformed member or employee of the Police Department. *As the department head, t*~~*T*~~he Director shall be the appointing officer under the civil service provisions of this Charter for the appointment, removal, or discipline of employees of DPA.

(c) The Police Commission shall have the power and duty to organize, reorganize, and manage DPA. Subject to the civil service provisions of this Charter, DPA shall include investigators and hearing officers. The staff of DPA shall consist of no fewer than one line investigator for every 150 sworn members. Whenever the ratio of investigators to police officers specified by this *sub*section *(c)* is not met for more than 30 consecutive days, the Director shall have the power to hire, and the City Controller must pay, temporary investigators to meet such staffing requirements. No full-time or part-time employee of DPA shall have previously served as a uniformed member of the Police Department. Subject to rules of the Police Commission, the Director may appoint part-time hearing officers who shall be exempt from the civil service requirements of this Charter. Compensation of the hearing officers shall be at rates recommended by the Commission and established by the Board of Supervisors or by contract approved by the Board of Supervisors.

(d) DPA shall promptly, fairly, and impartially investigate all complaints regarding police use of force, misconduct, or allegations that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department. DPA shall use its best efforts to conclude investigations of such complaints and, if

sustained, transmit the sustained complaint to the Police Department within nine months of receipt thereof by DPA. If DPA is unable to conclude its investigation within such nine-month period, the Director, within such nine-month period, shall inform the Chief of Police of the reasons therefor and transmit information and evidence from the investigation as shall facilitate the Chief's timely consideration of the matter.

(e) DPA shall recommend disciplinary action to the Chief of Police on those complaints that are sustained. The Director, after meeting and conferring with the Chief of Police or ~~his or her~~ *their* designee, may verify and file charges with *a hearing officer* ~~the Police Commission~~ against members of the Police Department arising out of sustained complaints *recommending termination or suspension in excess of 10 days*; provided, that the Director may not verify and file such charges for a period of 60 days following the transmittal of the sustained complaint to the Police Department unless the Director issues a written determination that the limitations period within which the member or members *of the Police Department* may be disciplined under *California* Government Code Section 3304, as amended from time to time or any successor provisions thereto, may expire within such 60-day period and (1) the Chief of Police fails or refuses to *impose discipline at the level recommended by the Director or higher* ~~file charges with the Police Commission~~ arising out of the sustained complaint, (2) the Chief of Police or ~~his or her~~ *their* designee fails or refuses to meet and confer with the Director on the matter, or (3) other exigent circumstances necessitate that the Director verify and file charges to preserve the ability of the ~~Police Commission~~ *hearing officer* to impose ~~punishment~~ *discipline* ~~pursuant to Section A8.343~~.

After a trial before the hearing officer, subject to any rules adopted by the Police Commission, the hearing officer may impose discipline to the same extent as the Chief of Police may impose discipline under Section A8.343 of this Charter. Any member of the Police Department who is subject to discipline by the hearing officer under this Section 4.136 shall

have the right to appeal that discipline to the Police Commission, and have a hearing on the discipline. The member must file a written notice of appeal within 10 days after the hearing officer finally imposes the discipline. The Commission shall hold a hearing on the appeal after reasonable notice as to the time and place of the hearing as the Commission may, by rule, prescribe. The member shall be entitled to appear personally and by counsel or other representative and to have a public hearing. The Commission may affirm, reverse, or alter the findings, and affirm, reverse, or reduce the discipline imposed by the hearing officer.

(f) The Director shall schedule *investigative* hearings before *investigative* hearing officers when such is requested by the complainant or a member of the Police Department and, in accordance with rules of the Commission, such a hearing will facilitate the fact-finding process *before the Director files charges as provided in subsection (e)*. The Board of Supervisors may provide by ordinance that DPA shall in the same manner investigate and make recommendations to the Chief of Police regarding complaints of misconduct by patrol special police officers and their uniformed employees.

(g) Nothing ~~*herein*~~ *in this Section 4.136* shall prohibit the Chief of Police or a commanding officer from investigating the conduct of a member of the Police Department under ~~*his or her*~~ *their* command, or taking disciplinary or corrective action, otherwise permitted by this Charter, when such is warranted; and nothing ~~*herein*~~ *in this Section* shall limit or otherwise restrict the disciplinary powers vested in the Chief of Police and the Police Commission by other provisions of this Charter.

(h) DPA shall prepare in accordance with rules of the Commission monthly summaries of the complaints received and shall prepare recommendations quarterly concerning policies or practices of the Police Department which could be changed or amended to avoid unnecessary tension with the public or a definable segment of the public while insuring effective police services.

(i) DPA shall prepare a report for the President of the Board of Supervisors each quarter. This report shall include, but not be limited to, the number and type of complaints filed, the outcome of the complaints, and a review of the disciplinary action taken. The President of the Board of Supervisors shall refer this report to the appropriate committee of the Board of Supervisors charged with public safety responsibilities. Said committee may issue recommendations as needed.

(j) In carrying out its objectives, including the preparation of recommendations concerning departmental policies or practices referenced above, the investigations referenced above, and the audits noted below, DPA shall receive prompt and full cooperation and assistance from all departments, officers, and employees of the City and County, which shall, unless prohibited by state or federal law, promptly produce all records and information requested by DPA, including but not limited to (1) records relevant to Police Department policies or practices, (2) personnel and disciplinary records of Police Department employees, (3) criminal investigative and prosecution files, and (4) all records to which the Police Commission has access, regardless of whether those records pertain to a particular complaint. ~~*The*~~ DPA shall maintain the confidentiality of any records and information it receives to the extent required by state or federal law governing such records or information. The Director may also request and the Chief of Police shall require the testimony or attendance of any member of the Police Department to carry out the responsibilities of DPA. Nothing in this Section 4.136 is intended or shall be construed to interfere with the duties of the Sheriff or the District Attorney under state law, including their constitutional and statutory powers and duties under *California* Government Code Section 25303, as amended from time to time or any successor provisions thereto, or other applicable state law or judicial decision.

(k) Every two years, DPA shall conduct a performance audit or review of police officer use of force and how the Police Department has handled claims of officer misconduct. DPA

shall also have the authority to conduct performance audits or reviews of whether Police Department personnel and management have complied with federal and state law, City ordinances and policies, and Police Department policies. The Director shall have the discretion to determine the frequency, topics, and scope of such performance audits or reviews. To the extent permitted by law, DPA shall also allow public access to information on the progress and disposition of claims of misconduct or use of force, and the results of the performance audits and reviews conducted by DPA.

(l) The DPA budget shall be separate from the budget of the Police Department. Notwithstanding Section 4.102(*2~~3~~*) *of this Charter*, the Director shall submit DPA's proposed annual or two-year budget directly to the Mayor.

SEC. 4.137. SHERIFF'S DEPARTMENT OVERSIGHT.

(a) **Establishment of Oversight Board.**

(1) The Sheriff's Department Oversight Board ("SDOB") is hereby established *as a Commission*. The SDOB shall consist of seven members. The Board of Supervisors shall appoint *~~four~~ three* members *~~(to Seats 1, 2, 3, and 4),~~* and the Mayor shall appoint *~~three~~ four* members*. ~~(to Seats 5, 6, and 7). Seat 4 shall be held by a person with~~ In making appointments to the SDOB, the appointing authorities shall consider* experience in labor representation *as a desirable qualification, among other factors the appointing authorities deem relevant . Beginning on January 1, 2027, the seat previously designated as Seat 1 shall be appointed and may be removed by the Mayor.*

~~*(2) Members shall serve four-year terms, beginning at noon on March 1, 2021; provided, however, the term of the initial appointees to Seats 1, 3, and 5 shall expire at noon on March 1, 2023, whereas the term of the initial appointees to Seats 2, 4, 6, and 7 shall expire at noon on March 1, 2025.*~~

~~*(3) No person may serve more than three successive terms as a member. No person having served three successive terms may serve as a member until at least four years after the expiration of the third successive term. Service for a part of a term that is more than half the period of the term shall count as a full term; further, this subsection (a)(3) makes no distinction between the two-year terms referenced in subsection (a)(2) and four-year terms.*~~

~~*(4) Members may be removed from office only for official misconduct under Article XV.*~~

(~~5~~2) All members shall complete a training and orientation on custodial law enforcement, constitutional policing, and Sheriff's Department ("SFSD") policies and procedures, within 90 days of assuming office for their first term. The Sheriff or the Sheriff's designee shall prescribe the content of and shall administer the training and orientation regarding SFSD patrol and custodial law enforcement, policies and procedures. SFSD shall develop the training content based on guidelines recommended by the National Association of Civilian Oversight for Law Enforcement ("NACOLE") or successor association, the Bar Association of San Francisco or successor association, and/or the American Civil Liberties Union, and SFSD shall consult with the Department of Police Accountability, Public Defender, and the District Attorney in developing the training content.

(b) **SDOB Powers and Duties.** The SDOB shall:

(1) Appoint, and may remove, the Sheriff's Inspector General in the Office of Sheriff's Inspector General ("OSIG"), established in ~~*subsection (d)*~~ *Section 4.138 of the Charter*.

(2) Evaluate the work of the OSIG, and may review the Sheriff's Inspector General's individual work performance.

(3) Compile, evaluate, and recommend law enforcement custodial and patrol best practices.

(4) Conduct community outreach and receive community input regarding SFSD operations and jail conditions, by holding public meetings and soliciting input from persons incarcerated in the City and County.

(5) Prepare and submit a quarterly report to the Sheriff and Board of Supervisors regarding the SDOB evaluations and outreach, and OSIG reports submitted to SDOB.

~~*(6) By March 1 of each year, prepare and present to the Board of Supervisors or a committee designated by the President of the Board, an annual report that includes a summary of SDOB evaluations and outreach, and OSIG reports submitted to SDOB, for the prior calendar year.*~~

~~*(c) In performing its duties, the SDOB may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony.*~~

(c) ***Cooperation and Assistance from City Departments.*** *In carrying out its duties, the SDOB shall receive prompt and full cooperation and assistance from all City departments, officers, and employees, including the Sheriff and SFSD and its employees, which shall, unless prohibited by State or federal law, promptly produce all records and information requested by the SDOB, including but not limited to (1) personnel and disciplinary records of SFSD employees, (2) SFSD criminal investigative files, (3) health information pertaining to incarcerated individuals, and (4) all records and databases to which the SFSD has access, regardless of whether those records pertain to a particular complaint or incident. The SDOB shall maintain the confidentiality of any records and information it receives or accesses to the extent required by local, State, or federal law governing such records or information.*

(d) In carrying out its duties, the SDOB shall cooperate and collaborate with organizations that contract with SFSD to provide legal services to incarcerated individuals.

(e) Nothing in this Section 4.137 is intended to or shall be interpreted to abrogate, interfere with, or obstruct the independent and constitutionally and statutorily designated duties

of the Sheriff, including the Sheriff's duty to investigate citizens' complaints against SFSD personnel and the duty to operate and manage the jails, the California Attorney General's constitutional and statutory responsibility to oversee the Sheriff, or other applicable State law. In carrying out its duties, the SDOB shall cooperate and coordinate with the Sheriff so that the Sheriff and the SDOB may properly discharge their respective responsibilities.

(f) As set forth in Section 18.116 of this Charter, this Section 4.137 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended or repealed by ordinance, provided that no ordinance shall modify the membership and appointment structure of the SDOB so long as the SDOB exists and continues to be a Commission as defined in this Charter.

SEC. 4.138. OFFICE OF SHERIFF'S INSPECTOR GENERAL.

(~~d~~a) **Establishment of Office of Sheriff's Inspector General.** There is hereby established the Office of Sheriff's Inspector General ("OSIG"), which shall be a department ~~*under the SDOB, and*~~ separate from the Sheriff's Department *("SFSD")*. The OSIG shall be headed by the Sheriff's Inspector General, appointed ~~*by the SDOB as set forth in subsection (b)(1)*~~*by the Sheriff's Department Oversight Board, as long as that body continues to exist, unless the Board of Supervisors assigns a different appointing authority by ordinance*. The Sheriff's Inspector General shall be exempt from civil service selection, appointment, and removal procedures.

(~~e~~b) **OSIG Powers and Duties.** The OSIG shall:

(1) Receive, review, and investigate complaints against SFSD employees and SFSD contractors; provided, however, that the OSIG shall refer complaints alleging criminal misconduct to the District Attorney, and refer complaints alleging violations of ethics laws to the Ethics Commission.

(2) Investigate the death of any individual in the custody of the SFSD. The OSIG shall refer evidence of criminal misconduct regarding any death in custody to the District Attorney. Notwithstanding such a referral, the OSIG may continue to investigate a death in custody unless OSIG's investigation will interfere with a criminal investigation conducted by the District Attorney, or any law enforcement agency to which the District Attorney may refer the evidence of criminal misconduct.

(3) Recommend disciplinary action to the Sheriff where, following an investigation pursuant to subsection (*b*e)(1) or (*b*e)(2), the OSIG determines that an employee's actions or omissions violated law or SFSD policy; provide notice of and a copy of the recommendation, the reasons for the recommendation, and supporting records, to the extent permitted by State or federal law, to the employee; and make available to the public any records and information regarding OSIG's disciplinary recommendations to the extent permitted by State or federal law.

(4) Develop and recommend to the Sheriff an SFSD use of force policy and a comprehensive internal review process for all use of force and critical incidents.

(5) Prepare and submit a quarterly report to the Sheriff ~~*and the SDOB*~~ regarding OSIG investigations that includes the number and type of complaints under subsection (*b*e)(1) filed; trend analysis; the outcome of the complaints; any determination that the acts or omissions of an employee or contractor, in connection with the subject matter of a complaint under subsection (*b*e)(1), or a death in custody under subsection (*b*e)(2), violated law or SFSD policy; the OSIG's recommendations, if any, for discipline; the outcome of any discipline recommendations; and the OSIG's policy recommendations under subsection (*b*e)(4).

(6) Monitor SFSD operations, including the provision of services to incarcerated individuals, through audits and investigations, to ensure compliance with applicable laws and policies.

(~~f~~c) In performing its duties, the OSIG may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony. The OSIG also may request, and *upon request* the Sheriff shall require, the testimony or attendance of any employee of the SFSD.

(~~g~~d) **Cooperation and Assistance from City Departments.** In carrying out ~~*their*~~ *its* duties, the ~~*SDOB and*~~ OSIG shall receive prompt and full cooperation and assistance from all City departments, officers, and employees, including the Sheriff and SFSD and its employees, which shall, unless prohibited by State or federal law, promptly produce all records and information requested by the ~~*SDOB or*~~ OSIG, including but not limited to (1) personnel and disciplinary records of SFSD employees, (2) SFSD criminal investigative files, (3) health information pertaining to incarcerated individuals, and (4) all records and databases to which the SFSD has access, regardless of whether those records pertain to a particular complaint or incident. The Sheriff also shall, unless prohibited by State or federal law, allow the OSIG unrestricted and unescorted access to all facilities, including the jails. The ~~*SDOB and*~~ OSIG shall maintain the confidentiality of any records and information it receives or accesses to the extent required by local, State, or federal law governing such records or information.

(e) In carrying out ~~*their*~~ *its* duties, the ~~*SDOB and*~~ OSIG shall cooperate and collaborate with organizations that contract with SFSD to provide legal services to incarcerated individuals.

(~~h~~f) **Budget and Staffing.** Subject to the fiscal, budgetary, and civil service provisions of the Charter, the OSIG staff shall include no fewer than one investigator for every 100 sworn SFSD employees. No ~~*SDOB or*~~ OSIG staff, including the Sheriff's Inspector General, shall have been employed previously by a law enforcement agency or a labor organization representing law enforcement employees.

(~~i~~g) Nothing in this Section 4.13~~8~~7 shall prohibit, limit, or otherwise restrict the Sheriff or the Sheriff's designee from investigating the conduct of an employee or contractor of the SFSD, or taking disciplinary or corrective action permitted by City or State law.

(~~j~~h) Nothing in this Section 4.13~~8~~7~~, including but not limited to subsections (f) and (g),~~ is intended to or shall be interpreted to abrogate, interfere with, or obstruct the independent and constitutionally and statutorily designated duties of the Sheriff, including the Sheriff's duty to investigate citizens' complaints against SFSD personnel and the duty to operate and manage the jails, the California Attorney General's constitutional and statutory responsibility to oversee the Sheriff, or other applicable State law. In carrying out ~~their~~ its duties, the ~~SDOB and~~ OSIG shall cooperate and coordinate with the Sheriff so that the Sheriff~~, the SDOB,~~ and the OSIG may properly discharge their respective responsibilities.

~~**SEC. 4.139. SANITATION AND STREETS COMMISSION.**~~

~~(a) Purpose. There is hereby established a Sanitation and Streets Commission.~~

~~(b) Membership and Terms of Office.~~

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

~~Each nomination of the Mayor and the Controller 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 or Controller. 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.*~~

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

~~*(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. 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 condition 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.*~~

~~*(d) Transition following November 8, 2022 election. The tenures and terms of members of the Commission on November 8, 2022 shall continue as provided in this Section 4.139.*~~

SEC. 4.140. DEPARTMENT OF PUBLIC WORKS.

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

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

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

~~*(c) Transition.*~~

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

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

~~***SEC. 4.141. PUBLIC WORKS COMMISSION.***~~

~~*(a) Purpose. There is hereby established a Public Works Commission.*~~

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

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

~~Seats 1 and 5 shall be appointed by the Board of Supervisors. Seats 2 and 4 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. Seat 3 shall be appointed by the Controller subject to confirmation by the Board of Supervisors.~~

~~Each nomination of the Mayor and the Controller 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 or Controller. 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.~~

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

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

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

~~*(c) Powers and Duties. With regard to the Department of Public Works, the Commission shall exercise all the powers and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, except for the authority conferred on the Sanitation and Streets Commission in Section 4.139, and may take other actions as prescribed by ordinance.*~~

~~*(d) Transition following November 8, 2022 election. The tenures and terms of members of the Commission on November 8, 2022 shall continue as provided in this Section 4.141.*~~

ARTICLE V: EXECUTIVE BRANCH – ARTS AND CULTURE

SEC. 5.100. GENERAL.

The arts and culture departments of the City and County shall be the Arts Commission, the Asian Art Museum of San Francisco, the Fine Arts Museums of San Francisco, and the War Memorial and Performing Arts Center. These departments shall be a part of the executive branch of City and County government.

~~*The terms of office of all trustees and commissioners shall continue as they existed on the effective date of this Charter.*~~ All vacancies shall be filled within 90 days.

The governing boards of the arts and culture departments may accept and shall comply with the terms and conditions of loans, gifts, devises, bequests, or agreements donating works of art or other assets to their department without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance.

SEC. 5.102. CITY MUSEUMS.

When the term "museums" is used in this Article *V*, unless otherwise specified, it refers to both the Asian Art Museum of San Francisco and The Fine Arts Museums of San Francisco.

Trustees and commissioners of the museums are exempt from the requirements of Section 4.101(~~2~~*b*) of this Charter, except that at least a majority of The Fine Arts Museums Board of Trustees shall be residents of the City and County. *Notwithstanding Section 4.101.6 of this Charter, m*~~*M*~~embers shall serve ~~*for*~~ three-year terms *and shall not be subject to term limits except as established by their respective Commissions.*~~, and may be removed by the Mayor only pursuant to Section 15.105.~~ Members shall serve without compensation.

The governing boards of the museums shall adopt ~~*by-laws*~~ *bylaws* providing for the conduct of their affairs, including the appointment of an executive committee which shall have authority to act in such matters as are specified by the governing board.

The governing boards of the museums shall appoint and may remove a director and such other executive and administrative positions as may be necessary. ~~*Appointees to such positions need not be residents of the City and County.*~~ Notwithstanding any other provision of this Charter, the governing boards may accept and utilize contributions to supplement or pay for the salaries and benefits of these appointees in order to establish competitive compensation, provided that only compensation established pursuant to the salary provisions of this Charter shall be considered for Retirement System purposes.

