[Charter Amendment - Department, Board, Commission, and Advisory Body Updates]

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) requiring or authorizing the Board of Supervisors to amend specified initiative ordinances; 2) transferring from the Charter to the Municipal Code certain commissions and advisory bodies, in some cases with modified functions; 3) requiring that the Commission Streamlining Task Force be convened every ten years; 4) removing the general requirements that boards and commissions develop and keep an annual statement of purpose, appoint an executive secretary, and prepare an annual report; 5) changing the membership qualifications, composition, and member selection process for certain bodies; 6) eliminating, consolidating, and changing the functions and authorities of certain bodies; 7) changing the planning and reporting schedule of the Department of Children, Youth, and Their Families ("DCYF") and related policy bodies, and changing the names but not the functions of those related policy bodies; 8) specifying that elected members of the Retirement Board, Health Service Board, and Retiree Health Care Trust Fund Board may be removed only for official misconduct; 9) making various changes to departments' operations and reporting requirements; 10) updating the Public Utilities Commission's exclusive charge over matters related to water, power, and sewer infrastructure and services; 11) providing that the Board of Supervisors shall approve settlements or dismissals of legal proceedings recommended by the City Attorney by resolution, rather than by ordinance; 12) authorizing the City Administrator to conduct real estate strategic planning and to negotiate and manage acquisitions, leases, and conveyances of City real property; and 13) making clarifying edits, deleting obsolete language, and updating out-of-date references in various sections.

Supervisors Mandelman; Mahmood, Melgar, Sherrill, Dorsey

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, 2026, a proposal to amend the Charter of the City and County by:

(1) revising Sections 2.101, 2.104, 2.105, 2.109, 3.103, 4.100, 4.100.1, 4.102, 4.104, 4.105, 4.111, 4.112, 4.114, 4.120, 4.121, 4.123, 4.127, 4.133, 4.135, 4.136, 4.140, 5.104, 5.105, 5.106, 6.102, 8.103, 8A.101, 8A.102, 8A.103, 8A.104, 8A.105, 8A.106, 8A.107, 8A.111, 8A.113, 8B.120, 8B.121, 8B.122, 8B.123, 8B.124, 8B.125, 8B.126, 9.109, 9.114, 9.115, 9.116, 9.119, 12.100, 12.200, 12.202, 12.203; 12.204, 13.110, 15.105, 16.107, 16.108, 16.108-1, 16.114, 16.127-1, 16.128-4, 16.128-6, 16.128-7, 16.128-8, 16.128-11, 16.130, 18.100, A7.204, A8.420, A8.423, A8.425, A8.428, A8.429, F1.101, F1.102, F1.103, F1.104, F1.105, F1.106, and F1.108;

(2) deleting Sections 16.127-2, 16.127-4, 16.127-7, 16.127-8, and 16.127-12; renumbering 16.127-3 as 16.127-2, 16.127-5 as 16.127-3, 16.127-6 as 16.127-4, 16.127-9 as 16.127-5, 16.127-10 as 16.127-6, and 16.127-11 as 16.127-7, and revising renumbered 16.127-2, 16.127-3, 16.127-4, 16.127-5, 16.127-6, and 16.127-7;

(3) deleting Sections 4.103, 4.139, 4.141, 8A.100, 16.103, 16.128-13, 18.104, 18.109, 18.110, 18.112, 18.113, A8.346, A8.409-6, and D3.750-5;

(4) adding Sections 14.101.1 and 18.116;

(5) transferring the following Sections as amended to the Administrative Code: Sections 4.111, 4.120, 4.121(f), , 8B.123(b), 8B.125(c), 9.114, 9.115, 9.116, 16.107(i), 16.128-11, and F1.108;

(6) transferring Section 8A.111 as amended to Division II of the Transportation Code; and

(7) revising Section 3.104, if the voters also approve the measure titled "Modernizing City Contracting," at the November 3, 2026 election; 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.

SEC. 2.101. TERM OF OFFICE.

(a) Each member of the Board of Supervisors shall be elected at a general election and shall serve a four-year term commencing *at noon* on the eighth day in January following election and until a successor qualifies. ~~*The respective terms of office of the members of the Board of Supervisors in effect on the date this Charter is adopted shall continue*~~.

(b) No person elected or appointed as a Supervisor may serve as such for more than two successive four-year terms. Any person appointed, elected, or any combination thereof to the office of Supervisor to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive four-year terms may serve as a supervisor, either by election or appointment, until at least four years after the expiration of the second successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term.

SEC. 2.104. QUORUM.

(a) The presence of a majority of the members of the Board of Supervisors at a regular or special meeting shall constitute a quorum for the transaction of business. The term "presence" shall include participation by teleconferencing or other electronic means as

authorized by *state law* ~~*Government Code Section 54953(b) or any successor legislation*~~ 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 to participate in meetings by teleconferencing or other electronic means when the member is absent to care for *their*~~*his or her*~~ 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. In the absence of a quorum, a smaller number of members may compel the attendance of absent members in the manner and under the penalties established by the Board of Supervisors.

(b) The Board of Supervisors shall act by a majority~~*, two-thirds, three-fourths, or other*~~ vote of all members of the Board*, unless a different vote threshold is provided in the Charter, in state law, in a voter-adopted ordinance for purposes of amending only that voter-adopted ordinance, or by motion for purposes of enacting, amending, or waiving Board rules only*. 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. *This provision does not limit the obligation of a member to recuse themselves from a matter if their participation would violate City or state law, including but not limited to City or state law pertaining to conflicts of interest.*

(c) Notwithstanding the provisions of Charter Section 10.101, the Board of Supervisors shall adopt parental leave policies for its members, including, but not limited to, authorization to participate in meetings by teleconferencing or other electronic means pursuant to subsection (a) and subject to the restrictions listed in that subsection.

SEC. 2.105. ORDINANCES AND RESOLUTIONS.

* * * *

The Board of Supervisors shall act only by written ordinance or resolution, except that it may act by motion on matters over which *it* ~~*the Board of Supervisors*~~ has exclusive jurisdiction. All legislative acts shall be by ordinance. An ordinance or resolution may be introduced before the Board of Supervisors by a member of the Board, a committee of the Board, the Mayor, or the Commission Streamlining Task Force subject to the limitations set forth in Section 4.100.1, and shall be referred to and reported upon by an appropriate committee of the Board. An ordinance or resolution may be prepared in committee and reported out to the full Board for action, consistent with the *applicable* public notice laws ~~*of the City*~~. Except as otherwise provided in this Charter, passage of an ordinance or a resolution shall require the affirmative vote of a majority of the members of the Board.

An ordinance shall deal with only one subject matter, except that appropriations ordinances may cover appropriations with respect to any number of subjects. The title of each ordinance shall clearly reflect the content of the ordinance.

Except as otherwise provided in Section 2.107, passage of an ordinance shall require two readings at separate meetings of the Board ~~*of Supervisors*~~, which shall be held at least five days apart. If an ordinance is amended at its second reading, the ordinance shall require a further reading prior to final passage. Resolutions shall require only one reading and may be *passed* ~~*adopted*~~ upon introduction without reference to committee by unanimous affirmative vote of the members of the Board ~~*of Supervisors*~~ who are present, but in no event less than a quorum.

Ordinances and resolutions passed by the Board may be enacted after presentment to the Mayor as provided in Section 3.103. Ordinances shall take effect no sooner than 30 days *after enactment* ~~*following the date of passage*~~ except for ordinances not subject to referendum and those authorizing bonded indebtedness and lease financings, which shall take effect immediately. Ordinances granting franchises shall take effect no sooner than 60 days after *their enactment.*

~~*passage.*~~ No ordinance granting a franchise may be passed within 90 days of its introduction. Resolutions may take effect immediately *after their enactment*~~*upon passage*~~, or at such other time as shall be specified in the resolutions.

SEC. 2.109. RATES, FEES, AND SIMILAR CHARGES.