The governing boards of the museums may insure any loaned exhibit and agree to indemnification and binding arbitration provisions necessary to insuring exhibitions without action of the Board of Supervisors so long as such agreement entails no expense to the City and County beyond ordinary insurance expense. The Recreation and Park Department shall maintain and care for the grounds of the Museums.

SEC. 5.103. ARTS COMMISSION.

(a) The Arts Commission shall *be an Advisory Body.* ~~*consist of fifteen members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Eleven members shall be practicing arts professionals including two architects, a landscape architect, and representatives of the performing, visual, literary and media arts; and four members shall be lay members. The President of the Planning Commission, or a member of the Commission designated by the President, shall serve ex officio. Members may be removed by the Mayor.*~~

~~*The Commission shall appoint and may remove a director of the department.*~~ The Commission shall encourage artistic awareness, participation, and expression; education in the arts; assist independent local groups with the development of their own programs; promote the employment of artists and those skilled in crafts, in the public and private sectors; provide liaison with state and federal agencies to ensure increased funding for the arts from these agencies as well as represent arts issues and policy in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco.

(b) The Arts Commission shall consist of fifteen members appointed by the Mayor. In making appointments to the Commission, the Mayor shall consider the following desirable qualifications, among other factors the Mayor deems relevant: practicing arts professionals including architects, landscape architects, and representatives of the performing, visual, literary, and media arts. The President of the Planning Commission, or a member of the Planning Commission designated by the President, shall serve ex officio as a non-voting member on the Commission. Notwithstanding the provisions of Section 4.101.7 that generally apply to Advisory Bodies, members of the Arts Commission shall be subject to the provisions of Section 4.101.6 regarding terms and term limits.

In furtherance of the foregoing the Arts Commission shall:

1. ~~*Approve*~~ *Provide advice regarding* the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, set-backs, or usable open spaces which are an integral part of any such structures;

2. ~~*Approve*~~ *Provide advice regarding* the design and location of all works of art before they are acquired, transferred, or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; *provide advice regarding* maintain*ing* and keep*ing* an inventory of works of art owned by the City and County; and *provide advice regarding* maintain*ing* the works of art owned by the City and County;

3. ~~*Promote*~~ *Provide advice regarding the City and County's promotion of* a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, *provide advice to* assure that the City and County-owned community cultural centers remain open, accessible, and vital contributors to the cultural life of the City and County, *provide advice about the City and County's* establish*ment of* liaison between community groups, and develop support for neighborhood artists and arts organizations; and

4. ~~*Supervise and control*~~ *Provide advice regarding* the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts.

Nothing in this section shall be construed to limit or abridge the powers or exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences or the Library Commission over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care.

As set forth in Section 18.116 of this Charter, subsection (b) of this Section 5.103 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer the subsection to the Administrative Code and remove the subsection designation in subsection (a) of this Section 5.103. Thereafter, subsection (b) may be amended or repealed by ordinance.

SEC. 5.104. ASIAN ART MUSEUM OF SAN FRANCISCO.

The Asian Art Commission shall consist of ~~*twenty-seven*~~ *27* trustees appointed by the Mayor. In filling vacancies, the Mayor shall solicit nominations from the Commission and shall give due consideration to such nominees in filling such vacancies to the end that the members of the Commission shall be representative of the fields of Asian art and culture by reason of their knowledge, experience, education, training, interest, or activity therein.

The Commission shall:

1. Develop and administer that museum which is known as the "Asian Art Museum of San Francisco," or by such other title as may be chosen by not less than two-thirds of the members of the Commission;

2. Control and manage the City and County's Asian art with the Avery Brundage Collection as its nucleus, consistent with the conditions applicable to the Brundage Collection and other gifts;

3. Maintain a charitable foundation or other legal entity for the purpose of developing the Asian Art Museum;

4. Promote, establish, and develop an acquisition fund for Asian art objects; and

5. Collaborate with other groups and institutions to extend and deepen the activities necessary to establish the Asian Art Museum as the outstanding center of Asian art and culture in the western world.

SEC. 5.105. THE FINE ARTS MUSEUMS OF SAN FRANCISCO.

The California Palace of Legion of Honor and the M.H. de Young Memorial Museum shall ~~*compromise*~~ *comprise* the Fine Arts Museums of San Francisco, or such other title as may be chosen by not less than two-thirds of the trustees of the Fine Arts Museums. The Fine Arts Museums Board of Trustees shall consist of ~~*62*~~ *up to 20* members to be elected by the members

of the Board. On a vote of the majority of members, the number of Trustees may be increased or decreased from time to time as needed, provided that the number of Trustees shall not be more than ~~62~~ *20*, and provided further that a vote to decrease the number shall not affect the power or tenure of any incumbent. ~~*The Board may act by majority of the members present at meetings in which a quorum is in attendance.*~~

In selecting members to serve on the Board, the Board of Trustees shall give due consideration to nominees who are broadly representative of the diverse communities of the City and County and knowledgeable in the fields of art and culture, as demonstrated by their experience, training, interest, or philanthropic activity.

A quorum of the Board shall consist of ~~*one-third*~~ *a majority* of the number of trustees in office at the time. *The Board shall act by vote of a quorum of the Board.* ~~*A majority or two-thirds vote of the Board shall mean a majority or two-thirds vote of the number of trustees present at the meeting at which the vote is taken.*~~

The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible, and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County.

The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the ~~*m*~~*M*useums and to raise and maintain funds for the ~~*m*~~*M*useums' support.

SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.

The governing board of the War Memorial and Performing Arts Center shall consist of eleven trustees appointed by the Mayor~~*, pursuant to Section 3.100*~~, for four-year terms. In making appointments the Mayor shall give due consideration to veterans and others who have a

special interest in the purposes for which the Center exists. ~~*Members may be removed by the Mayor only pursuant to Section 15.105.*~~

~~*The governing board shall appoint and may remove a director.*~~

ARTICLE VI: OTHER ELECTIVE OFFICERS

SEC. 6.102. CITY ATTORNEY.

* * * *

9. Establish in the Office of the City Attorney a Bureau of Claims Investigation and Administration which shall have the power to investigate, evaluate and settle for the several ~~*boards, c*~~*C*ommissions and departments all claims for money or damages. The Bureau shall also have the power to investigate incidents where the City faces potential civil liability, and to settle demands before they are presented as claims, within dollar limits provided for by ordinance, from a revolving fund to be established for that purpose. The City Attorney shall appoint a chief of the Bureau who shall serve at ~~*his or her*~~ *the City Attorney's* pleasure. The chief of the Bureau may appoint, subject to confirmation by the City Attorney, investigators who shall serve at the pleasure of the ~~*chief*~~ *City Attorney*.

* * * *

ARTICLE VII: JUDICIAL BRANCH

SEC. 7.102. JUVENILE PROBATION.

The Juvenile Probation Commission shall consist of seven members who shall be appointed by the Mayor~~*, pursuant to Section 3.100, for staggered four-year terms*~~. Two of the members shall be appointed from lists of eligibles submitted to the Mayor by the Superior Court. The Juvenile Probation Department shall be a part of the executive branch.

~~*Members may be removed by the Mayor only pursuant to Section 15.105.*~~

Any member may serve concurrently as a member of the Juvenile Justice Commission created by state law and as a member of the Juvenile Probation Commission herein created.

The Chief Juvenile Probation Officer, assistants, and deputies shall have the powers and duties conferred upon such Chief Juvenile Probation Officers, assistants, and deputies by state law; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

ARTICLE VIII: EDUCATION AND LIBRARIES

SEC. 8.102. PUBLIC LIBRARIES.

Libraries including the Library Commission and the Library Department shall be a part of the executive branch.

The Commission 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.~~*

SEC. 8.103. LAW LIBRARY.

~~The San Francisco Law Library shall be under the management and control of the Board of Trustees, as established by act of the Legislature approved March 9, 1870. The Board shall consist of seven appointive members of the San Francisco bar, and the Mayor, the Presiding Judge and the three judges of the Appellate Department of the Superior Court, ex-officio. All vacancies on the Board shall be filled by the Board.~~

~~Pursuant to state law, the Board shall appoint and at its pleasure may remove a librarian, who shall be its executive officer. The Board shall have complete authority to manage its affairs consistent with this Charter and state law.~~

The San Francisco Law Library, as established by act of the Legislature approved March 9, 1870, shall have complete authority to manage its affairs consistent with this Charter and

state law. ~~*Compensation of Law Library personnel shall be fixed by the executive officer of the Law Library, with approval of the Board of Trustees.*~~ Subject to the budgetary and fiscal provisions of this Charter, the City and County shall continue to fund the salaries for at least the positions of Librarian, Assistant Librarian, and Bookbinder.

The City and County shall provide suitable and sufficient quarters for the Law Library, fix up and furnish the same, and provide for the supply of necessary light, heat, stationery, and other conveniences. The Library shall be so located as to be readily accessible to the judges and officers of the courts.

The Clerk~~s~~ of the Superior ~~*and Municipal*~~ Court~~s~~ shall collect fees provided for law libraries by general law and the fees so collected shall be paid monthly to the Treasurer of the Law Library, and shall constitute a law library fund to be expended by the Trustees in the purchase of books and periodicals, and in the establishment and maintenance of the Law Library.

The judiciary, City~~,~~ *and* County and state officials, members of the Bar, and all inhabitants of the City and County shall have free access, use, and enjoyment of the Law Library, subject to the rules and regulations of the ~~*Trustees*~~ *Law Library*.

ARTICLE VIIIA: THE MUNICIPAL TRANSPORTATION AGENCY

SEC. 8A.101. MUNICIPAL TRANSPORTATION AGENCY.

(a) There shall be a Municipal Transportation Agency. The Agency shall include a Board of Directors and a Director of Transportation. The Agency shall include the Municipal Railway and the former Department of Parking and Traffic, as well as any other departments, bureaus, or operating divisions hereafter created or placed under the Agency *in this Charter or by ordinance*. ~~*There shall also be a Citizens Advisory Committee to assist the Agency.*~~

(b) ~~*The Board of Supervisors shall have the power, by ordinance, to abolish the Taxi Commission created in Section 4.133, and to transfer the powers and duties of that commission*~~

~~*to the Agency under the direction of the Director of Transportation or his or her designee. In order to fully integrate taxi-related functions into the Agency should such a transfer occur, the*~~ *The* Agency shall have the same exclusive authority over taxi-related functions and taxi-related fares, fees, charges, budgets, and personnel that it has over the Municipal Railway and parking and traffic fares, fees, charges, budgets, and personnel. ~~*Once adopted, Agency regulations shall thereafter supercede all previously adopted ordinances governing motor vehicles for hire that conflict with or duplicate such regulations.*~~

~~*(c) Any transfer of functions occurring as a result of the above provisions shall not adversely affect the status, position, compensation, or pension or retirement rights and privileges of any civil service employees who engaged in the performance of a function or duty transferred to another office, agency, or department pursuant to this measure.*~~

(~~*d*~~*c*) Except as expressly provided in this Article *VIIIA*, the Agency shall comply with all of the restrictions and requirements imposed by the ordinances of general application of the City and County, including ordinances prohibiting discrimination of any kind in employment and contracting~~*, such as Administrative Code Chapters 12B et seq., as amended from time to time*~~. The Agency shall be solely responsible for the administration and enforcement of such requirements.

(~~*e*~~*d*) The Agency may contract with existing City and County departments to carry out any of its powers and duties. Any such contract shall establish performance standards for the department providing the services to the Agency, including measurable standards for the quality, timeliness, and cost of the services provided. All City and County departments must give the highest priority to the delivery of such services to the Agency.

(~~*f*~~*e*) The Agency may not exercise any powers and duties of the Controller or the City Attorney and shall contract with the Controller and the City Attorney for the exercise of such powers and duties.

SEC. 8A.102. GOVERNANCE AND DUTIES.

(a) The Agency shall be governed by a board of seven directors appointed by the Mayor. ~~*and confirmed after public hearing by the Board of Supervisors. All initial appointments must be made by the Mayor and submitted to the Board of Supervisors for confirmation no later than February 1, 2000. The Board of Supervisors shall act on those initial appointments no later than March, 1, 2000 or those appointments shall be deemed confirmed.*~~

At least four of the directors must be regular riders of the Municipal Railway, and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or professional experience in, one or more of the fields of government, finance, or labor relations. At least two of the directors must possess significant knowledge of, or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

~~*Directors shall serve four-year terms, provided, however, that two of the initial appointees shall serve for terms ending March 1, 2004, two for terms ending March 1, 2003, two for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be designated by the Mayor. No person may serve more than three terms as a director. A director may be removed only for cause pursuant to Article XV. The directors shall annually elect a chair. The chair shall serve as chair at the pleasure of the directors.*~~ Directors shall receive reasonable compensation for attending meetings of the Agency which shall not exceed the average of the two highest compensations paid to the members of any board or commission with authority over a transit system in the nine Bay Area counties.

(b) The Agency shall:

* * * *

7. Notwithstanding any provision of the ~~*San Francisco*~~ Municipal Code (except requirements administered by the Department of Public Works governing excavation, street design, and official grade) have exclusive authority to adopt regulations that control the flow and direction of motor vehicle, bicycle, and pedestrian traffic, including regulations that limit the use of certain streets or traffic lanes to categories of vehicles and that limit the speed of traffic; and to design, select, locate, install, operate, maintain, and remove all official traffic control devices, signs, roadway features, and pavement markings that control the flow of traffic with respect to streets and highways within City jurisdiction, provided that:

(i) Notwithstanding the authority established in subsection 7, the Board of Supervisors may by ordinance establish procedures by which the public may seek Board of Supervisors review of any Agency decision with regard to the installation or removal of a stop sign or the creation or elimination of a bicycle lane. In any such review, the Agency's decision shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after submission of a request to the Board of Supervisors.

~~*(ii) Nothing in this subsection 7 shall modify the authority of ISCOTT, or any successor body, over the temporary use or occupancy of public streets, or the authority of the Board of Supervisors to hear appeals regarding the temporary use or occupancy of public streets.*~~

(ii~~*i*~~) Nothing in subsection 7 shall modify the power of the Board of Supervisors to establish civil offenses, infractions, and misdemeanors.

(~~*iv*~~*iii*) Notwithstanding the authority established in subsection 7, to the extent state law contemplates that Agency action authorized by subsection 7 be effectuated by ordinance, such action shall be effectuated by resolution of the Board of Directors and shall be subject to referendum in accordance with Article *XIV* ~~*14*~~ *of this Charter*, and, if a referendum petition

contains the requisite number of signatures, the Board of Supervisors shall have the power to reconsider or repeal the action as provided in Article *XIV* ~~*14*~~ .

* * * *

~~*10. Be responsible for chairing the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) or any successor body;*~~

~~*11*~~*10*. Be responsible for cooperating with and assisting the Police Department in the promotion of traffic safety; studying and responding to complaints related to street design, traffic control devices, roadway features, and pavement markings; collecting, compiling, and analyzing traffic data and traffic accident data and planning improvements to improve the safety of the City's roadways; and conducting traffic research and planning;

~~*12*~~*11*. Have exclusive authority to apply for, accept, and expend state, federal, or other public or private grant funds for Agency purposes;

~~*13*~~*12*. To the maximum extent permitted by law, with the concurrence of the Board of Supervisors, and notwithstanding the requirements and limitations of Sections 9.107, 9.108, and 9.109 *of this Charter*, have authority without further voter approval to incur debt for Agency purposes and to issue or cause to be issued bonds, notes, certificates of indebtedness, commercial paper, financing leases, certificates of participation or any other debt instruments. Upon recommendation from the Board of Directors, the Board of Supervisors may authorize the Agency to incur on behalf of the City such debt or other obligations provided: 1) the Controller first certifies that sufficient unencumbered balances are expected to be available in the proper fund to meet all payments under such obligations as they become due; and 2) any debt obligation, if secured, is secured by revenues or assets under the jurisdiction of the Agency~~.~~*; and*

~~*14. Have the authority to conduct investigations into any matter within its jurisdiction through the power of inquiry, including the power to hold public hearings and take testimony, and to take such action as may be necessary to act upon its findings; and*~~

~~15~~13. Exercise such other powers and duties as shall be prescribed by ordinance of the Board of Supervisors.

~~*(c) The Agency's Board of Directors shall:*~~

~~*1. Appoint a Director of Transportation, who shall serve at the pleasure of the Board. The Director of Transportation shall be employed pursuant to an individual contract. His or her compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the Board of Directors, after an independent survey, determine most closely resemble the Agency in size, mission, and complexity. In addition, the Board of Directors shall provide an incentive compensation plan consistent with the requirements of Section 8A.104(k) under which a portion of the Director's compensation is based on achievement of service standards adopted by the Board of Directors.*~~

~~*2. Appoint an executive secretary who shall be responsible for administering the affairs of the Board of Directors and who shall serve at the pleasure of the Board.*~~

~~*3. In addition to any training that may be required by City, State or federal law, members of the Agency's Board of Directors shall attend a minimum of four hours of training in each calendar year, provided by the City Attorney and the Controller regarding the legal and financial responsibilities of the Board and the Agency.*~~

(~~d~~c) *The Director of Transportation shall be employed pursuant to an individual contract approved by the Mayor. The Director's compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the Mayor, after an independent survey, determines most closely resemble the Agency in size, mission, and complexity. In addition, the contract may provide an incentive compensation plan consistent with the requirements of Section 8A.104(m) under which a portion of the Director's compensation is based on achievement of service standards adopted by the Mayor.* The Director of Transportation shall appoint all subordinate personnel of the Agency,

including deputy directors. The deputy directors shall serve at the pleasure of the Director of Transportation.

(~~e~~d) Upon recommendation of the City Attorney and the approval of the Board of Directors, the City Attorney may compromise, settle, or dismiss any litigation, legal proceedings, claims, demands, or grievances which may be pending for or on behalf of, or against the Agency relative to any matter or property solely under the Agency's jurisdiction. ~~*Unlitigated claims or demands against the Agency shall be handled as set forth in Charter Section 6.102.*~~ Any payment pursuant to the compromise, settlement, or dismissal of such litigation, legal proceedings, claims, demands, or grievances, unless otherwise specified by the Board of Supervisors, shall be made from the Municipal Transportation Fund.

~~*(f) The Agency's Board of Directors, and its individual members, shall deal with administrative matters solely through the Director of Transportation or his or her designees. Any dictation, suggestion, or interference by a director in the administrative affairs of the Agency, other than through the Director of Transportation or his or her designees, shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the Board of Directors' powers of hearing and inquiry as provided in this Section.*~~

(~~g~~e) Notwithstanding any provision of Chapter 6 or 21 of the Administrative Code establishing any threshold amount for exercise of executive authority to execute contracts, or any successor provision of the ~~*San Francisco*~~ Municipal Code, the Agency's Board of Directors may adopt threshold amounts under which the Director of Transportation and ~~*his or her*~~ *their* designees may approve contracts.

(~~h~~f) Except *as* provided in this Article *VIIIA*, *including but not limited to the Agency's budget approval authority in Section 8A.106,* the Agency shall be subject to the provisions of this Charter applicable to boards, commissions, and departments of the City and County, including Sections 2.114, 3.105, 4.101, *4.101.1, 4.101.5, 4.101.6, 4.102,* ~~*4.103,*~~ 4.104, 4.113,

6.102, 9.118, 16.100, and A8.346. Sections ~~*4.102,*~~ 4.126~~,~~ and 4.132 shall not be applicable to the Agency.

SEC. 8A.106. BUDGET.

The Agency shall be subject to the provisions of Article IX of this Charter except:

(a) No later than May 1 of each even-numbered year, after professional review~~,~~ *and* public hearing ~~*and after receiving the recommendations of the Citizens' Advisory Council*~~, the Agency shall submit its proposed budget with annual appropriation detail in a form approved by the Controller for each of the next two fiscal years to the Mayor and the Board of Supervisors for their review and consideration. The Agency shall propose a budget that is balanced without the need for additional funds over the Base Amount, but may include fare increases and decreases, and reductions or abandonment of service. The Mayor shall submit the budget to the Board of Supervisors, without change. Should the Agency request additional general fund support over the Base Amount, it shall submit an augmentation request for those funds in the standard budget process and subject to normal budgetary review and amendment under the general provisions of Article IX.

* * * *

SEC. 8A.107. MUNICIPAL TRANSPORTATION QUALITY REVIEW.

(a) The Agency shall biennially contract with a nationally recognized management or transportation consulting firm with offices in the City and County for an independent review of the quality of its operations. The contract shall be competitively bid and approved by the Controller and Board of Supervisors. The review shall contain:

1. A detailed analysis of the extent to which the Agency has met the goals, objectives, and performance standards it is required to adopt under Section 8A.103, and the

extent to which the Agency is expected to meet those goals, objectives, and performance standards in the two fiscal years for which the review is submitted, and independent verification of the Agency's reported performance under the performance measures adopted pursuant to Section 4 of this measure; and

2. Such recommendations for improvement in the operation of the Agency as the firm conducting the review deems appropriate.

(b) The results of the review shall be presented promptly to ~~*the Citizens' Advisory Council, the Agency,*~~ the Board of Supervisors~~,~~ and the Mayor by the reviewing firm; and ~~*the Citizens' Advisory Council,*~~ the Agency~~,~~ and the Board of Supervisors shall each promptly hold at least one public hearing thereon.

SEC. 8A.111. CITIZENS' ADVISORY COUNCIL.

(a) The*re* ~~*Agency*~~ shall ~~*establish*~~ *be* a *Municipal Transportation Agency* Citizens' Advisory Council of fifteen members which shall consist of one person appointed by each member of the Board of Supervisors and four members appointed by the Mayor. ~~*Each member must be a resident of the City and County*~~. ~~*No fewer than ten members of the Council must*~~ *In making appointments, appointing authorities shall consider the following desirable qualifications, among other factors the appointing authorities deem relevant:* ~~*be*~~ *being a* regular rider~~s~~ of the Municipal *Railway,* ~~*Rail way. At least two members must use*~~*being a user of* the Municipal Railway's paratransit system, and ~~*at least three of the members must be senior citizens*~~ *being* over the age of 60. ~~*The membership of the Council shall be reflective of the diversity and neighborhoods of the City and County.*~~ *The Council shall be an Advisory Body.* The Council may provide recommendations to the *Municipal Transportation* Agency with respect to any matter within the jurisdiction of the Agency and shall be allowed to present reports to the Agency's ~~*board of directors*~~*Board of Directors*. ~~*The members of the Council shall be appointed*~~

~~*to four-year terms and shall serve at the pleasure of their appointing power. Staggered terms for the initial appointees to the Council shall be determined by lot.*~~

(b) Unless the Agency's Board of Directors by resolution extends the term of the Council, this Section will expire by operation of law, and the Council shall sunset, on June 1, 2031. In that event and after that date, the City Attorney shall cause this Section to be removed from the Transportation Code.

(c) As set forth in Section 18.116 of this Charter, this Section 8A.111 shall be deemed enacted into the Transportation Code on January 1, 2027 and the City Attorney shall transfer this Section to the Transportation Code. Thereafter, the section may be amended or repealed by resolution as provided in Section 8A.102(b) of this Charter.

SEC. 8A.115. TRANSIT-FIRST POLICY.

(a) The following principles shall constitute the City and County's transit-first policy and shall be incorporated into the General Plan of the City and County. All officers, ~~*boards,*~~ ~~*c*~~*C*ommissions, and departments shall implement these principles in conducting the City and County's affairs:

* * * *

ARTICLE VIIIB: PUBLIC UTILITIES

SEC. 8B.121. PUBLIC UTILITIES COMMISSION.

* * * *

(c) Except to the extent otherwise provided in this Article *VIIIB*, the Public Utilities Commission shall be subject to the provisions of Charter ~~*s*~~*S*ections *4.101 through 4.104 to the extent those sections apply to Commissions*~~*4.100 et seq. generally applicable to boards and commissions of the City and County*~~.

* * * *

SEC. 8B.123. PLANNING AND REPORTING.

~~*(A) Planning and Reporting*~~

The Public Utilities Commission shall annually hold public hearings to review, update, and adopt:

(1) A Long-Term Capital Improvement Program, covering projects during the next 10-year period; including cost estimates and schedules.

(2) A Long-Range Financial Plan, for a 10-year period, including estimates of operation and maintenance expenses, repair and replacement costs, debt costs, and rate increase requirements.

(3) A Long-Term Strategic Plan, setting forth strategic goals and objectives and establishing performance standards as appropriate.

The Capital Improvement Program and Long-Range Financial Plan shall serve as a basis and supporting documentation for the Commission's capital budget, the issuance of revenue bonds, other forms of indebtedness, and execution of governmental loans under this Charter.

~~*(B) Citizens' Advisory Committee*~~

~~*The Board of Supervisors, in consultation with the General Manager of the Public Utilities Commission, shall establish by ordinance a Citizens' Advisory Committee to provide recommendations to the General Manager of the Public Utilities Commission, the Public Utilities Commission and the Board of Supervisors.*~~

SEC. 8B.125. RATES.

Notwithstanding Charter sections 2.109, 3.100, and 4.102 or any ordinance (including, without limitation, *provisions in the* Administrative Code), the Public Utilities Commission shall

set rates, fees, and other charges in connection with providing the utility services under its jurisdiction, subject to rejection – within 30 days of submission – by resolution of the Board of Supervisors. If the Board of Supervisors fails to act within 30 days the rates shall become effective without further action.

In setting retail rates, fees, and charges the Commission shall:

1. Establish rates, fees, and charges at levels sufficient to improve or maintain financial condition and bond ratings at or above levels equivalent to highly rated utilities of each enterprise under its jurisdiction, meet requirements and covenants under all bond resolutions and indentures~~,~~ (including, without limitation, increases necessary to pay for the retail water customers' share of the debt service on bonds and operating expenses of any state financing authority such as the Regional Water System Financing Authority), and provide sufficient resources for the continued financial health (including appropriate reserves), operation, maintenance, and repair of each enterprise, consistent with good utility practice;

2. Retain an independent rate consultant to conduct rate and cost of service studies for each utility at least every five years;

3. Set retail rates, fees, and charges based on the cost of service;

4. Conduct all studies mandated by applicable state and federal law to consider implementing connection fees for water and clean water facilities servicing new development;

5. Conduct studies of rate-based conservation incentives and/or lifeline rates and similar rate structures to provide assistance to low income users, and take the results of such studies into account when establishing rates, fees, and charges, in accordance with applicable state and federal laws; *and*

6. Adopt annually a rolling 5-year forecast of rates, fees and other charges~~; and~~

7. *(a) There is hereby established a Public Utilities Commission* ~~*Eestablish a*~~ Rate Fairness ~~*Board*~~ *Council* consisting of seven members: the City Administrator or ~~*his or her*~~ *their*

designee; the Controller or ~~*his or her*~~ *their* designee; the Director of the ~~*Mayor's*~~ Office of Public Finance or ~~*his or her*~~ *their* designee; two residential City retail customers, consisting of one appointed by the Mayor, and one by the Board of Supervisors; and two City retail business customers, consisting of a large business customer appointed by the Mayor, and a small business customer appointed by the Board of Supervisors.

(b) The Rate Fairness ~~*Board*~~ *Council shall be an Advisory Body that* may:

1~~*i*~~. Review the five-year rate forecast;

2~~*ii*~~. Hold one or more public hearings on annual rate recommendations before the Public Utilities Commission adopts rates;

~~*iii*~~*3*. Provide a report and recommendations to the Public Utilities Commission on the rate proposal; and

~~*iv*~~*4*. In connection with periodic rate studies, submit to the Public Utilities Commission rate policy recommendations for the Commission's consideration, including recommendations to reallocate costs among various retail utility customer classifications, subject to any outstanding bond requirements.

(c) As set forth in Section 18.116 of this Charter, subsections 7(a) and 7(b) of this Section 8B.125 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer those subsections to the Administrative Code. Thereafter, those subsections may be amended or repealed by ordinance.

~~*These provisions shall be effective January 3, 2003 for the setting of retail rates, fees and charges related to the clean water system. If the voters approve bonds for the Public Utilities Commission's Capital Improvement Program at the November 5, 2002 election then the provisions of this section shall take effect on July 2, 2006 for the setting of retail rates, fees and charges related to the water system. If the voters do not approve such bonds then this section will take effect on January 3, 2003.*~~

SEC. 8B.126. PERSONNEL AND MERIT SYSTEM.

(a) The General Manager shall be *appointed and may be removed by the Mayor*~~*selected under the provisions of Charter sections 3.100 and 4.102*~~. The General Manager may be employed under an individual contract *approved by the Mayor*. ~~*His or her*~~ *The General Manager's* compensation shall be comparable to the compensation of the chief executive officers of the public water, ~~*wastewater*~~ *sewer,* and/or power systems in the United States that the ~~*Commission*~~ *Mayor*, after an independent survey, determines most closely resemble the Public Utilities Commission in size, mission, and complexity. In addition, the ~~*Public Utilities Commission*~~*contract* may provide an incentive compensation bonus plan for the General Manager based on performance goals established by the ~~*Commission*~~ *Mayor*.

(b) The General Manager may negotiate an individual contract with the employee appointed to perform the duties of general infrastructure management and oversight of the Capital Improvement Program ~~*subject to approval by the Commission and*~~ notwithstanding Charter Section A8.409 et seq.

(c) For purposes of approving individual employment contracts *under subsections (a) and (b) of this Section 8B.126,* the ~~*Public Utilities Commission*~~ *Mayor and the General Manager, respectively,* may exercise all powers of the City and County, the Board of Supervisors, the Mayor, and the Director of Human Resources under Article XI of this ~~*c*~~*C*harter. Individual employment contracts shall utilize and shall not alter or interfere with, the Retirement or Vacation provisions of this Charter or the Health Plans established by the ~~*City's*~~ Health Service Board; provided however, that the *Public Utilities* Commission may contribute toward defraying the cost of the employee's health premiums and retirement pick-up.

ARTICLE IX: FINANCIAL PROVISIONS

SEC. 9.105. MODIFICATIONS.

The Board of Supervisors may authorize the Controller, upon the request of the Mayor, other officials, ~~*boards*~~ or ~~*c*~~*C*ommissions of the City and County to transfer previously appropriated amounts within the same fund within the same governmental unit without approval of the Board of Supervisors.

* * * *

SEC. 9.113. GENERAL FISCAL PROVISIONS.

* * * *

(b) In the event that funds are not available to meet authorized expenditures, the Treasurer, upon the recommendation of the Controller, is authorized to transfer monies among funds held by the Treasurer in the pooled funds of the City and County which are legally available for such a purpose, except a pension fund. The Treasurer and the Controller shall set the terms and conditions of the transfer, taking into account the requirements and nature of the fund from which the transfer was made. All monies transferred pursuant to this Section shall accrue interest at not less than the then current rate of interest earned by the Treasurer on the pooled funds of the City and County. In no event shall the Controller or the Treasurer cause any transfer of monies pursuant to this Section if said transfer would be inconsistent with the terms and conditions of any outstanding bonded indebtedness of the City and County, including any of its ~~*boards or c*~~*C*ommissions.

* * * *

ARTICLE X: PERSONNEL ADMINISTRATION

SEC. 10.100. CIVIL SERVICE COMMISSION.

There is hereby established a Civil Service Commission which is charged with the duty of providing qualified persons for appointment to the service of the City and County.

The Commission shall consist of five members appointed by the Mayor~~, pursuant to Section 3.100,~~ for six-year terms. ~~Not less than two members of the Commission shall be women.~~ No person may serve as an appointed member of the Civil Service Commission for more than two terms. A part of a term that exceeds three years shall count as a full term; a part of a term that is three years or less shall not. The current term of any person serving on the Commission on January 1, 2027 shall count as a full term if the person serves more than three years of that term. Terms completed on or before December 31, 2026 shall not count as a term for the purpose of the lifetime term limit.

~~The persons so appointed~~ Members of the Commission shall, before taking office, make under oath and file in the office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of Civil Service Commissioner in the spirit of this declaration."

A commissioner may be removed only for official misconduct in the manner provided in Section 15.105(b)~~upon charges preferred in the same manner as in this Charter provided for elective officers~~.

The regular meetings of the Commission shall be open to the public and held at such a time as will give the general public and employees of the City and County adequate time within which to appear before the Commission after the regular daily working hours of 8:00 a.m. to 5:00 p.m. Such person or persons shall be given an opportunity to be heard by the Commission before final action is taken in any case involving such person or persons.

SEC. 10.104. EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT.

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment, and removal procedures, and *unless otherwise stated in the Charter,* the person serving in the position shall serve at the pleasure of the appointing authority:

* * * *

3. All members of ~~*c*~~*C*ommissions *and Advisory Bodies*~~*, boards and advisory committees*~~;

4. Not more than one ~~*c*~~*C*ommission secretary for each ~~*c*~~*C*ommission ~~*or board*~~;

* * * *

ARTICLE XII: EMPLOYEE RETIREMENT AND HEALTH SYSTEMS

SEC. 12.100. RETIREMENT BOARD.

(a) The Retirement Board shall consist of seven members as follows: one member of the Board of Supervisors appointed by the President *of the Board of Supervisors*, three public members ~~*to be*~~ appointed by the Mayor ~~*pursuant to Section 3.100*~~, and three members elected by the active members and retired persons of the Retirement System from among their number. The public members appointed by the Mayor shall be experienced in life insurance, actuarial science, employee pension planning, or investment portfolio management, or hold a degree of doctor of medicine. There shall not be, at any one time, more than one retired person on the Board. ~~*The term of the members, other than the Board of Supervisors member, shall be five years, one term expiring on February 20 of each year.*~~ *All members other than the Board of Supervisors member shall be subject to terms and term limits established in Section 4.101.6 of this Charter; provided that all members in office on January 1, 2027 may complete their current terms. Notwithstanding Section 4.101(b) of this Charter, t*~~*T*~~he three elected members need not be

residents of the City and County. ~~*Vacancies on the Board shall be filled by the Mayor for the remainder of the unexpired term, except that in the case of elected employee members, a*~~ *A* vacancy *in an elective office on the Retirement Board* shall be filled by a special election within 120 days after the vacancy occurs unless the next regularly scheduled employee member election is to be held within six months after such vacancy occurred. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance. *Members who are elected may be removed only for official misconduct in the manner provided in Section 15.105(b) of this Charter. For the purposes of such a proceeding only, the Mayor shall have the powers and duties of the elected member's appointing authority.*

* * * *

SEC. 12.200. HEALTH SERVICE BOARD.

There shall be a Health Service Board which shall consist of seven members as follows: one member of the Board of Supervisors, to be appointed by the President of the Board of Supervisors; two members appointed by the Mayor ~~*pursuant to Section 3.100, one of whom shall be an individual who regularly consults in the health care field, and the other a doctor of medicine*~~; one member ~~*nominated*~~ *appointed* by the Controller, and three members elected from the active and retired members of the System from among their number. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance. *Notwithstanding Section 4.101(b) of this Charter, e*~~E~~lected members need not reside within the City and County. *In making appointments to the Health Service Board, the Mayor and the Controller shall consider the following desirable qualifications, among other factors the appointing authorities deem relevant: regularly consulting in the health care field, and being qualified to practice and regularly practicing as a doctor of medicine.*

~~*Not later than April 1, 2013 the Controller shall nominate a candidate for appointment to the Health Services Board for a two-year term commencing on May 15, 2013. The Controller shall transmit a written notice of nomination to the Health Services Board. The Controller's nominee shall be subject to the approval of the Health Services Board. If the Health Services Board fails to calendar the Controller's nomination for consideration at a meeting to occur not later than 60 days after receipt of the Controller's written notice of nomination, the Controller's nominee shall be deemed approved. All subsequent appointments of Controller's nominees shall be for a five-year term and be subject to the same procedure. The Controller's nominee may not vote on his or her successor.*~~

All members other than the Board of Supervisors member shall be subject to terms and term limits established in Section 4.101.6 of this Charter, provided that all members in office on January 1, 2027 may complete their current terms. ~~*The terms of Health Service Board members, other than the ex officio members, shall be five years, and shall expire on May 15 of each year, with the exception that the term of the Board member that begins in May 2011 shall be three (3) years, and shall expire in May 2014, and the term of the Board member that begins in May 2013 term shall be two (2) years, and shall expire in May 2015*~~.

~~*The appointee nominated by the Controller shall succeed the elected member whose term expires at 12:00 noon on May 15, 2013. In the event the elected member whose term expires on May 15, 2013, leaves the Board prior to that date, the Controller shall nominated a successor to fill the unexpired term according to the procedures set forth above.*~~

~~*A vacancy on the Board appointed by the Mayor shall be filled by the Mayor. A vacancy on the Board of an appointee nominated by the Controller shall be filled for the unexpired term according to the procedures set forth above for Controller's nominees.*~~ A vacancy in an elective office on the Board shall be filled by a special election within 90 days after the vacancy occurs unless a regular election is to be held within six months after such vacancy shall have occurred.

Members who are elected may be removed only for official misconduct in the manner provided in Section 15.105(b) of this Charter. For the purposes of such a proceeding only, the Mayor shall have the powers and duties of the elected member's appointing authority.

The Health Service Board shall:

1. Establish and maintain detailed historical costs for medical and hospital care and conduct an annual review of such costs;

2. Apply benefits without special favor or privilege;

3. Put such plans as provided for in Section A8.422 into effect and conduct and administer the same and contract therefor and use the funds of the System;

4. Make rules and regulations for the administration of business of the Health Service System, the granting of exemptions, and the admission to the System of persons who are thereby made members, and such other officers and employees as may voluntarily become members with the approval of the Board; and

5. Receive, consider, and, within 60 days after receipt, act upon any matter pertaining to the policies of, or appeals from, the Health Service System submitted to it in writing by any member or any person who has contracted to render medical care to the members.

~~*Except as otherwise specifically provided, the Health Service Board shall have the powers and duties and shall be subject to the limitations of Charter Sections 4.102, 4.103 and 4.104.*~~

Subject to the requirements of state law and the budgetary and fiscal provisions of the Charter, the Health Service Board may make provision for ~~*heath*~~ *health* or dental benefits for residents of the City and County of San Francisco as provided in Section A8.421 *of this Charter*.

SEC. 12.204. RETIREE HEALTH CARE TRUST FUND.

(a) The Retiree Health Care Trust Fund (RHCTF) shall be an irrevocable trust fund established under Section A8.432 *of this Charter*, and separate from the Health Service System trust fund described in Charter Sections 12.203 and A8.428, to provide a funding source to defray the cost of the City's, and other Participating Employers', obligations to pay for health coverage for retired persons and their survivors entitled to health coverage under Section A8.428. RHCTF assets shall be held for the sole and exclusive purpose of providing health coverage to eligible retired persons and their survivors, and to defray the reasonable expenses of administering the RHCTF, including but not limited to educational, actuarial, consulting, administrative support, and accounting expenses associated with the RHCTF. Subject to the approval of the Board of Supervisors by resolution, the Retiree Health Care Trust Fund Board (Board) may, upon the adoption of a resolution, authorize specific payments for specific amounts enumerated in the resolution *and* shall pay for such administrative costs from the RHCTF.

(b) The Board shall govern the RHCTF. The Board shall consist of the following five trustees: the City Controller, the City Treasurer, and the Executive Director of the San Francisco Employees' Retirement System, or their respective designees; and two trustees elected from among active employee and retired members of the City's Health Service System. One of the elected trustees shall be an active employee member and one shall be a retired member as of the date of their respective elections. Each elected trustee shall ~~*serve for a term of five years.*~~ *be subject to terms and term limits established in Section 4.101.6 of this Charter, provided that members in office on January 1, 2027 may complete their current terms.* No person may serve simultaneously as a trustee on the Board and as an elected or appointed member of the ~~*San Francisco Employees'*~~ Retirement ~~*System*~~ Board or the Health Service ~~*System*~~ Board.

(c) Elected trustees may be removed only for official misconduct in the manner provided in Section 15.105(b) of this Charter. For the purposes of such a proceeding only, the Mayor shall have the powers and duties of the elected trustee's appointing authority.