Within 30 days of submission by the Mayor, the Board of Supervisors shall approve by ordinance or reject any rate, fee or similar charge to be imposed by any department, official, board or commission, except those rates, fees, and similar charges established by the Port or Airport Commissions, or under the Refuse Collection and Disposal Ordinance *No. 083*~~*of November 8, 1932*~~, as amended.

SEC. 3.103. ***PRESENTMENT OF LEGISLATION TO THE MAYOR;*** **VETO POWER.**

Any ordinance or resolution passed by the Board of Supervisors shall be promptly delivered to the Mayor for consideration. If the Mayor approves the ordinance or resolution, the Mayor shall sign it and it shall become *enacted and take* effect~~*ive*~~ as provided in Section 2.105 *and Section 2.107* of this Charter. If the Mayor disapproves the ordinance or resolution, the Mayor shall promptly return it to the Board of Supervisors without the Mayor's signature, accompanied by a statement indicating the reasons for disapproval and any recommendations which the Mayor may have. Any ordinance or resolution so disapproved by the Mayor shall become effective only if, subsequent to its return, it shall be passed by a vote of the Board of Supervisors required by Section 2.106 of this Charter. Any ordinance or resolution shall become effective, with or without the Mayor's signature, unless it is disapproved by the Mayor and returned to the Board of Supervisors not more than ten days after the date the ordinance or resolution was delivered to the Mayor's Office for consideration.

SEC. 4.100. GENERAL.

In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, appointive boards, commissions, and other units of government that perform the sovereign powers of the City and County. To the extent law permits, each appointive board, commission, or other unit of government of the City and County established by State or Federal law shall be subject to the provisions of this Article IV and this Charter. *The Board of Supervisors, by ordinance, may change the name of any department, board, commission, or other unit of government, including a name assigned in the Charter.*

SEC. 4.100.1. COMMISSION STREAMLINING TASK FORCE.

(a) **Establishment of the Task Force.** By *no earlier than January 1, 2035, and* no later than February 1, ~~*2025*~~*2035, and at ten year intervals following those dates,* a Commission Streamlining Task Force ("Streamlining Task Force") shall be convened for the purpose of advising the Mayor and the Board of Supervisors on ways to eliminate, consolidate, or limit the powers and duties of appointive boards and commissions for the more effective, efficient, and economical administration of City and County government, and introducing one or more ordinances to effectuate its recommendations. *Once convened,* ~~*The*~~ *the* Streamlining Task Force shall have the powers and duties set forth herein~~*, and shall expire by operation of law*~~ *for a period of* 24 months ~~*after*~~ *following* its first meeting. *The Streamlining Task Force existing at the time the amendment of this Section 4.100.1 at the November 3, 2026 election goes into effect shall automatically expire on January 1, 2027.*

~~*The City Administrator shall provide administrative support to the Streamlining Task Force.*~~ The Controller and the City Administrator shall provide *administrative,* professional, and technical assistance to the Streamlining Task Force. All City and County officials, departments,

and other agencies, and all appointive boards and commissions, shall cooperate with the Streamlining Task Force as it performs its responsibilities under this Section 4.100.1.

For purposes of this Section 4.100.1, an "appointive board" or "commission" includes any body that meets the definition of a "legislative body," under California Government Code § 54952, *as may be amended,* whether denominated a "board," "commission," "council," "committee," "task force," "advisory body," or otherwise.

(b) **Composition of the Streamlining Task Force.** The Streamlining Task Force shall consist of five members. Seat 1 shall be held by the City Administrator or the City Administrator's designee, who must be an employee of the Office of the City Administrator. Seat 2 shall be held by the Controller or the Controller's designee, who must be an employee of the Office of the Controller. Seat 3 shall be held by the City Attorney or the City Attorney's designee, who must be an employee of the Office of the City Attorney. Seat 4 shall be held by a representative of organized labor representing the public sector, appointed by the President of the Board of Supervisors. Seat 5 shall be held by an individual with expertise in open and accountable government, appointed by the Mayor. The Mayor's appointment shall not be subject to rejection by the Board of Supervisors under Charter Section 3.100(18). Members in seats 4 and 5 shall serve at the pleasure of their appointing authority.