(d) The Retirement Board shall assume all the powers and duties of the Retiree Health Care Trust Fund Board, and the Retiree Health Care Trust Fund Board shall terminate, if both the Retirement Board and the Retiree Health Care Trust Fund Board so decide by a vote of a majority of each body's members within 60 days of one another, and the Board of Supervisors affirms that decision by ordinance enacted within 90 days of the decision.

ARTICLE XIII: ELECTIONS

SEC. 13.103.5. ELECTIONS COMMISSION.

An Elections Commission shall be established to oversee all public federal, state, district and municipal elections in the City and County. The Commission shall set general policies for the Department of Elections and shall be responsible for the proper administration of the general practices of the Department, subject to the budgetary and fiscal provisions of this Charter. These duties shall include but not be limited to approving written plans prior to each election, submitted by the Director of Elections, detailing the policies, procedures, and personnel that will be used to conduct the election as well as an assessment of how well the plan succeeded in carrying out a free, fair, and functional election.

The Commission shall consist of seven members who shall serve five-year terms. No person appointed as a Commission member may serve as such for more than two successive five-year terms. *A part of a term that exceeds two and a half years shall count as a full term; a part of a term that is two and a half years or less shall not.* ~~*Any person appointed as a Commission member to complete more than two and one-half years of a five-year term shall be deemed, for the purpose of this section, to have served one full term.*~~ No person having served two successive five-year terms may serve as a Commission member until at least five years after the expiration of the second successive term in office. ~~*Any Commission member who resigns with less than two and one-half years remaining until the expiration of the term shall be deemed,*~~

~~*for the purposes of this section, to have served a full five year term.*~~ *Section 4.101.6 of this Charter shall not apply to the Elections Commission.*

The Mayor, the Board of Supervisors, the City Attorney, the Public Defender, the District Attorney, the Treasurer, and the Board of Education of the San Francisco Unified School District each shall appoint one member of the Commission. *The Mayor's appointment shall not be subject to rejection by the Board of Supervisors under Charter Section 3.100(18).* ~~*The member appointed by the Mayor shall have*~~ *In making appointments to the Commission, the appointing authorities shall consider the following desirable qualifications, among other factors the appointing authorities deem relevant:* a background in the electoral process, ~~*. The member appointed by the City Attorney shall have*~~ a background in elections law, *and* ~~*. The member appointed by the Treasurer shall have*~~ a background in financial management. ~~*The members appointed by the District Attorney, Public Defender, the Board of Education of the San Francisco Unified School District, and the Board of Supervisors shall be broadly representative of the general public. In the event a vacancy occurs, the appointing authority who appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term. All members initially appointed to the Election Commission shall take office on the first day of January, 2002.*~~

~~*The initial terms of Commission members shall expire according to the following guidelines: the term of the members appointed by the Mayor and the Board of Education of the San Francisco Unified School District shall expire on January 1, 2003; the term of the members appointed by the Board of Supervisors and the Treasurer shall expire on January 1 2004; the term of the member appointed by the City Attorney shall expire January 1, 2005; the term of the member appointed by the Public Defender shall expire January 1, 2006; and the term of the member appointed by the District Attorney shall expire January 1, 2007.*~~

Members of the Commission shall serve without compensation. ~~*Members of the Commission shall be officers of the City and County, and may be removed by the appointing authority only pursuant to Section 15.105*~~. During ~~*his or her*~~*their* tenure, members and employees of the Elections Commission are subject to the following restrictions:

(a) Restrictions on Holding Office. No member or employee of the Elections Commission may hold any other City or County office or be an officer of a political party.

(b) Restrictions on Employment. No member or employee of the Elections Commission may be a registered campaign consultant or registered lobbyist, or be employed by or receive gifts or other compensation from a registered campaign consultant or registered lobbyist. No member of the Elections Commission may hold any employment with the City and County and no employee of the Elections Commission may hold any other employment with the City and County.

(c) Restrictions on Political Activities. No member or employee of the Elections Commission may participate in any campaign supporting or opposing a candidate or ballot measure that will appear on the San Francisco ballot, other than candidates seeking election to federal or statewide office. For purposes of this section, participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee, including general purpose committees; publicly endorsing or urging endorsement of any candidate or ballot measure; or participating in decisions by organizations to participate in a campaign.

If a person appointed to the Elections Commission is, at the time of appointment, an officer or employee, as prohibited by this ~~s~~*S*ection *13.103.5*, that person shall be eligible to serve on the Elections Commission only if ~~*he or she*~~ *they* resign~~s~~ from ~~*his or her*~~*the prohibited* office or employment within ~~*thirty*~~ *30* days of appointment.

* * * *

SEC. 13.110. ELECTION OF SUPERVISORS.

(a) The members of the board of supervisors shall be elected by district as set forth in this ~~s~~Section *13.110*.

* * * *

(d) Within 60 days following publication of the decennial federal census in the year 2000 and every decennial federal census after that, the Director of Elections shall report to the Board of Supervisors on whether the existing districts continue to meet the requirements of federal and state law and the criteria for drawing districts lines set in the Charter.

The criteria for drawing districts lines are:

* * * *

If it is determined that the districts are in compliance with all legal requirements, including the requirement that they be equal in population, the current districts as drawn will be valid for the next decade. If it is determined that any of the districts are not in compliance, the Board of Supervisors by ordinance shall convene and fund a nine-member ~~*elections task force*~~ *Redistricting Board*. Three members shall be appointed by the Board of Supervisors, three members shall be appointed by the Mayor, and three members shall be appointed by ~~*the Director of Elections unless an Elections Commission is created in which case the appointments designated to the Director of Elections shall be made by*~~ the Elections Commission. *The Mayor's appointments shall not be subject to rejection by the Board of Supervisors under Charter Section 3.100(18).* ~~*Task Force*~~ *The Redistricting Board* shall be appointed ~~*by January 8, 2002 and*~~ following the publication of each decennial federal census ~~*thereafter, shall be appointed*~~ within sixty days after issuance of a report by the Director of Elections to the Board of Supervisors that the districts are not in compliance, pursuant to this subsection *(d)*. *Section 4.101.6 of this Charter shall not apply to the Redistricting Board.*

~~*Members of the Task Force previously appointed by the Director of Elections shall serve on the Task Force until the Elections Commission, if established, appoints three members to the Task Force, whereupon the terms of the members appointed by the Director of Elections shall expire*~~.

The Director of Elections shall serve ex officio as a non-voting member *of the Redistricting Board*.

The ~~*task force*~~ *Redistricting Board* shall be responsible for redrawing the district lines in accordance with the law and the criteria established in this Section *13.110*, and shall make such adjustments as appropriate based on public input at public hearings.

The ~~*Task Force*~~ *Redistricting Board* shall complete redrawing district lines before the fifteenth day of April of the year in which the first election using the redrawn lines will be conducted. The Board of Supervisors may not revise the district boundaries established by the ~~*Task Force*~~ *Redistricting Board*.

If the ~~*Task Force*~~ *Redistricting Board* determines that the adjusted population data to which this subsection *(d)* refers are not available a sufficient period of time before the fifteenth day of April in order to use the adjusted population data in redrawing the district lines for the following supervisorial election, and the adjusted population data demonstrate more than a five percent variance from the figures used in redrawing the district lines for ~~*the*~~ that supervisorial election, the ~~*Task Force*~~ *Redistricting Board* shall by the fifteenth day of April immediately preceding the next supervisorial election redraw the district lines for that supervisorial election in accordance with the provisions of this ~~*s*~~*S*ection *13.110*. The procedures for redrawing supervisorial lines following the publication of every subsequent decennial federal census shall follow the procedures established by this Section *13.110* .

~~*The City Attorney shall remove the description of district lines found in this subsection from the Charter after the Elections Task Force has completed redrawing the district lines as set*~~

~~*forth above.*~~ Following each redrawing of the district lines ~~*thereafter*~~, the City Attorney shall cause the redrawn district lines to be published in an appendix to this Charter.

* * * *

ARTICLE XIV: INITIATIVE, REFERENDUM, AND RECALL

SEC. 14.101. INITIATIVES.

An initiative may be proposed by presenting to the Director of Elections a petition containing the initiative and signed by voters in a number equal to at least two percent of the number of registered voters in the City and County. Such initiative shall be submitted to the voters by the Director of Elections upon certification of the sufficiency of the petition's signatures.

A vote on such initiative shall occur at the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate of sufficiency executed by the Director of Elections, unless the Board of Supervisors directs that the initiative be voted upon at a special municipal election.

If the petition containing the initiative is signed by voters in a number equal to at least ten percent of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor, and contains a request that the initiative be submitted forthwith to voters at a special municipal election, the Director of Elections shall promptly call such a special municipal election on the initiative. Such election shall be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the initiative shall be submitted at such general municipal or statewide election.

No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal, except by the voters, unless such initiative or declaration of policy shall otherwise provide.

14.101.1. MODIFICATION OF INITIATIVE ORDINANCES BY THE BOARD OF SUPERVISORS.

(a) Notwithstanding Section 14.101 , and in addition to any other amendments authorized by Section 14.101, by no later than July 31, 2027, the City shall enact one or more ordinances in accordance with Article II of this Charter to modify the following initiative ordinances in the following ways:

(1) To eliminate the Advisory Committee of Street Artists and Crafts Examiners of the City and County in Article 24 of the Police Code and establish a new system for the City to receive input on applications from experienced artists or craftspersons.

(2) To modify Chapter 67, Section 67.30 of the Administrative Code to: (a) remove the requirements that specific organizations must nominate members of the Sunshine Ordinance Task Force and instead provide that the Board of Supervisors will appoint members to the Task Force, taking into account the following desired qualifications for members, among other factors that the Board of Supervisors deem relevant: experience and/or demonstrated interest in the issues of citizen access and participation in local government; journalists from racial/ethnic-minority-owned news organizations, or whose work focuses on issues impacting minority racial or ethnic communities, or who work with a media organization or publication whose target audience is a minority racial or ethnic community; and attorneys; and (b) modify Chapter 67 to establish two-year terms and six-term limits for members of the Task Force.

(3) To establish a term and term limit in Article 6 of the Health Code for the Ratepayer Representative on the Refuse Rate Board, such that the member may serve no more

than three four-year terms consistent with Section 4.101.6 of this Charter; and to provide that the Ratepayer Representative may hold over indefinitely at the end of a term until a successor assumes office or the Ratepayer Representative resigns or is removed by their appointing authority.

(4) To remove the powers and duties of the Small Business Commission in establishing, reviewing, approving, or regulating the Legacy Business Registry in Administrative Code, Chapter 2A, Article XVI, and to instead assign those duties to the director of the Office of Small Business or the director's designee.

(5) To rename the Citizens' General Obligation Bond Oversight Committee in Administrative Code, Chapter 5 as the Citizens General Obligation Bond Oversight Council, establish that members may serve no more than four three-year terms consistent with Section 4.101.7 of this Charter, and remove seat qualifications such that all seat qualifications described in Administrative Code, Chapter 5 are desirable but not required.

(6) To rename the Sugary Drinks Distributor Tax Advisory Committee in Administrative Code, Chapter 5 as the Sugary Drinks Distributor Tax Advisory Council, establish that members may serve no more than four three-year terms consistent with Section 4.101.7 of this Charter, and provide that the Council will sunset when the Sugary Drinks Distributor Tax expires.

(7) To eliminate the Our City Our Home Oversight Committee in Article 28, Section 2810 of the Business and Tax Regulations Code and Chapter 5 of the Administrative Code.

(b) This Section 14.101.1 shall not be construed to prohibit any additional amendment or repeal of any initiative ordinance by Board of Supervisors ordinance as specifically authorized in the initiative ordinance pursuant to Section 14.101.

SEC. 14.103. RECALL.

(a) An elected official of the City and County, the City Administrator, the Controller, or any member of the ~~*Airports Commission*~~ the Board of Education~~,~~ *or* the governing board of the Community College District~~, the Ethics Commission or the Public Utilities Commission~~ may be recalled by the voters as provided by this Charter and by the laws of the State of California, except that no recall petitions shall be initiated with respect to any officer who has held office for less than six months.

* * * *

ARTICLE XV: ETHICS

SEC. 15.100. ETHICS COMMISSION.

The Ethics Commission shall consist of five members who shall serve six-year terms.~~:~~ ~~*provided that the first five commissioners to be appointed to take office on the first day of February, 2002 shall by lot classify their terms so that the term of one commissioner shall expire at 12:00 o'clock noon on each of the second, third, fourth, fifth and sixth anniversaries of such date, respectively; and, on the expiration of these and successive terms of office, the appointments shall be made for six-year terms.*~~

The Mayor, the Board of Supervisors, the City Attorney, the District Attorney, and the Assessor each shall appoint one member of the Commission. *The Mayor's appointment shall not be subject to rejection by the Board of Supervisors under Charter Section 3.100(18). In making appointments to the Commission, the appointing authorities shall consider the following desirable qualifications, among other factors the appointing authorities deem relevant:* ~~*The member appointed by the Mayor shall have*~~ a background in public information and public meetings, ~~*. The member appointed by the City Attorney shall have*~~ a background in law as it relates to government ethics, *and* ~~*. The member appointed by the Assessor shall have*~~ a

background in campaign finance. ~~*The members appointed by the District Attorney and Board of Supervisors shall be broadly representative of the general public.*~~

~~*In the event a vacancy occurs, the officer who appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term.*~~ Members of the Commission shall serve without compensation. Members ~~*of the Commission shall be officers of the City and County, and*~~ may be removed by the appointing authority only pursuant to Section 15.105*(b)*.

No person may serve more than one six-year term as a member of the Commission, provided that persons *who serve* ~~*appointed to fill a vacancy for an unexpired term with less than*~~ three *or fewer* years *of a term* ~~*remaining or appointed to an initial term of three or fewer years*~~ shall be eligible to be appointed to one additional six-year term. ~~*Any term served before the effective date of this Section shall not count toward a member's term limit.*~~ Any person who completes a term *in which they have served for more than three years* ~~*as a Commissioner*~~ shall be eligible for reappointment six years after the expiration of ~~*his or her*~~ *their* term. *Section 4.101.6 of this Charter shall not apply to the Ethics Commission.* ~~*Notwithstanding any provisions of this Section or any other section of the Charter to the contrary, the respective terms of office of the members of the Commission who shall hold office on the first day of February, 2002, shall expire at 12 o'clock noon on said date, and the five persons appointed as members of the Commission as provided in this Section shall succeed to said offices on said first day of February, 2002, at 12 o'clock noon; provided that if any appointing authority has not made a new appointment by such date, the sitting member shall continue to serve until replaced the new appointee.*~~

During ~~*his or her*~~ *their* tenure, members and employees of the Ethics Commission are subject to the following restrictions:

(a) Restrictions on Holding Office. No member or employee of the Ethics Commission may hold any other City or County office or be an officer of a political party.

(b) Restrictions on Employment. No member or employee of the Ethics Commission may be a registered lobbyist or campaign consultant, or be employed by or receive gifts or other compensation from a registered lobbyist or campaign consultant. No member of the Ethics Commission may hold employment with the City and County and no employee of the Commission may hold any other employment with the City and County.

(c) Restrictions on Political Activities. No member or employee of the Ethics Commission may participate in any campaign supporting or opposing a candidate for City elective office, a City ballot measure, or a City officer running for any elective office. For the purposes of this *sub*section *(c)*, participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee within the Ethics Commission's jurisdiction, publicly endorsing or urging endorsement of a candidate or ballot measure, or participating in decisions by organizations to participate in a campaign.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

SEC. 15.102. RULES AND REGULATIONS*; INITIATIVE ORDINANCES*.

(a) The Commission may adopt, amend, and rescind rules and regulations consistent with and related to carrying out the purposes and provisions of this Charter and ordinances related to campaign finances, conflicts of interest, lobbying, campaign consultants, and governmental ethics and to govern procedures of the Commission. In addition, the Commission may adopt rules and regulations relating to carrying out the purposes and provisions of

ordinances regarding open meetings and public records. The Commission shall transmit to the Board of Supervisors rules and regulations adopted by the Commission within 24 hours of their adoption. A rule or regulation adopted by the Commission shall become effective 60 days after the date of its adoption unless before the expiration of this 60-day period two-thirds of all members of the Board of Supervisors *by motion* vote to veto the rule or regulation.

(b) The City Attorney shall be the legal advisor of the Commission.

(c) Any ordinance which the *Board of* Supervisors *is~~are~~* empowered to pass relating to conflicts of interest, campaign finance, lobbying, campaign consultants, or governmental ethics may be submitted to the electors at the next succeeding general election by the Ethics Commission *following the process in this subsection (c)* ~~*by a four-fifths vote of all its members*~~.

(1) The Commission may approve an initiative ordinance by a four-fifths vote of all its members no later than 185 days prior to the deadline for the Board of Supervisors to submit initiative ordinances to the Department of Elections. The Commission shall clearly identify the specific election at which the Commission intends the initiative ordinance to appear on the ballot. The Commission shall provide notice to impacted departments at least 30 days before approving the initiative ordinance.

(2) Immediately after approval of the initiative ordinance, the Commission shall transmit the initiative ordinance to the Clerk of the Board of Supervisors. The Board of Supervisors may review and act on the initiative ordinance within 90 days of receipt. If the Board of Supervisors approves the initiative ordinance by a majority vote of all its members, the initiative ordinance shall appear on the ballot at the specified election. If the Board of Supervisors rejects the initiative ordinance by a two-thirds vote of all its members, the initiative ordinance shall not appear on the ballot at the specified election. If the Board of Supervisors amends the initiative ordinance by a majority vote of all its members, the Clerk of the Board shall transmit the initiative ordinance to the Ethics Commission for further consideration as

described in subsection (c)(3). If the Board of Supervisors takes none of the actions listed in this subsection (c)(2), then the initiative ordinance shall appear on the ballot at the specified election.

(3) If the Board of Supervisors amends the initiative ordinance as described in subsection (c)(2), the Commission may review and act on the amended initiative ordinance within 90 days of the Board of Supervisors' action. If the Ethics Commission approves the amended initiative ordinance by a majority vote of all its members, the amended initiative ordinance shall appear on the ballot at the specified election. If the Ethics Commission rejects the amended initiative ordinance by a majority vote of all its members, neither the initial nor the amended initiative ordinance shall appear on the ballot at the specified election. If the Ethics Commission makes additional amendments to the amended initiative ordinance by a four-fifths vote of all its members and submits the amended initiative ordinance as further amended by the Commission to the Department of Elections, then the amended initiative ordinance as further amended by the Commission shall appear on the ballot at the specified election without additional review or action by the Board of Supervisors. If the Commission takes none of the actions listed in this subsection (c)(3), then neither the initial nor the amended initiative ordinance shall appear on the ballot at the specified election.

SEC. 15.105. SUSPENSION AND REMOVAL.

(a) ELECTIVE ~~*AND CERTAIN APPOINTED*~~ OFFICERS. Any elective officer *in Article XIII of this Charter* ~~*, and any member of the Airport Commission, Asian Art Commission, Civil Service Commission, Commission on the Status of Women, Golden Gate Concourse Authority Board of Directors, Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal Transportation Agency Board of Directors, Port Commission, Public Utilities Commission, Recreation and Park Commission, Fine Arts Museums Board of*~~

~~*Trustees, War Memorial and Performing Art Center Board of Trustees, Board of Education or Community College Board*~~ is subject to suspension and removal for official misconduct as provided in this *sub*section *(a)*. Such officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. Upon such suspension, the Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their next regular meetings following such suspension, and shall immediately furnish a copy of the same to such officer, who shall have the right to appear with counsel *and present a defense* before the Ethics Commission ~~*in his or her defense*~~. The Ethics Commission shall hold a hearing not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall thereby be reinstated.

(b) *MEMBERS OF CERTAIN COMMISSIONS*~~*BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD OF APPEALS, ELECTIONS COMMISSION, ETHICS COMMISSION, SHERIFF'S DEPARTMENT OVERSIGHT BOARD, AND ENTERTAINMENT COMMISSION*~~. Members of the ~~*Building Inspection Commission, the Planning Commission, the*~~ Board of Appeals*, Civil Service Commission, and Ethics Commission, and elected members of the Retirement Board, Health Service Board, and Retiree Health Care Trust Fund Board*~~, the Elections Commission, the Ethics Commission, the Sheriff's Department Oversight Board, and the Entertainment Commission may be suspended and removed pursuant~~

~~*to the provisions of subsection (a) of this section except that the Mayor may initiate removal only of the Mayor's appointees and the appointing authority shall act in place of the Mayor for all other appointees.*~~ *are subject to suspension and removal for official misconduct as provided in this subsection (b). Such members may be suspended by the member's appointing authority, and the appointing authority shall appoint a qualified person to discharge the duties of the office during the period of suspension. Upon such suspension, the appointing authority shall immediately notify the Clerk of the Board of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended commissioner to the Board of Supervisors at or prior to its next regular meeting following such suspension, and shall immediately furnish a copy of the same to such commissioner, who shall have the right to appear with counsel and present a defense before the Board of Supervisors. The Board of Supervisors shall hold a hearing not less than five days after the filing of written charges. If, after reviewing the hearing, the charges are sustained by not less than a majority vote of all members of the Board of Supervisors, the suspended commissioner shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 60 days after the beginning of the suspension, the suspended commissioner shall thereby be reinstated.*

(c) REMOVAL FOR CONVICTION OF A FELONY CRIME INVOLVING MORAL TURPITUDE.

(1) Officers Enumerated in Subsections (a) and (b).

(A) An appointing authority must immediately remove from office any official enumerated in subsections (a) or (b) upon:

(i) a court's final conviction of that official of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the official was convicted warrants removal.

(B) For the purposes of this subsection *(c)*, the Mayor shall act as the appointing authority for any elective official.

(C) Removal under this subsection *(c)* is not subject to the procedures in subsections (a) and (b) of this *S*~~s~~ection *15.105*.

(2) Other Officers and Employees.

(A) At will appointees. Officers and employees who hold their positions at the pleasure of their appointing authority must be removed upon:

(i) a final conviction of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal.

(B) For cause appointees. Officers and employees who by law may be removed only for cause must be removed upon:

(i) a final conviction of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal.

(3) Penalty for Failure to Remove. Failure to remove an appointee as required under this subsection *(c)* shall be official misconduct.

(d) DISQUALIFICATION.

(1) (A) Any person who has been removed from any federal, state, County or City office or employment upon a final conviction of a felony crime involving moral turpitude shall be ineligible for election or appointment to City office or employment for a period of ten years after removal.

(B) Any person removed from any federal, state, County or City office or employment for official misconduct shall be ineligible for election or appointment to City office or employment for a period of five years after removal.

(2) (A) Any City department head, *Commission,* ~~*board, commission*~~ or other appointing authority that removes a City officer or employee from office or employment on the grounds of official misconduct must invoke the disqualification provision in subsection (d)(1)(B) and provide notice of such disqualification in writing to the City officer or employee.

(B) Upon the request of any former City officer or employee, the Ethics Commission may, after a public hearing, overturn the application of the disqualification provision of subsection (d)(1)(B) if: (i) the decision that the former officer or employee engaged in official misconduct was not made after a hearing by a court, the Board of Supervisors, the Ethics Commission, an administrative body, an administrative hearing officer, or a labor arbitrator; and (ii) if the officer or employee does not have the right to appeal *their* ~~*his or her*~~ restriction on holding future office or employment to the ~~*San Francisco*~~ Civil Service Commission.

(e) OFFICIAL MISCONDUCT. Official misconduct means any wrongful behavior by a public officer in relation to the duties of *their* ~~*his or her*~~ office, willful in its character, including any failure, refusal, or neglect of an officer to perform any duty enjoined on *them* ~~*him or her*~~ by law, or conduct that falls below the standard of decency, good faith, and right action impliedly required of all public officers and including any violation of a specific conflict of interest or governmental ethics law. When any City law provides that a violation of the law constitutes or is deemed official misconduct, the conduct is covered by this definition and may subject the person to discipline and/or removal from office.

ARTICLE XVI: MISCELLANEOUS PROVISIONS

SEC. 16.107. PARK, RECREATION AND OPEN SPACE FUND.

* * * *

(g) **Use and Allocation of the Fund.** Each year, the Commission shall adopt a budget for the allocation and expenditure of the Fund in compliance with the budget and fiscal provisions of the Charter. The annual budget for allocation of the Fund that is adopted by the Commission and submitted by the Mayor to the Board of Supervisors shall include:

* * * *

Prior to the adoption of the annual budget by the Recreation and Park Commission, the Department~~, *in conjunction with the Parks, Recreation, and Open Space Advisory Committee ("Advisory Committee") discussed in subsection (i), below,*~~ shall conduct two public hearings in the evenings or on weekends to permit the public to comment on the Department's full budget and programming allocations.

The Board of Supervisors shall consider and apply the Planning and Reporting Measures, including equity metrics, required in subsection (h) when reviewing and approving the Department's budget.

(h) **Planning and Reporting Measures.** The Commission shall adopt several long-term plans that include, but are not limited to, the following:

(1) **Metrics.** The Department shall develop, and the Commission shall adopt, a set of equity metrics to be used to establish a baseline of existing Recreation and Park services and resources in low-income neighborhoods and disadvantaged communities, compared to services and resources available in the City as a whole. Following Commission approval, the Department shall submit its Equity Metrics to the Mayor and the Board of Supervisors.

(2) **Strategic Plan.** By February 1, 2017, and every five years thereafter, the Department shall prepare, for Commission consideration and approval, a five-year Strategic Plan that establishes or reaffirms the mission, vision, goals, and objectives for the Department. The Strategic Plan shall include an equity analysis of Recreation and Park services and resources,

using the equity metrics adopted under subsection (h)(1), and shall include strategies to mitigate any equity deficiencies identified in the Plan.

The Department shall submit the proposed Strategic Plan to ~~*the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting the Plan to*~~ the Commission for its approval. Following Commission approval of the Strategic Plan, the Department shall submit the Strategic Plan to the Mayor and the Board of Supervisors. The Board of Supervisors shall consider and by resolution express its approval or disapproval of the Plan, but may not modify the Plan. If the Board expresses its disapproval of the Plan or makes recommendations regarding the Plan to the Department, the Department may modify and resubmit the Plan.

The Department will use the approved Strategic Plan to guide its work over each five-year period. Every two years after the approval of a Strategic Plan, the Department shall report to the Commission on the Department's progress under the Plan and, subject to the Commission's approval, may amend the Plan as appropriate. Following Commission approval of any amendments to the Strategic Plan, the Department may submit the amended Strategic Plan to the Mayor and the Board of Supervisors.

(3) **Capital Expenditure Plan.** By January 15, 2017 and for each annual or biennial budgetary cycle thereafter, as determined under Charter Section 9.101, the Department shall prepare, for Commission consideration and approval, an annual Capital Expenditure Plan that addresses the development, renovation, replacement, and maintenance of capital assets, and the acquisition of real property projected during the life of the Department's five-year Strategic Plan. The Capital Expenditure Plan shall include an equity analysis of Recreation and Park capital expenditures, using the equity metrics adopted under subsection (h)(1), and shall include strategies to mitigate any equity deficiencies identified in the Plan. The Capital Expenditure Plan shall further address irrigation, water conservation, and urban forestry on park lands.

The Department shall submit the proposed Capital Expenditure Plan to ~~*the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting the Plan to*~~ the Commission for its approval. Following Commission approval, the Department shall submit the Capital Expenditure Plan to the Mayor and the Board of Supervisors. The Board of Supervisors shall consider and by resolution express its approval or disapproval of the Plan, but may not modify the Plan. If the Board expresses its disapproval of the Plan or makes recommendations regarding the Plan to the Department, the Department may modify and resubmit the Plan.

The Department shall further cooperate in the development of the City's Capital Expenditure Plan under Administrative Code Section 3.20, as amended, or any successor legislation.

(4) **Operational Plan.** By February 1, 2017, and for each annual or biennial budgetary cycle thereafter, as determined under Charter Section 9.101, the Department shall prepare, for Commission consideration and approval, an Operational Plan. The Department shall base the Operational Plan on the then-current Strategic Plan, and the Operational Plan shall be in addition to the Department's budget. The Department shall include in the Operational Plan a statement of the objectives and initiatives within the Strategic Plan that the Department plans to undertake and/or accomplish during the next budgetary period, including performance indicators and targets. The Operational Plan shall include an equity analysis of Recreation and Park services and resources, using the equity metrics adopted under subsection (h)(1). Each Operational Plan shall further include an assessment of the Department's progress on the previous Operational Plan.

The Department shall submit the proposed Operational Plan to ~~*the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting*~~

~~*the Plan to*~~ the Commission for its approval. Following Commission approval, the Department shall submit the Operational Plan to the Mayor and the Board of Supervisors.

The Commission shall establish a community input process~~*, which shall include the Parks, Recreation, and Open Space Advisory Committee discussed in section (i), below,*~~ through which ~~*citizens*~~ *residents* of the City and County of San Francisco will provide assistance to the Commission as it develops criteria and establishes the plans required by this subsection *(h)*. Prior to the adoption of any Strategic Plan, the Department shall conduct at least five hearings in locations distributed geographically throughout the City to receive and to consider the public's comments upon the plan. The Commission shall ensure that at least two of these hearings are held in the evenings or on weekends for the public's convenience.

In the fourth year of each Strategic Plan under subsection (h)(2), the Controller's City Services Auditor shall conduct a performance audit of the Department to assess the Department's progress under the Strategic Plan and to inform the development of the Department's next Strategic Plan. The audit shall include an analysis of the Department's compliance with the planning and reporting measures in this subsection (h). The costs of the audit may be charged to the baseline established in subsection (c).

If the audit finds that the Department has not complied with the requirements in this subsection (h), the Board of Supervisors may place up to 5% of the baseline appropriation under subsection (c) for the next fiscal year on reserve, pending subsequent release of the reserve by Board action upon finding progress toward these requirements. The preceding sentence is not intended to modify the Board's authority under the fiscal and budgetary provisions of the Charter.

The Commission may modify any deadlines contained in this subsection (h) by resolution adopted by a two-thirds vote of its members, and a resolution adopted by the Board of Supervisors and approved by the Mayor.

~~*(i) **Parks, Recreation, and Open Space Advisory Committee.** The Board of Supervisors shall establish, by ordinance, a Parks, Recreation, and Open Space Advisory Committee, such as the committee established in Park Code Section 13.01, as amended, or any successor legislation.*~~

(~~*j*~~i) **Equity Fund.** The City shall establish an Equity Fund to accept and expend private gifts, grants, and donations received by the Department and intended to support initiatives and programs addressing unmet program and capital needs identified in the equity analyses required under subsection (h).

(~~*k*~~j) **Environmental and Design Guidelines.** The Department shall maintain written environmental and design guidelines for new facilities, parks, and open spaces and the renovation or rehabilitation of existing facilities, parks, and open spaces.

(~~*l*~~k) **Capital Projects.** Notwithstanding ~~*the provisions of*~~ Section 3.104 of this Charter, the Commission shall have the authority to prepare and approve the plans, specifications, and estimates for all contracts and orders, and to award, execute, and manage all contracts and orders, for capital projects on real property under its jurisdiction or management. Capital projects supported by the Fund, other than those projects identified by the Department as long-term projects, must be fully constructed within three years of the initial budget allocation for those projects. Long-term projects must be fully constructed within five years of the initial budget allocation. Any exceptions to this provision must be authorized by a two-thirds vote of the Commission.

(~~*m*~~l) In addition to the requirements set forth by this Section 16.107, all expenditures from the Fund shall be subject to the budget and fiscal provisions of the Charter.

(~~*n*~~m) This Section 16.107 shall expire by operation of law at the end of fiscal year 2045-2046 and the City Attorney shall cause it to be removed from ~~*future editions of*~~ the Charter unless the Section is extended by the voters.

SEC. 16.108. CHILDREN AND YOUTH FUND.

* * * *

(b) **Fund for Children and Youth Services.** Operative July 1, 2001, there is hereby established a fund to expand children's services, which shall be called the Children and Youth Fund ("Fund"). Monies in the Fund shall be expended or used only to provide services for children and youth as provided in this Section 16.108.

* * * *

(f) **Eligible Uses.** The City shall only use monies from the Fund for the following purposes:

* * * *

(2) Funding for the Department of Children, Youth and Their Families ("DCYF") and the Children, Youth and Their Families ~~*Oversight and Advisory Committee*~~ *Commission created in Section 16.108-1 ("Oversight and Advisory Committee")* ~~*Oversight and Advisory Committee*~~ *or any successor body, department, or official designated by ordinance to exercise the powers and duties assigned to the Commission in Sections 16.108 et seq. ("CYF Commission or Successor")*.

* * * *

(i) **Five-Year Planning Cycle.** The City shall appropriate monies from the Fund according to a five-year planning process. This process is intended to: (1) increase transparency, accountability, and public engagement; (2) provide time and opportunities for community participation and planning; (3) ensure program stability; and (4) maximize the effectiveness of the services funded.

(1) **Year 1 – Community Needs Assessment.** During every fifth fiscal year beginning with Fiscal Year 2015-2016, DCYF shall conduct a Community Needs Assessment (CNA) to identify services to receive monies from the Fund. The CNA should include qualitative

and quantitative data sets collected through interviews, focus groups, surveys, or other outreach mechanisms to determine service gaps in programming for children, youth, and families. Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside experts for such services as the department may require to prepare the CNA. DCYF shall undertake a robust community process in every supervisorial district, soliciting input from a diverse cross-section of parents, youth, non-profit organizations, and other key stakeholders to develop the CNA:

(A) DCYF shall develop a plan for how to conduct the CNA. The CNA shall include an equity analysis of services and resources for parents, children, and youth. DCYF shall develop a set of equity metrics to be used to establish a baseline of existing services and resources in low-income neighborhoods and disadvantaged communities, compared to services and resources available in the City as a whole. The outreach for the CNA shall create opportunities for parents, youth, nonprofit agencies, and other members of the public, to provide input. By September 1, DCYF shall provide its plan for conducting the CNA to the ~~*Oversight and Advisory Committee*~~*CYF Commission or Successor and to* the Service Provider ~~*Working Group*~~ *Advisory Council or a successor body, if any, established by ordinance to provide input from service providers consistent with this Section 16.108 ("Advisory Council or Successor")* ~~*created in Section 16.108-1(e)*~~, and the Board of Supervisors. The plan shall be a public document.

(B) By March 1, DCYF shall complete a draft CNA and provide this draft to the *CYF Commission or Successor*~~*Oversight and Advisory Committee*~~ and the ~~*Service Provider Working Group*~~ *Advisory Council or Successor* for review. DCYF shall also provide the draft CNA to interested City departments, *Commissions, and Advisory Bodies,* ~~*including*~~ *which may include but are not limited to,* the ~~*First Five*~~ *Children and Families First* Commission, the ~~*Office of Early Care and Education*~~ *Department of Early Childhood* ~~*(or any successor entity)*~~, the

Recreation and Park Commission, the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission*, to the extent each of those departments, Commissions, and Advisory Bodies continues to exist*.

(C) By April 1, DCYF shall submit a final version of the CNA to the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* and the Board of Supervisors. The final version may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft CNA.

(D) By May 1, the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* shall provide input on, approve or disapprove the CNA. If the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* disapproves the report, DCYF may modify and resubmit the report.

(E) By June 1, the Board of Supervisors shall consider and approve or disapprove, or modify, the CNA. If the Board disapproves the CNA, DCYF may modify and resubmit the CNA, provided, however, that the City may not expend monies from the Fund until the Board of Supervisors has approved the CNA.

(2) **Year 2 – Services and Allocation Plan.** During every fifth fiscal year beginning with Fiscal Year 2016-2017, DCYF shall prepare a Services and Allocation Plan ("SAP") to determine services eligible to receive monies from the Fund. DCYF shall use the following process to prepare the SAP:

(A) DCYF shall prepare a draft SAP in consultation with interested City departments, *Commissions, and Advisory Bodies,*~~*including*~~ *which may include but are not limited to,* the ~~*First Five*~~ *Children and Families First* Commission, the ~~*Office of Early Care and Education*~~ *Department of Early Childhood* ~~*(or any successor entity)*~~, the Recreation and Park

Commission, the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission, *to the extent each of those departments, Commissions, and Advisory Bodies continues to exist,* as well as the San Francisco Unified School District, community-based service providers, parents, children, youth, and other members of the public. The SAP must:

(i) Demonstrate consistency with the CNA and with Citywide vision and goals for children and families;

(ii) Include all services for children and Disconnected Transitional-Aged Youth;

(iii) Be outcome-oriented and include goals and measurable and verifiable objectives and outcomes;

(iv) Include capacity-building and evaluation of services as separate funding areas;

(v) State how services will be coordinated and have specific amounts allocated towards specific goals, service models, populations, and neighborhoods;

(vi) Include funding for youth-initiated projects totaling at least ~~3~~ *three* percent of the total proposed expenditures from the Fund for the cycle;

(vii) Include evaluation data from the previous funding cycle and the details of the Children and Youth Baseline; and,

(viii) Incorporate strategies to coordinate and align all services for children funded by all governmental or private entities and administered by the City, whether or not those services are eligible to receive monies from the Fund.

(B) The SAP shall include an equity analysis of services and resources for parents, children, and youth. Using the equity metrics developed for preparation of the CNA, the SAP shall compare proposed new, augmented, and coordinated services and resources for low-income

neighborhoods and disadvantaged communities with services and resources available to the City as a whole.

(C) Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside experts for such services as the department may require to prepare the SAP, including the equity analysis of services and resources for parents, children and youth.

(D) By March 1, DCYF shall provide the draft SAP to the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* and the ~~*Service Provider Working Group*~~ *Advisory Council or Successor*. DCYF shall also provide the draft SAP to the San Francisco Unified School District and interested City departments, *Commissions, and Advisory Bodies,* ~~*including*~~ *which may include but are not limited to,* the ~~*First Five*~~ *Children and Families First* Commission, the ~~*Office of Early Care and Education*~~ *Department of Early Childhood* ~~*(or any successor entity)*~~, the Recreation and Park Commission, the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission, *to the extent each of those departments, Commissions, and Advisory Bodies continues to exist*.

(E) By April 1, DCYF shall submit a final version of SAP to the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* and the Board of Supervisors. The final version may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft SAP.

(F) By May 1, the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* shall approve or disapprove the SAP. If the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* disapproves the SAP, DCYF may modify and resubmit the SAP.

(G) By June 1, the Board of Supervisors shall consider and approve or disapprove, or modify, the SAP. If the Board disapproves the SAP, DCYF may modify and resubmit the SAP, provided, however, that the City may not expend monies from the Fund until the SAP has been approved by the Board of Supervisors.

(H) During subsequent years of the planning cycle, DCYF, with the approval of the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* and the Board of Supervisors, may amend the SAP to address emerging needs.

(3) **Year 3 – Selection of Contractors.** During every fifth fiscal year beginning with Fiscal Year 2017-2018, DCYF shall conduct competitive solicitations for services to be funded from the Fund.

(4) **Year 4 – Service Cycle Begins.** Contracts for services shall start on July 1 of Year 4 of the planning cycle, beginning with Fiscal Year 2018-2019. During subsequent years of the planning cycle, DCYF, with the approval of the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor*, may issue supplemental competitive solicitations to address amendments to the SAP and emerging needs. All expenditures for services from the Fund shall be consistent with the most recent CNA and SAP.

(5) DCYF may recommend, and the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* and the Board of Supervisors may approve, changes to the due dates and timelines provided in this subsection (i). The Board of Supervisors shall approve such changes by ordinance.

(j) **Evaluation.** DCYF shall provide for the evaluation on a regular basis of all services funded through the Fund, and shall prepare on a regular basis an Evaluation and Data Report for the ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor*. Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside

experts for such services as the department may require to conduct such evaluations and to prepare the Evaluation and Data Report.

(k) **Selection of Contractors.** The ~~*Oversight and Advisory Committee*~~ *CYF Commission or Successor* shall recommend standards and procedures for the selection of contractors to be funded from the Fund. It shall be the policy of the City to use competitive solicitation processes where appropriate and to give priority to the participation of non-profit agencies.

* * * *

SEC. 16.108-1. CHILDREN, YOUTH AND THEIR FAMILIES ~~*OVERSIGHT AND ADVISORY COMMITTEE*~~ *COMMISSION*.

(a) **Creation.** There shall be a Children, Youth and Their Families ~~*Oversight and Advisory Committee*~~ *Commission* (~~*"Oversight and Advisory Committee"*~~ *"CYF Commission"*) to review the governance and policies of the Department of Children, Youth and Their Families ("DCYF"), to monitor and participate in the administration of the Children and Youth Fund as provided in Charter Section 16.108 ("Fund"), and to take steps to ensure that the Fund is administered in a manner accountable to the community.

(b) **Responsibilities.**

(1) The ~~*Oversight and Advisory Committee*~~ *CYF Commission* shall develop recommendations for DCYF and the Fund regarding outcomes for children and youth services, the evaluation of services, common data systems, a process for making funding decisions, program improvement and capacity-building of service providers, community engagement in planning and evaluating services, leveraging dollars of the Fund, and the use of the Fund as a catalyst for innovation. The ~~*Oversight and Advisory Committee*~~ *CYF Commission* shall promote and facilitate transparency in the administration of the Fund.

(2) As provided in *Charter* Section 16.108, the ~~*Oversight and Advisory Committee*~~ *CYF Commission* shall review and approve the planning process for the Community Needs Assessment ("CNA") and the final CNA, the Services and Allocation Plan, and DCYF's overall spending plan (including, as separate items, approval of the departmental budget and of DCYF's proposed grants as a package), and shall review the annual Data and Evaluation Report. Nothing in this Section shall limit the authority of the Mayor and the Board of Supervisors to propose, amend, and adopt a budget under Article IX of ~~*the*~~ *this* Charter.

~~*(3) The Oversight and Advisory Committee shall participate in the evaluation of the Director of DCYF, assist in recruitment for the Director when the position is vacant, and may recommend candidates to the Mayor.*~~

(*43*) The ~~*Oversight and Advisory Committee*~~ *CYF Commission* shall establish and maintain a Service Provider ~~*Working Group*~~ *Advisory Council* as provided in subsection (*ed*).

(*54*) The ~~*Oversight and Advisory Committee*~~ *CYF Commission* shall meet at least six times a year.

(c) **Composition**. The ~~*Oversight and Advisory Committee*~~ *CYF Commission* shall have eleven members. The Mayor shall appoint *six* members ~~*for Seats 1 through 6. The*~~ *and the* Board of Supervisors shall appoint *five* members ~~*for Seats 7 through 11*~~. ~~*The Mayor and the Board of Supervisors shall appoint the initial members of the Committee by July 1, 2015. The terms of the initial appointees to the Committee shall commence on the date of the first meeting of the Committee, which may occur when at least eight members have been appointed and are present.*~~ *Notwithstanding Charter Section 4.101.6, members of the CYF Commission shall serve two-year terms and may serve up to two successive terms. No member having served two successive terms may serve on the CYF Commission until at least two years after the expiration of the second successive term in office. A part of a term that exceeds one year shall count as a full term; a part of a term that is one year or less shall not. The current term of any person serving on the CYF*

Commission on January 1, 2027 shall count as a full term if the person serves more than one year of that term. Terms completed on or before December 31, 2026 shall not count as a term for the purpose of the term limit.

~~*(d) **Implementation.** The Board of Supervisors shall further provide by ordinance for the membership, structure, functions, appointment criteria, terms and support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such legislation to be effective by July 1, 2015.*~~

(~~e~~d) **Service Provider ~~*Working Group*~~ *Advisory Council*.**

(1) ~~The Oversight and Advisory Committee shall create~~ There shall be a Service Provider ~~*Working Group*~~ *Advisory Council* ("~~*Working Group*~~ *Advisory Council*") to advise the ~~*Oversight and Advisory Committee*~~ *CYF Commission* on funding priorities, policy development, the planning cycle, evaluation design and plans, and any other issues of concern to the ~~*Working Group*~~ *Advisory Council* related to the Fund or the responsibilities of DCYF or other departments receiving monies from the Fund. The ~~*Working Group*~~ *Advisory Council* shall engage a broad cross-section of service providers in providing information, education, and consultation to the ~~*Oversight and Advisory Committee*~~ *CYF Commission*. *The Advisory Council shall be an Advisory Body as defined in Article XVII of the Charter.*

(2) The Advisory Council shall consist of seven members appointed by the CYF Commission. All members of the ~~*Working Group*~~ *Advisory Council* shall be actively providing services to children, youth, and their families.

(3) The ~~*Working Group*~~ *Advisory Council* shall be supported by DCYF staff, and shall meet at least four times a year. ~~*The Oversight and Advisory Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible for developing the structure of the Working Group and facilitating the meetings. After the terms of the initial co-chairs expire,*~~

~~*the Working Group shall select its own chairs.*~~ *The* ~~*Working Group*~~ *Advisory Council* ~~*meetings*~~ shall ~~*be open and*~~ encourage widespread participation *in its meetings*.

(4) Unless the Board of Supervisors by ordinance extends the term of the Advisory Council, this Section will expire by operation of law, and the Advisory Council shall sunset, on June 1, 2030. In that event and after that date, the City Attorney shall cause this Section to be removed from the Administrative Code.

(e) As set forth in Section 18.116 of this Charter, this Section 16.108-1 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall separately transfer subsections (a) through (c) and subsection (d) to the Administrative Code. Thereafter, those subsections may be amended or repealed by ordinance.

~~***SEC. 16.119. APPENDIX D – BUILDING INSPECTION PROVISIONS.***~~

~~*The following sections from the Charter of 1932, as amended, shall be included in Appendix D with full force and effect, and each shall be designated with a prefix "D":*~~

~~*3.750 - 3.750-8*~~

~~*Department of Building Inspection*~~

~~*The provisions of Appendix D may be amended only pursuant to the provisions of state law governing charter amendments.*~~

SEC. 16.127-1. OUR CHILDREN, OUR FAMILIES INITIATIVE ~~***AND COUNCIL***~~**; PREAMBLE.**

(a) San Francisco has historically shown great concern and compassion for its most vulnerable residents – its children. The City and the community have demonstrated this commitment through the adoption of progressive, innovative, and creative ideals supporting the well-being of San Francisco's children and families.

(b) To continue its legacy as a champion of children, it is imperative for San Francisco to further invest in the City's children and families.

(c) The people of the City and County of San Francisco previously supported the passage of the unprecedented Children's Amendment in 1991 and 2000 and the Public Education Enrichment Fund in 2004. While these initiatives dedicated funding to services, the level of unmet needs in providing critical programming and services still falls short.

(d) In order to advance a Citywide vision and long-term set of goals, City leaders, departments, the San Francisco Unified School District ("SFUSD"), and community partners must come together to align needs with services, coordinate across agencies, and develop a strategy.

~~*(e) The Our Children, Our Families Council, comprised of department heads from the City and SFUSD, and community stakeholders, will build a platform that will place children and families at the center of every policy decision.*~~

(~~f~~e) With the renewal of the Children and Youth Fund and the Public Education Enrichment Fund in November 2014, the City must seize this opportunity to develop a long-term Citywide vision, create a set of strategies, coordinate services, and identify shared goals to not only ensure that all children and families already here are able to thrive, but to encourage other families to live here.

(~~g~~f) The percentage of children under the age of 18 in San Francisco has steadily declined. As of 2010, 13.4 percent of the City's total population was under the age of 18, the lowest percentage of any major city nationwide.

(~~h~~g) Families continue to leave San Francisco, especially those families in the low to moderate income brackets.

(~~i~~h) San Francisco's children population is declining, with over 10 percent of 1 to 4 year olds moving out of the City annually and fewer children moving in.

(~~j~~i) The declining numbers of children and families in the City cost the community financially as less money is spent on the local economy.

(~~k~~j) This measure will put in place a collaborative approach around the following points of unity:

(1) Ensuring equity, and giving priority to children and youth with the highest needs;

(2) Empowering parents, youth, and community stakeholders by giving them a voice in the implementation of this Citywide vision; and,

(3) Building public trust through transparency and accountability meeting the needs of children and families.

(~~l~~k) To further support a coordinated approach to outcomes-based services for children, youth, Disconnected Transitional-Aged Youth, and families, the Our Children, Our Families Initiative ("Initiative") shall be a joint initiative staffed by employees and officers of the City and SFUSD with the mission to build a public policy platform that will place children and families at the center of every policy decision. The Initiative will support aligning and coordinating the development of comprehensive and connected systems, services, policies, and planning strategies to strengthen the City's services for children, youth, Disconnected Transitional-Aged Youth, and families, with the goals of increasing equitable access and enhancing effectiveness. The Mayor shall lead the Initiative, and shall invite the Superintendent of SFUSD to co-lead the Initiative with support from SFUSD staff in the Superintendent's discretion. The Mayor shall ensure that City departments are convened, coordinated, and engaged as part of the development of the Children and Families Plan, engaging in a Citywide Community Needs Assessment for children, youth, and families, and the Outcomes Framework described in Section 16.127-9, as well as in advancing the goals established in the Plan and Outcomes Framework.

~~SEC. 16.127-2. OUR CHILDREN, OUR FAMILIES COUNCIL; CREATION.~~

~~*There shall be an Our Children, Our Families Council ("the Council") to advise the City on the unmet needs, services, and basic needs infrastructure of children and families in San Francisco through the creation of a Children and Families Plan for the City.*~~

SEC. 16.127-3. ~~*OUR CHILDREN, OUR FAMILIES COUNCIL;*~~ PURPOSE *OF THE CHILDREN AND FAMILIES PLAN.*

In order to advance a Citywide vision centered on the needs of children and families, City leaders and departments, SFUSD, and community partners must come together to coordinate their efforts across agencies and develop a strategy for achieving shared goals. The purpose of the Children and Families Plan to be developed by the ~~*Council*~~ *Initiative* will be to create an aligned and connected system of programs and services, in order to strengthen the City's ability to best serve children, youth, and their families, with the specific goals of promoting coordination among and increased accessibility to such programs and services, and enhancing their overall effectiveness.

~~***SEC. 16.127-4. OUR CHILDREN, OUR FAMILIES COUNCIL; COMPOSITION.***~~

~~*The Mayor shall chair the Council, and shall invite the Superintendent of SFUSD to serve as co-chair of the Council. Other members of the Council shall include the heads of City departments with responsibilities for services to children and families, members of the community, and stakeholders. The Mayor shall also invite the heads of SFUSD divisions identified by the Superintendent to serve as members of the Council.*~~

SEC. 16.127-5. OUR CHILDREN, OUR FAMILIES *PLAN* ~~*COUNCIL ; RESPONSIBILITIES*~~.

(a) In order to ensure that all children in every neighborhood, especially those neighborhoods with the greatest needs, have access to the resources to achieve, the ~~*Council*~~ *Initiative* will be responsible for developing a Citywide vision, Citywide shared priorities, Citywide program goals, and Citywide best practices for addressing those needs.

(b) **The San Francisco Children and Families Plan.** The ~~*Council*~~ *Initiative*, with support from the Department of Children, Youth, and their Families ("DCYF") ~~*and the Initiative*~~, shall craft a San Francisco Children and Families Plan ("the Plan") and identify relevant goals and strategies to align and coordinate the services to children and families provided by City departments, SFUSD, and community partners and to maximize support for children and families. The Mayor shall invite SFUSD to participate in the planning process for the Plan. The Plan shall be responsive to the Citywide Community Needs Assessment ("CCNA") in Section 16.127-9 and consider the following elements:

(1) Ease of access for children, youth, and families in receiving services;

(2) Educational milestones developed by SFUSD and youth development milestones developed by DCYF and the ~~*Council*~~ *Initiative*;

(3) Existing quality of service benchmarks established by City and SFUSD departments;

(4) Framework for a basic needs infrastructure, including, but not limited to, housing, transit, and job placement resources; and

(5) Fairness in prioritizing the delivery of services to the children and families with the most need.

The Plan shall also include an equity analysis of services and resources for children, youth, and families. The ~~*Council*~~ *Initiative* shall develop a set of equity metrics to be used to compare existing services and resources in low-income and disadvantaged communities with services and resources available in the City as a whole. The ~~*Council*~~ *Initiative* may draw upon

metrics used by departments including DCYF, the Department of Early Childhood (or any successor agency), and SFUSD. Other City departments and ~~c~~Commissions shall provide information and data to assist ~~*the Council,*~~ the Initiative~~,~~ and DCYF to draft the Plan. To ensure the Plan accomplishes its purposes, the Initiative shall ~~*propose recommendations and*~~ *include* accountability measures ~~*to include*~~ in the Plan on how City departments and ~~c~~Commissions can streamline processes, reduce duplicative data collection, improve data sharing across City platforms to simplify the navigation of City services for children, youth, and families, and establish standardized performance metrics where City departments or ~~c~~Commissions provide overlapping or shared services to children, youth, and families.

(c) No later than May 1, 2016, and every fifth year thereafter, ~~*the Council, with support from*~~ the Initiative~~,~~ shall develop and adopt a set of proposed Citywide outcomes for services to children and families, including an outcomes framework ("Outcomes Framework") responsive to the evolving needs of the community. ~~*No later than*~~ *Every fifth year after* July 1, *2026*~~*2016*~~, ~~*and every fifth year thereafter,*~~ the ~~*Council*~~ *Initiative* shall prepare and adopt a Children and Families Plan for the City, which shall include a comprehensive assessment of City policies and programs, both public and private, addressing the needs of children and families in San Francisco, and policy-level recommendations for making the City more supportive of children and families. The ~~*Council*~~ *Initiative* shall emphasize solicitation and incorporation of community input in the development of the ~~*initial*~~ Plan ~~*and subsequent Plans*~~.

(d) No later than October 1, 2017, and each year thereafter, the Board of Supervisors shall conduct a noticed public hearing to review the ~~*Council's*~~ *Initiative's* performance and the City's overall progress under the current Plan and to update interested parties on the status of the next Plan.

(e) All City departments that serve children, youth, and families shall consider the Plan in developing their own strategic plans to make the City more supportive of children and

families. The Controller shall provide guidance to City departments about how to incorporate the findings of the CCNA and the Plan into their proposed budgets under Article IX.

~~*(f) **Planning.** Following the adoption of implementing legislation under Section 16.126-71 , the Mayor shall appoint members to the Council and the Council shall convene to make initial decisions regarding staffing, organization, and imple- mentation. The Council shall also begin planning for the start of the five-year planning cycle in Fiscal Year 2016-2017. The Council may recommend, and the Board of Supervisors may approve by ordinance, changes to the due dates and timelines provided in this Section 16.127-5.*~~

(~~*g*~~*f*) **Coordination of Stakeholders.** The ~~*Council*~~ *Initiative* shall ensure that various community groups, agencies, and organizations responsible for providing support, including the City, SFUSD, and community partners, work together in aligned, coherent, and effective ways.

(~~*h*~~*g*) **Coordination of Departments.** The ~~*Council*~~ *Initiative* shall facilitate cooperation and coordination between relevant departments of the City and SFUSD to maximize alignment and improve outcomes for children and youth. The ~~*Council*~~ *Initiative* shall oversee development and implementation of a data-sharing agreement between SFUSD and relevant City departments. The ~~*Council*~~ *Initiative*, in cooperation with the Board of Supervisors, the ~~*San Francisco*~~ Board of Education, and community groups, shall work to ensure that funds spent to benefit children and families are targeted to those most in need of specific services and that the funds are used strategically to leverage and complement existing and anticipated federal, state, and local resources.

(~~*i*~~*h*) **Continued Autonomy of City and SFUSD.** The ~~*Council*~~ *Initiative* will be ~~*a policy coordinating body*~~ dedicated to improving coordination between the City and its departments, SFUSD and its departments, and community-based organizations funded by those agencies. While the ~~*Council*~~ *Initiative* will make recommendations to the City and SFUSD, the

City and SFUSD will each retain its full independence and authority regarding programmatic and funding decisions.

(~~j~~i) **Evaluation.** Every five years, the Controller shall review the ~~*Council's*~~ *Initiative's* operations and the Plan. The Controller shall submit the results of the review to the ~~*Council*~~ *Initiative*, the Board of Supervisors, and the Board of Education. The ~~*Council*~~ *Initiative* shall consider the results of the Controller's review in the preparation of the next Plan. The ~~*Council*~~ *Initiative* shall also report to the general public on the ~~*Council's*~~ *Initiative's* efforts and achievements through the creation of an annual San Francisco Children and Families First Progress Report. The Progress Report shall provide the results of the efforts of the City, SFUSD, and the community to serve children and families under the Plan, measured against quantifiable standards and metrics and in light of the ~~*Council's*~~ *Initiative's* previously-adopted goals and priorities.

~~***SEC. 16.127-6. OUR CHILDREN, OUR FAMILIES COUNCIL; STAFFING.***~~

~~*(a) Staffing Support. Subject to the fiscal and budgetary provisions of the Charter, the City shall provide staff to the Council ("Council Staff") for administrative, organizational, policy, and research support. Funding for Council Staff shall come from the General Fund; provided, however, that SFUSD, participating City departments, and members of the public may provide additional support and contributions.*~~

~~*(b) Staff Roles and Responsibilities. Subject to the direction of the Council, Council Staff shall:*~~

~~*(1) Provide administrative, organizational, policy, planning, and research support to the Council and its outcomes framework;*~~

~~*(2) Engage department heads from the City and SFUSD to coordinate the implementation of services;*~~

~~*(3) Provide support for the Council, including developing a joint data-sharing agreement between the City and SFUSD, monitoring the planning cycle, providing technical support, and developing policy briefs on key issues relevant to implementation of the Plan;*~~

~~*(4) Support the development of an inventory of all Citywide services for children and youth, including state and federally funded programs; and,*~~

~~*(5) Support the development of the Children and Families First Progress Report.*~~

~~*(c) Funding. It shall be the policy of the City to provide sufficient funding and administrative support for the Council and Council Staff to perform these functions. Funding for administrative support for the Council shall come from the General Fund; provided, however, that SFUSD, participating City departments, and members of the public may provide additional support and contributions. Funding for administrative support for the Council shall not be included in the Children and Youth Fund Baseline calculation.*~~

~~***SEC. 16.127-7. OUR CHILDREN, OUR FAMILIES COUNCIL; IMPLEMENTATION.***~~

~~*The Board of Supervisors shall further provide by ordinance for the membership, structure, functions, and support of the Council, consistent with the provisions of Sections 16.127-1 through 16.127-6.*~~

~~***SEC. 16.127-8. ROLE OF THE OUR CHILDREN, OUR FAMILIES INITIATIVE.***~~

~~*(a) The Initiative shall provide support for the Council by providing data and information relevant to the Council's decisions, by preparing drafts of the Outcomes Framework and the Plan, by implementing alignment of systems and coordination of services, and by evaluating submissions from City departments and SFUSD under this Section 16.127-8.*~~

~~*(b) The Initiative shall ensure that various community groups, agencies, and organizations responsible for providing support, including SFUSD, other government agencies, and community partners, work together in aligned, coherent, and effective ways.*~~

~~*(c) The Initiative shall ensure that the City maximizes opportunities to receive available funding for children and youth from the State and Federal governments. As part of their biennial budget submission under Article IX, City departments that provide services to children, youth, and families shall report on any State or Federal funding for which the department has applied or received funding.*~~

~~*(d) The Board of Supervisors by ordinance shall designate a department, commission, or other City entity to assume primary responsibility for supporting the Initiative and establish the responsibilities of constituent City departments and commissions within the Initiative. Funding for administrative support for the Initiative shall not be included in the Children and Youth Fund Baseline calculation.*~~

SEC. 16.127-9. RESPONSIBILITIES OF THE OUR CHILDREN, OUR FAMILIES INITIATIVE.

(a) **Citywide Community Needs Assessment.** The Initiative shall assist ~~*the Department of Children, Youth, and Their Families ("*~~DCYF~~*")*~~ in developing a Citywide Community Needs Assessment ("CCNA") for children, youth, and families. The CCNA shall supplement and expand upon the CNA described in Section 16.108(i)(1), and the Initiative and its constituent departments, ~~*c*~~C ommissions, and SFUSD shall use the CCNA to develop the San Francisco Children and Families Plan (the "Plan") and Outcomes Framework. DCYF shall prepare the CCNA using the same process and timeline described in Section 16.108(i)(1).

(b) **The San Francisco Children and Families Plan and Outcomes Framework.** The Initiative shall ~~*support the Council in*~~ craft~~*ing*~~ the Plan and Outcomes Framework described in

Section 16.127-5 and identify~~ing~~ relevant goals and strategies to align and coordinate the services to children and families provided by City departments, SFUSD, and community partners, and to maximize support for children and families. *The Initiative shall prepare drafts of the Plan and Outcomes Framework by implementing alignment of systems and coordination of services, and by evaluating submissions from City departments and SFUSD.* Through the Initiative, the Mayor shall invite SFUSD to participate in the planning process for the Plan and the Outcomes Framework.

(c) The Initiative shall ensure that various community groups, agencies, and organizations responsible for providing support, including SFUSD, other government agencies, and community partners, work together in aligned, coherent, and effective ways.

(d) The Initiative shall ensure that the City maximizes opportunities to receive available funding for children and youth from the State and Federal governments. As part of their biennial budget submissions under Article IX of this Charter, City departments that provide services to children, youth, and families shall report on any State or Federal funding for which the department has applied or received funding.

(e) The Board of Supervisors by ordinance shall designate a department, Commission, or other City entity to assume primary responsibility for supporting the Initiative and establish the responsibilities of constituent City departments and Commissions within the Initiative. Funding for administrative support for the Initiative shall not be included in the Children and Youth Fund Baseline calculation.

~~***SEC. 16.127-12. TRANSFER OF DUTIES TO INITIATIVE.***~~

~~*If, by June 30, 2026, the Council ceases to exist, the Initiative shall assume the Council's responsibilities described in Sections 16.127-1, 16.127-3, 16.127-5, and 16.127-6; provided that if those sections have been removed from the Charter by the voters, the City shall enact an*~~

~~*ordinance designating the Initiative or a different City entity to assume the Council's responsibilities.*~~

SEC. 16.128-1. DIGNITY FUND; PREAMBLE.

(a) There is hereby established a fund, which shall be called the Dignity Fund ("Fund"), to be administered by the Department of Disability and Aging Services ("DAAS"), or any successor agency. Monies in the Fund shall be used or expended by DAAS, subject to the budgetary and fiscal provisions of the Charter, solely to help Seniors and Adults with Disabilities secure and utilize the services and support necessary to age with dignity in their own homes and communities. For purposes of Section 16.128-1 through 16.128-12, "Senior" shall mean a person 60 years old or older, and "Adult with a Disability" shall mean a person 18 years old or older with a disability as defined under the Americans With Disabilities Act.

* * * *

SEC. 16.128-4. ELIGIBLE SERVICES.

The City shall only use monies from the Fund for the following categories of services and purposes, to benefit Seniors and Adults with Disabilities:

* * * *

(h) Funding for the Department of Disability and Aging Services *(1)* to staff the ~~*Oversight and Advisory Committee created in Section 16.128-11 ("Oversight and Advisory Committee"),*~~ *Disability and Aging Services Advisory and Oversight Council or any successor body, department, or official designated by ordinance to provide input and advice regarding the implementation of the Fund as described in Section 16.128-1 et seq. ("Council or Successor"),* and *(2)* to support planning and evaluation processes, and facilitate funding allocation;

* * * *

SEC. 16.128-6. PLANNING CYCLE.

(a) The City shall appropriate the additional contributions to the Fund under Section 16.128-3(b) and (d) according to a four-year planning process. This process is intended to: (1) increase transparency, accountability, and public engagement; (2) provide time and opportunities for community participation and planning; (3) ensure program stability; and (4) maximize the effectiveness of the services funded.

(b) **Year 1 – Community Needs Assessment.** Beginning in fiscal year 2017-2018 and during every fourth fiscal year thereafter, DAAS shall conduct a Community Needs Assessment (CNA) to identify services to receive monies from the Fund. The CNA shall include qualitative and quantitative data sets collected through interviews, focus groups, surveys, or other outreach mechanisms to determine service gaps and unmet needs. In conducting the CNA, DAAS shall also review needs assessments prepared by community and other governmental entities. Subject to the budgetary and fiscal provisions of the Charter, DAAS may contract with consultants and outside experts for such services as it may require to prepare the CNA. DAAS shall undertake a robust community process to solicit input from Seniors and Adults with Disabilities, in consultation with the Mayor's Office on Disability or any successor agency.

DAAS shall, in consultation with the ~~*Oversight and Advisory Committee*~~ *Council or Successor, if any*, develop a plan for how to conduct the CNA with the ~~*Oversight and Advisory Committee*~~ *Council or Successor*. The CNA shall include a gap analysis comparing actual performance with potential or desired performance and an equity analysis of services and resources for Seniors, Adults with Disabilities, and their caregivers.

DAAS shall develop a set of equity metrics to be used to establish a baseline of existing services and resources for Seniors and Adults with Disabilities in low-income neighborhoods and disadvantaged communities, compared to services and resources available in the City as a whole.

This equity analysis shall include an examination of eligibility for existing programs and will seek to provide more services and support for those low and modest income residents who are not currently eligible for assistance with home and community-based services.

The outreach for the CNA shall create opportunities for a robust cross-section of stakeholders, including Seniors, Adults with Disabilities, their caregivers, nonprofit agencies, and other members of the public, to provide input. By September 1, DAAS shall provide its plan for conducting the CNA to the ~~*Oversight and Advisory Committee, the Service Provider Working Group created in Section 16.128-11(e),*~~ the Disability and Aging Services Commission *or any successor body, department, or official designated by ordinance to carry out the powers and duties assigned to the Commission in Sections 16.128-1 et seq. ("Commission or Successor"),* ~~*and*~~ the Board of Supervisors*, and the Council or Successor*. The plan shall be a public document.

By March 1, DAAS shall complete a draft CNA and provide this draft to the ~~*Oversight and Advisory Committee and the Service Provider Working Group*~~ *Council or Successor* for review. DAAS shall also provide the draft CNA to interested City departments*,* ~~*and*~~ ~~*c*~~*C*ommissions*, and Advisory Bodies*, ~~*including*~~ *which may include* but *are* not limited to the ~~*Disability and Aging Services Commission*~~ *Commission or Successor*, the Mayor's Office on Disability, ~~*the Long Term Care Coordinating Council,*~~ the Human Services Commission, the Health Commission, the Recreation and Park Commission, the Adult Probation Department, the Veterans Affairs *Council* ~~*Commission*~~, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission*, to the extent such departments, Commissions, and Advisory Bodies continue to exist*. The CNA shall include an Executive Summary and clear description of the categories of services provided and unmet needs to be addressed.

By April 1, DAAS shall submit a final version of the CNA to the ~~*Disability and Aging Services*~~ Commission *or Successor* and the ~~*DAAS Advisory*~~ Council *or Successor*. The final version of the CNA may incorporate any comments or suggestions made by the ~~*Oversight and Advisory Committee*~~ *Council or Successor*, the public, or the agencies that received copies of the draft CNA. The ~~*Disability and Aging Services*~~ Commission *or Successor* and the ~~*Oversight and Advisory Committee*~~ *Council or Successor* shall ~~*hold a joint public hearing to*~~ review the CNA.

By May 1, the ~~*Disability and Aging Services*~~ Commission *or Successor* shall provide input on and approve or disapprove the CNA. If the ~~*Disability and Aging Services*~~ Commission *or Successor* disapproves the report, DAAS may modify and resubmit the report.

By June 1, the Board of Supervisors shall consider and approve or disapprove, or modify, the CNA. If the Board disapproves the CNA, DAAS may modify and resubmit the CNA, provided, however, that the City may not expend monies from the Fund until the Board of Supervisors has approved the CNA.

(c) **Year 2 – Services and Allocation Plan.** Beginning in fiscal year 2018-2019 and during every fourth fiscal year thereafter, DAAS, in consultation with the ~~*Oversight and Advisory Committee*~~ *Council or Successor*, shall prepare a Services and Allocation Plan ("SAP") to determine services that will receive monies from the Fund. All services identified in Section 16.128-4 are potentially eligible to receive funding, but DAAS is not required to classify allocations according to the service categories in that section. DAAS shall use the following process to prepare the SAP:

(1) DAAS shall disseminate a draft SAP to interested City departments*,* ~~*and*~~ ~~*c*~~*C*ommissions*, and Advisory Bodies*, ~~*including*~~ *which may include* but *are* not limited to the ~~*Disability and Aging Services*~~ Commission *or Successor*, the Mayor's Office on Disability, ~~*the Long Term Care Coordinating Council,*~~ the Human Services Commission, the Health Commission, the Recreation and Park Commission, the Adult Probation Department, the

Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission*, to the extent such departments, Commissions, and Advisory Bodies continue to exist*. In preparing the draft SAP, DAAS shall confer with the Department of Children, Youth and Their Families to coordinate funding for services for Transitional-Aged Youth, as defined in Charter Section 16.108(e), with Disabilities from both the Dignity Fund and the Children and Youth Fund.

* * * *

(4) The Board of Supervisors shall by ordinance outline the timeline for the development of the Services and Allocation Plan. Prior to completion of the first SAP and while the first planning cycle is in process, DAAS, in consultation with the ~~*Oversight and Advisory Committee*~~ *Council or Successor*, may expend monies from the Fund based on existing needs assessment analysis.

(d) **Years 3 and 4 – Selection of Contractors.** Beginning with Fiscal Years 2019-2020 and 2020-2021 and during every fourth fiscal year thereafter, DAAS shall conduct competitive solicitations for services to be funded from the Fund. Requests for proposals will be grouped by issue area and spread out on a schedule known in advance to provide for a smooth and efficient timeline. The Human Services Agency and the Department of Disability and Aging Services shall work together and manage resources so that the RFP process will keep to the schedule and contract awards will be made within a reasonable time.

(e) **Years 3 and 4 – Service Cycle Begins.** Contracts for services shall start on July 1, beginning with Fiscal Year 2019-2020. During subsequent years of the four-year planning cycle established in this Section 16.128-6, DAAS, with the consultation and input of the ~~*Oversight and Advisory Committee*~~ *Council or Successor*, may issue supplemental competitive solicitations to address amendments to the SAP and emerging needs.

(f) DAAS may recommend, and the ~~*Oversight and Advisory Committee*~~ *Council or Successor* and the Board of Supervisors may approve, changes to the due dates and timelines provided in this Section 16.128-6. The Board of Supervisors shall approve such changes by ordinance.

SEC. 16.128-7. EVALUATION.

DAAS shall provide for the evaluation on a regular basis of all services funded through the Fund, and shall prepare on a regular basis an Evaluation and Data Report for the ~~*Oversight and Advisory Committee*~~ *Council or Successor*. Subject to the budgetary and fiscal provisions of the Charter, DAAS may contract with consultants and outside experts for such services as the Department may require to conduct such evaluations and to prepare the Evaluation and Data Report. This evaluation process is intended to be reasonable in scope and to build on and strengthen existing program evaluations.

SEC. 16.128-8. SELECTION OF CONTRACTORS.

The ~~*Oversight and Advisory Committee*~~ *Council or Successor* shall recommend standards and procedures for the selection of contractors to be funded from the Fund. It shall be the policy of the City to use competitive solicitation processes where appropriate and to give priority to the participation of non-profit agencies.

SEC. 16.128-11. ADVISORY ~~*COMMITTEE*~~ *COUNCIL*.

(a) **Creation.** There shall be a ~~*Dignity Fund Oversight and Advisory Committee ("Oversight and Advisory Committee")*~~ *Disability and Aging Services Advisory and Oversight Council ("Council")* to monitor and participate in the administration of the Dignity Fund ~~*as provided*~~ *established* in Charter Sections 16.128-1 et seq. *("Fund")*, ~~*and*~~ to take steps to ensure

that the Fund is administered in a manner accountable to the community*, and to perform the functions previously served by the Advisory Council to the Disability and Aging Services Commission as the Area Agency on Aging Advisory Council. The Council shall be an Advisory Body, except for the authority set forth in Section 16.128-6(f) of the Charter to modify dates and timelines.*

(b) **Responsibilities.**

(1) The ~~*Oversight and Advisory Committee*~~ *Council* shall develop recommendations for DAAS and the Fund regarding outcomes for services to Seniors and Adults with Disabilities, the evaluation of services, common data systems, a process for making funding decisions, program improvement and capacity-building of service providers, community engagement in planning and evaluating services, leveraging dollars of the Fund, and the use of the Fund as a catalyst for innovation. The ~~*Oversight and Advisory Committee*~~ *Council* shall promote and facilitate transparency and accountability in the administration of the Fund and in the planning and allocation process.

(2) ~~*As provided in Section 16.128-6, the Oversight and Advisory Committee*~~ *The Council* shall provide input into the planning process for the Community Needs Assessment ("CNA") and the final CNA, the Services and Allocation Plan, and the ~~*over-all*~~ *overall* spending plan for the Fund to be presented to the Disability and Aging Services Commission, and shall review the annual Data and Evaluation Report. Nothing in this Section ~~*16.128-11*~~ shall limit the authority of the Mayor and the Board of Supervisors to propose, amend, and adopt a budget under Article IX of the Charter.

~~*(3) The Oversight and Advisory Committee shall establish and maintain a Service Provider Working Group as provided in subsection (e).*~~

(3) The Council shall collect all appropriate information in order to provide the Department of Disability and Aging Services and the Disability and Aging Services Commission

with advice in the Department's and Commission's decision-making on the needs, assessments, priorities, programs, and budgets concerning older San Franciscans.

(4) *The Disability and Aging Services Commission shall develop and adopt bylaws for the Council. The bylaws shall specify the role and functions of the Council, number of members, procedures for selecting members, term of membership, and the frequency of meetings.* The ~~*Oversight and Advisory Committee*~~ *Council* shall meet at least ~~*six*~~ *ten* times a year. *The Council shall be compensated in the same manner as the Commission for the Council meetings and Commission committee meetings at which they serve.*

(5) On a regular basis, the Council shall solicit feedback from service providers who provide services to seniors, adults with disabilities, and their caregivers.

(c) **Composition.** The ~~*Oversight and Advisory Committee*~~ *Council* shall have ~~*11*~~*22* members*. The Disability and Aging Services Commission shall appoint two of its own members to the Council, and shall appoint six additional members. The Board of Supervisors shall appoint 11 members to the Council, and the Mayor shall appoint 3 members. At least 50% of the members shall be 60 years old or older. The Council shall include service providers, older persons with the greatest socio and economic need, people with disabilities, consumers, and others specified by federal regulation. Appointing authorities shall identify appointees by consulting with or soliciting input from organizations that represent the disability community, older adults, and service providers. The Council shall be representative of the geographic and ethnic populations of the City by districts, which districts shall be determined by the Disability and Aging Services Commission.*

~~*The Disability and Aging Services Commission shall appoint two of its members to the Oversight and Advisory Committee. The Advisory Council to the Department of Disability and Aging Services shall appoint three of its members to the Oversight and Advisory Committee. And the Long Term Care Council shall appoint three of its members to the Oversight and Advisory*~~

~~*Committee. The Mayor shall appoint the remaining three at-large members of the Oversight and Advisory Committee, subject to rejection by the Board of Supervisors within 30 days following transmittal of the Notice of Appointment.*~~

~~*The appointing authorities shall appoint the initial members by February 1, 2017. The terms of the initial appointees to the Committee shall commence on the date of the first meeting of the Committee, which may occur when at least eight members have been appointed and are present.*~~

~~*(d) **Implementation.** The Board of Supervisors shall further provide by ordinance for the membership, structure, functions, appointment criteria, terms, and administrative and clerical support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such legislation to be effective by January 1, 2017.*~~

~~*(e) **Service Provider Working Group.** The Oversight and Advisory Committee shall create a Service Provider Working Group ("Working Group") to advise the Oversight and Advisory Committee on funding priorities, policy development, the planning cycle, evaluation design and plans, and any other issues of concern to the Working Group related to the Fund or the responsibilities of DAAS or other departments receiving monies from the Fund. The Working Group shall engage a broad cross-section of service providers in providing information, education, and consultation to the Oversight and Advisory Committee. All members of the Working Group shall be actively providing services to Seniors, Adults with Disabilities, and their caregivers. DAAS staff shall provide administrative and clerical support to the Working Group. The Working Group shall meet at least four times a year. The Oversight and Advisory Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible for developing the structure of the Working Group and facilitating the meetings. After the terms of the initial co-chairs expire, the Working Group shall select its own chairs. Working Group meetings shall be open to the public and encourage widespread participation.*~~

(d) Notwithstanding the provisions of Charter Section 4.101.7 that generally apply to Advisory Bodies, members of the Council shall be subject to the provisions of Section 4.101.6 regarding terms and term limits.

(e) As set forth in Section 18.116 of this Charter, this Section 16.128-11 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer this Section to the Administrative Code. Thereafter, the section may be amended or repealed by ordinance. On that date, the Advisory Council to the Disability and Aging Services Commission shall sunset.

~~***SEC. 16.128-13. CONFORMING AMENDMENTS.***~~

~~*(a) The City Attorney shall cause all references in the Municipal Code to the Aging and Adult Services Commission, the Department of Aging and Adult Services, and the Aging and Adult Services Community Living Fund to be amended to refer to the Disability and Aging Services Commission, the Department of Disability and Aging Services, and the Disability and Aging Services Community Living Fund, respectively.*~~

~~*(b) Upon completion of the amendments required by subsection (a), the City Attorney shall cause this Section 16.128-13 to be removed from the Charter.*~~

SEC. 16.130. PRIVACY FIRST POLICY.

* * * *

(b) All parts of City government, including but not limited to ~~*boards, c*~~*C*ommissions, departments, ~~*other*~~ *Advisory B*~~*b*~~odies, and officials, are authorized to implement any or all of these principles consistent with other provisions of the Charter, including this Section 16.130, and City law.

(c) Notwithstanding subsection (b), and notwithstanding any other provision of the Charter, the Board of Supervisors shall have authority by ordinance to implement these

principles as it deems appropriate. This authority includes imposing requirements that implement any or all of these principles on any or all City ~~*boards,* *c*~~*C*ommissions, departments, *Advisory Bodies,* other entities, and officials, and on any or all contractors, lessees, grantees, third parties receiving permits, licenses, or other entitlements, or others, within the jurisdiction of said ~~*boards,* *c*~~*C*ommissions, departments, other entities, and officials.

* * * *

(h) The principles in subsection (e) underlying the Privacy First Policy are not binding or self-executing but rather are intended as a guide to City ~~*boards,* *c*~~*C*ommissions, departments, ~~*other*~~ *Advisory B*~~*b*~~odies, and officials, and to the Board of Supervisors, when considering the adoption of privacy-protective laws, regulations, policies, and practices.

* * * *

ARTICLE XVIII: TRANSITION PROVISIONS

SEC. 18.116. TRANSITION PROVISIONS FOR NOVEMBER 3, 2026 CHARTER AMENDMENT.

(a) On the effective date of this Charter Amendment, Charter Sections 4.107(c) (Human Rights Commission), 4.111 (Human Services Commission), 4.117 (Entertainment Commission), 4.118(b)-(c) (Commission on the Environment), 4.119 (Commission on the Status of Women), 4.121(b)-(c) (Building Inspection Commission and Access Appeals Subcommittee), 4.122 (YouthCommission), 4.133 (Homelessness Oversight Advisory Board and Continuum of Care Subcommittee), 4.134 (Small Business Council), 4.135(d) (Historic Preservation Commission), 4.137 (Sheriff's Department Oversight Board), 5.103(b) (Arts Commission), 8B.125(7)(a)-(c) (Public Utilities Commission Rate Fairness Council), Section 16.108-1 (Children Youth and Their Families Commission and Service Provider Advisory Council), and Section 16.128-11 (Disability and Aging Services Advisory and Oversight Council), as amended, shall be deemed

enacted into ordinance. The City Attorney is directed and authorized to codify Section 4.107(c) as Administrative Code Section TBD, Section 4.111 as Administrative Code Section TBD, Section 4.117 as Administrative Code Section TBD, Sections 4.118(b)-(c) as Administrative Code Section TBD, Section 4.119 as Administrative Code Section TBD, Section 4.120 as Administrative Code TBD, Sections 4.121(b)-(c) as Administrative Code Section TBD, Section 4.122 as Administrative Code Section TBD, Section 4.133 as Administrative Code Section TBD, Section 4.134 as Administrative Code Section TBD, Section 4.135(d) as Administrative Code Section TBD, Section 4.137 as Administrative Code Section TBD, Section 5.103(b) as Administrative Code Section TBD, Section 8A.111 as Administrative Code Section TBD, Sections 8B.125(7)(a)-(c) as Administrative Code Section TBD, Sections 16.108-1(a)-(c) as Administrative Code Section TBD, and Section 16.108-1(d) as Administrative Code Section TBD, Section 16.128-11 replacing the existing text at Administrative Code Section 5.6-4.

(b) On the effective date of this Charter Amendment, Charter Section 8A.111 (Municipal Transportation Agency Citizens' Advisory Council) shall be deemed enacted into the Transportation Code. The City Attorney is directed and authorized to codify Section 8A.111 in a new Article 1300 of Division II of the Transportation Code entitled "Municipal Transportation Agency Citizens' Advisory Council."

(c) In recodifying the sections listed in subsections (a) and (b) of this Section 18.116, the City Attorney shall delete transition language within those sections directing the recodification, except to the extent that the transition language limits the authority of the Board of Supervisors to amend or repeal the sections by ordinance, as in Sections 4.111. 4.117, 4.120, 4.121, and 4.137.

(d) The City Attorney shall cause references in Appendix A to the terms "board" or "commission" to conform as appropriate to the defined terms "Commission" or "Advisory Body" in Article XVII.

(e) Notwithstanding anything to the contrary in this Charter, on January 1, 2027, the Residential Rent Stabilization and Arbitration Board shall continue to have authority to submit to the Mayor at least three qualified applicants, and if rejected, shall make additional nominations in the same manner, for the position of Executive Director, subject to appointment by the Mayor; and may in its sole discretion remove the Executive Director. The Board of Supervisors may thereafter, by ordinance, modify the appointment and removal process for the Executive Director to authorize the Mayor to appoint and remove the Executive Director, for as long as the Residential Rent Stabilization and Arbitration Board continues to exist.

APPENDIX A: EMPLOYMENT PROVISIONS

A8.343 FINE, SUSPENSION, AND DISMISSAL IN POLICE AND FIRE DEPARTMENTS

(a) Members of the uniformed ranks of the *f*Fire or the *p*Police *d*Department *("members")* guilty of any offense or violation of the rules and regulations of their respective departments, shall be ~~*liable to be punished*~~ *subject to discipline* by reprimand, ~~*or by*~~ fine not exceeding one month's salary for any offense, ~~*or by*~~ suspension for not to exceed three months, or ~~*by*~~ dismissal, *from employment. The Fire Chief and the Chief of Police may impose this discipline on members of their respective departments.* ~~*after trial and hearing by the commissioners of their respective departments; provided, however, that the chief of each respective department for disciplinary purposes may suspend such member for a period not to exceed 10 days for violation of the rules and regulations of his department.*~~

(b) Any ~~*such*~~ member ~~*so suspended*~~ *subject to such discipline by their respective Chief* shall have the right to appeal ~~*such suspension*~~to the *f*Fire ~~*c*~~Commission or to the *p*Police ~~*c*~~Commission, as the case may be, and have a trial ~~*and hearing*~~ on *the discipline (including, if challenged, on the underlying offense or violation for which discipline was imposed)* ~~*such*~~

~~*suspension*~~. *The member must file a* ~~*W*~~*w*ritten notice of appeal ~~*must be filed*~~ within 10 days after *their respective Chief finally imposes the discipline.* ~~*such suspension and the hearing of said appeal must be held within 30 days after the filing of said notice of appeal.*~~ *The applicable Commission shall hold a hearing on the appeal after reasonable notice as to the time and place of the hearing as the Commission may, by rule, prescribe. The member shall be entitled to appear personally and by counsel or other representative and to have a public hearing. The Commission may affirm, reverse, or alter the findings, and affirm, reverse, or reduce the discipline imposed by the Chief.* If the ~~*c*~~*C*ommission ~~*shall*~~ reverse*s* or ~~*alter*~~ *reduces* the ~~*finding of the chief*~~*discipline imposed by the Chief*, it shall order that the member affected be paid salary for the time of the suspension received or ~~*altered*~~*reduced, whichever is applicable*.

(c) In the event the ~~*c*~~*C*hief should exercise such power of ~~*suspension*~~ *discipline*, the member involved shall not be subject to any further ~~*disciplinary action*~~ *discipline* for the same offense; provided, that where the Department of Police Accountability has sustained a complaint and recommended discipline in excess of a 10-day suspension, the Chief of Police may not exercise ~~*his or her*~~ *their* power of ~~*suspension*~~ *discipline* under ~~*this section*~~ *subsection (a)* without first meeting and conferring with the Director of the Department of Police Accountability and affording the Director an opportunity to verify and file charges with ~~*the Police Commission*~~ *a hearing officer* pursuant to Section 4.136 *of this Charter*. If the Director of the Department of Police Accountability verifies and files charges, the ~~*Police Commission*~~ *hearing officer* shall conduct a trial ~~*and hearing*~~ thereon *as provided in Section 4.136*, and the Chief of Police may not suspend the member pending the outcome of the ~~*Police Commission*~~ *hearing officer's* proceedings on the charges except as provided in Section A8.344 *of this Charter*.

~~*Subject to the foregoing, members of the uniformed ranks of either department shall not be subject to dismissal, nor to punishment for any breach of duty or misconduct, except for cause, nor until after a fair and impartial trial before the commissioners of their respective*~~

~~*departments, upon a verified complaint filed with such commission setting forth specifically the acts complained of, and after such reasonable notice to them as to time and place of hearings as such commission may, by rule, prescribe. The accused shall be entitled, upon hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense, the attendance of all witnesses necessary for his defense.*~~

A8.344 TEMPORARY SUSPENSION PENDING ~~*COMMISSION*~~ HEARING; EXONERATION OF CHARGES

In the circumstances listed in Section A8.341, the ~~*c*~~C*hief of the ~~*p*~~P*olice ~~*d*~~D*epartment ~~*and the chief of the fire department*~~ may temporarily suspend a member of the ~~*respective*~~ department pending a hearing before ~~*the police or fire commission*~~ *a hearing officer* on disciplinary charges against the member *filed by the Director of the Department of Police Accountability under Section 4.136*, and the member shall be entitled to a prompt administrative hearing to determine if ~~*he or she*~~ *they* should remain suspended pending the outcome of the ~~*commission*~~ *hearing officer* proceedings. If a member of the uniformed ranks of the ~~*p*~~P*olice ~~*and fire*~~ ~~*d*~~D*epartment~~s~~ is suspended by the ~~*c*~~C*hief ~~*of the respective department*~~ pending hearing before the ~~*police or fire commission*~~ *hearing officer* for charges filed against ~~*him*~~ *them* and subsequently takes a voluntary leave of absence without pay pending ~~*his*~~ *their* trial before the ~~*commission*~~ *hearing officer*, and, if after such trial ~~*he is*~~ *they are* exonerated of the charges filed against ~~*him*~~ *them*, the ~~*commission*~~ *hearing officer* shall order payment of salary to such member for the time under suspension and may, in *the hearing officer's* ~~*its*~~ discretion, order payment of salary to such member for the time on voluntary leave of absence without pay, and the report of such suspension and leave of absence without pay shall thereupon be expunged from the record of service of such member.

A8.346 DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES OTHER THAN MEMBERS OF POLICE AND FIRE DEPARTMENT

The people of the City and County of San Francisco hereby find that the instigation of or participation in, strikes against said City and County by any officer or employee of said City and County constitutes a serious threat to the lives, property, and welfare of the citizens of said City and County and hereby declare as follows:

* * * *

~~*(e) In the event of a strike, or if the Mayor with the concurrence of a majority of the Board of Supervisors determines that a strike is imminent, a special committee shall convene forthwith, which special committee shall consist of the presidents of the airports commission, civil service commission, fire commission, police commission, public transportation commission and public utilities commission. The president of the civil service commission shall serve as chairman of the special committee. Notwithstanding any other provision of law, it shall be the duty of the special committee to dismiss in accordance with the provisions of this section any municipal employee found to be in violation of any provisions of this section. Any person may file with the special committee written charges against a municipal employee or employees in violation of any of the provisions of this section and the special committee shall receive and investigate, without undue delay, and where necessary take appropriate actions regarding any such written charge(s), and forthwith inform that person of its findings and action, or proposed action thereon.*~~

~~*In the event of a strike or determination of imminent strike as specified above, each appointing officer shall deliver each day no later than 12:00 o'clock noon to the chairman of the special committee a record of the absence of each employee under his or her authority for the prior day and a written report describing incidents of and the participant(s) in violations of this*~~

~~*section wherever the identity of the participant(s) is known to him or her and the participant(s) is (are) under his or her authority.*~~

~~*In addition each appointing officer shall provide to the special committee, whenever it has been convened under authority of law, any other information determined by the special committee to be necessary for the discharge of its duties. The failure of an appointing officer to discharge any of the duties imposed upon him or her by this section shall be official misconduct.*~~

~~*(f) An employee charged by the special committee with a violation of this section shall be notified of the time and place of the hearing on the charges and of the nature of the charges against him or her. Said employee shall be given such other information as is required by due process. Said employee shall respond to said charges by a sworn affidavit, signed by him or her, and by such other information and documentation and in such a manner as is prescribed by the special committee. An employee failing to provide the responses required by this section or in any way failing to comply with the procedural time limitations and information requirements imposed by the special committee shall be immediately suspended and shall not be entitled to a hearing until he or she has fully complied with the aforementioned requirements.*~~

~~*If the special committee, after a hearing, determines that the charges against the employee are supported by the preponderance of the evidence submitted, said special committee shall dismiss the employee involved and said employee shall not be reinstated or returned to City and County service except as specified in Subsection (d). A dismissal or suspension invoked pursuant to the provisions of this section shall not be appealable to the civil service commission.*~~

~~*(g) The special committee shall discharge its duties in a timely manner while preserving the due process rights of employees with the objective of obtaining immediate sanctions against striking employees. The willful failure of any member of this special committee faithfully and fully to discharge his or her duties in a timely manner and to accord absolute priority to the performance of those duties shall be deemed official misconduct.*~~

~~*In the event the special committee determines that it shall be unable to comply with constitutional due process requirements that a timely hearing be provided or that it shall be unable to comply with its obligations fully and in a timely manner to investigate and hear all violations of this section, then the special committee may, subject to the budget and fiscal provisions of the Charter, engage the administrative and clerical personnel, investigators, and one or more hearing officers to conduct hearings hereunder. In conducting hearings, the hearing officers shall have the same powers of inquiry and disposition as the special committee.*~~

~~*(h) In order to provide for the effective operation of this section in the event of a strike or determination of imminent strike, the president of the civil service commission, not later than 30 days after this section becomes effective, shall convene the special committee which shall adopt rules, regulations, and procedures for the investigation, hearing and disposition of all violations of this section.*~~

(~~*i*~~*e*) In order to bring the provisions of this section to the attention of any person who may be affected thereby, each municipal employee on the effective date of this section, exclusive of members of the uniformed forces of the police and fire departments as provided in Section 8.345 hereof, and each person appointed or employed as a municipal employee pursuant to the civil service provisions of this Charter, exclusive of persons appointed to the entrance positions in the uniformed forces of the police and fire departments as provided in Section 8.345 hereof, on or after the effective date of this section shall be furnished a copy of this section and shall acknowledge such receipt in writing. The signed, written receipt shall be filed in the office of the civil service commission and maintained therein for the term of his or her employment with the City and County of San Francisco.

(*if*) The provisions of Section~~s~~ 3.100 ~~*and 3.100-1,*~~ relating to the emergency powers of the Mayor~~,~~ shall not be applicable to the provisions of this section.

(~~k~~g) If any clause, sentence, paragraph, subsection, or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

A8.400 GENERAL RULES FOR ESTABLISHING AND PAYING COMPENSATION

(a) The Board of Supervisors shall have power and it shall be its duty to fix by ordinance from time to time, as provided in Section *A*8.401, all salaries, wages, and compensations of every kind and nature, except pension or retirement allowances, for the positions, or places of employment, of all officers and employees of all departments, offices, ~~*boards*~~ and ~~*c*~~*C*ommissions of the City and County in all cases where such compensations are paid by the City and County.

* * * *

A8.409-1 EMPLOYEES COVERED

These Sections A8.409 through ~~*A8.409-6*~~ *A8.409-5*, inclusive, shall apply to all miscellaneous officers and employees except as set forth in Section A8.590-1 et seq. and including employees of San Francisco Unified School District and San Francisco Community College District to the extent authorized by state law. The provisions of Charter sections A8.400(h), A8.401-1, and A8.407 are hereby repealed and shall be of no further force and effect. Employee organizations representing employees in classifications covered by section A8.403 and A8.404 of this Charter may elect to include those classifications within the coverage of this part as a separate bargaining unit, provided however, that the election shall not become effective

without the written approval of the Mayor and Board of Supervisors. The election shall be irrevocable and such employees shall not thereafter be subject to the provisions of section A8.403 and A8.404.

* * * *

~~***A8.409-6 EMPLOYEE RELATIONS RULES***~~

~~*Within sixty (60) days of adoption of this amendment, the Mayor shall appoint a panel which after consultation with all parties of interest, shall review the current employee relations ordinance and make recommendations to the Board of Supervisors for such changes as may be necessary to effectuate the purposes of this part.*~~

~~*Such changes shall include the creation of an employee relations board. The duties of the employee relations board shall include hearing and making determinations concerning unfair labor practice charges, disputes regarding representation matters, and unit determinations.*~~

B3.581 POWERS AND DUTIES

The Port Commission shall have all the powers and duties given to ~~*boards and*~~ Commissions by ~~*Section 3.500 of the*~~ *Sections 4.101 through 4.404 of this* Charter and shall have the power to establish such departments and bureaus as may be necessary or convenient for the conduct of its affairs. Subject to the terms and conditions of the transfer and any supplemental agreements relating thereto, the Port Commission shall have the control and management of all real and personal property transferred under the Statutes 1968, ch. 1333, or otherwise acquired or purchased with funds under its control or acquired or purchased by it within the scope of its authority, or otherwise placed under its management, supervision, and control. The property under the control and management of the Commission shall be known as the port area. The Port Commission shall have the power and duty to use, conduct, operate, maintain, manage, regulate,

and control the port area of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement, and control of said port area, or which may further the interests of the port in world trade, including, without limiting the generality of the foregoing, the exclusive power to perform or accomplish the following:

* * * *

(h) The power to nominate for appointment a Port Director who shall be the chief executive of the Port Commission and who shall have the management of all the affairs and activities placed under the jurisdiction of the Commission. The Mayor shall appoint a Port Director. ~~*He*~~ *The Director* shall devote ~~*his*~~*their* entire time to the duties of ~~*his*~~ *their* office and ~~*his*~~ *their* salary shall be fixed by the Commission. ~~*He*~~ *The Director* shall hold ~~*his*~~ *their* office at the pleasure of the Commission and shall have the management of said harbor and of all of the facilities and equipment thereof and all bureaus and departments established for the operation of said harbor or for the operation of any equipment or facility thereof. Subject to the approval of the Commission ~~*he*~~*they* shall appoint and remove any and all heads of departments or bureaus, who may not be subject to the civil service provisions of the Charter. ~~*He*~~ *The Director* shall possess the necessary administrative, executive, and technical qualifications necessary to enable ~~*him*~~ *them* to perform the duties of ~~*his*~~*their* office. ~~*His*~~*Their* compensation shall not exceed prevailing salaries paid those holding similar positions in comparable maritime employment. The Commission may confer on ~~*him*~~*the Director* such additional powers and authority as it may see fit;

* * * *

~~***APPENDIX D: BUILDING INSPECTION PROVISIONS***~~

~~***D3.750 AMENDMENT OF CHARTER PROVISIONS; TRANSITION***~~

~~*The amendments of Section 4.121 and of provisions of this Appendix D, adopted at the June 7, 2022 election, shall become operative on July 1, 2023; provided, however, that the new process for nominating and confirming members to the Building Inspection Commission, along with the change in qualifications for members accompanying that new process, as specified in Section 4.121 as amended, shall commence sufficiently in advance of July 1, 2023 such that members may be appointed under the new process and be prepared to assume office on that date.*~~

~~***D3.750-1 TERMS OF OFFICE OF BUILDING INSPECTION COMMISSION***~~

~~*The terms of office of all members of the Commission who hold office as of July 1, 2023 shall expire at noon on that date, at which time the terms of office for members of the Commission appointed pursuant to the new process for nominating and confirming members as referenced in Section D3.750 shall commence. In order to stagger the terms, three members (appointees to Seats 3 and 4, as designated by the Mayor when nominated; and the appointee to Seat 7, as designated by the President of the Board of Supervisors when nominated) shall initially serve one-year terms, and four members (appointees to Seats 1 and 2, as designated by the Mayor when nominated; and appointees to Seats 5 and 6, as designated by the President of the Board of Supervisors when nominated) shall initially serve two-year terms. All subsequent terms of office for all members of the Commission shall be two years.*~~

~~***D3.750-2 DIRECTOR OF BUILDING INSPECTION***~~

~~*The Director of Building Inspection shall be the department head and appointing officer of the Department of Building Inspection and shall be qualified by either technical training or administrative experience in the enforcement of building and other construction codes. The Director shall serve as the building official of the City and County.*~~

~~*The Director shall not serve as an officer or member of any standing or ad hoc committee of any building industry or code development or enforcement organization or public agency other than the City and County of San Francisco without the prior approval of the Commission.*~~

~~***D3.750-3 CODE PUBLICATION***~~

~~*The Commission shall have the sole authority to contract for the publication of the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes, and any amendments thereto. Other provisions of this Charter and the Administrative Code notwithstanding, the selection of a publisher shall be based on the lowest retail cost to the public of a complete set of these codes.*~~

~~***D3.750-4 APPROVAL OF BUDGETS***~~

~~*The Director shall submit a proposed department budget for each upcoming fiscal year for approval by the Commission. The proposed budget shall be compiled in such detail as shall be required on uniform blanks furnished by the controller. The Commission must hold at least two public hearings on the respective budget proposal.*~~

~~*The final budget for the Department of Building Inspection must be approved by a favorable vote of at least five commissioners.*~~

~~***D3.750-5 TECHNICAL BOARDS AND ADVISORY COMMITTEES***~~

~~*The technical boards and advisory committees established in the Building Code by ordinance of the Board of Supervisors shall continue in existence as boards and committees within the Department of Building Inspection. Members of the boards and committees shall be appointed by the commission. Incumbents legally appointed to these respective bodies prior to*~~

~~*the commission's assumption of management of the department shall serve at the pleasure of the commission.*~~

~~***D3.750-6 SEVERABILITY***~~

~~*If any provision of this section, or its application to any person or circumstance, shall be held invalid or unenforceable, the remainder of this section and its applications shall not be affected; every provision of this section is intended to be severable.*~~

~~*The Clerk of the Board of Supervisors is hereby authorized to recodify this amendment as may be necessary.*~~

Section 2. In enacting this Charter amendment, the voters of the City and County intend to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, or any other constituent parts of the Charter that are explicitly shown in this Charter amendment as additions or deletions in accordance with the "Note" that appears under the official title of the Charter amendment.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: _____
JON GIVNER
Deputy City Attorney

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