~~*(c) **Budget and Legislative Analyst Report.** The Streamlining Task Force shall undertake a comprehensive review of the City and County's appointive boards and commissions, including those created by voter-approved ordinance. To inform that review, by no later than September 1, 2025, the Budget and Legislative Analyst shall prepare and submit to the Streamlining Task Force, the Mayor, and the Clerk of the Board of Supervisors a report that assesses for each appointive board or commission established in the Charter (1) the annual financial cost to the City to operate the body, including but not limited to the costs of City staff time spent to support, brief, meet with, develop materials for, or otherwise enable the functioning*~~

~~*of the body; and (2) the projected financial impact of eliminating the appointive board or commission, or consolidating it with another body. The report shall also include an estimate of the average annual financial cost to the City of operating an appointive board or commission that is established by ordinance for the purpose of providing non-binding advice to City officials on a given topic.*~~

(~~*d*~~*c*) **Streamlining Task Force Report and Recommendations.** By *no earlier than January 1, 2036, and* no later than February 1, ~~*2026*~~*2036*, *and no later than February 1 of the year immediately following a year in which a subsequent Streamlining Task Force is convened,* the Streamlining Task Force shall prepare and submit to the Mayor and the Clerk of the Board of Supervisors a report containing the Streamlining Task Force's recommendations as to which existing appointive boards and commissions, if any, should be eliminated in their entirety, consolidated, revised to limit their powers and/or duties, or revised to expand their powers and/or duties as a result of a consolidation.

For each recommendation made pursuant to this subsection (~~*d*~~*c*), the Streamlining Task Force shall provide a rationale; analyze whether any function(s) performed by the appointive board or commission that is recommended to be eliminated, consolidated, or revised are required by law or essential to the effective operation of City and County government; and identify the City and County officers, departments, or other units of government that could assume responsibility for any legally required or essential function(s).

(~~*e*~~*d*) **Effectuation of Recommendations.**

~~*By no later than March 1, 2026, the City Attorney shall prepare a draft Charter Amendment to implement the Streamlining Task Force's recommendations relating to commissions established in the Charter, and shall submit such draft to the Clerk of the Board of Supervisors.*~~ By no later than April 1, ~~*2026*~~*2036*, *and no later than April 1 of the year immediately following a year in which a subsequent Streamlining Task Force is convened,* the

Streamlining Task Force's report and recommendations ~~*and the draft Charter Amendment*~~ shall be the subject of a hearing before the Board of Supervisors. ~~*Any Supervisors(s) wishing to seek voter approval of the draft Charter Amendment, or a modified version thereof, shall be required to introduce the Charter Amendment for consideration by the Board of Supervisors, consistent with the process and deadlines set forth in the Municipal Elections Code and Board's Rules of Order at that time*~~.

(e) During its tenure, the Streamlining Task Force shall have the authority to introduce one or more ordinances to effectuate its recommendations relating to the elimination, consolidation, or revision of any appointive board or commission established by ordinance, other than any appointive board or commission that was established or amended by the adoption of an ordinance approved by the voters and *that* cannot be amended or rescinded without voter approval. Such ordinance(s) shall *be deemed enacted*~~*go into effect*~~ 90 days after the date of introduction unless before the expiration of the 90-day period two-thirds of all members of the Board of Supervisors vote to disapprove the ordinance.

~~*(f) **Expiration**. This Section 4.100.1 shall expire by operation of law on January 31, 2027, and the City Attorney shall cause it to be removed the Charter thereafter.*~~

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

Unless otherwise provided in this Charter, each appointive board, 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;

~~*4*~~*3*. 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*~~*4*. 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*~~*5*. 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*~~*6*. 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*

~~*8*~~*7*. Exercise such other powers and duties as shall be prescribed by 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 or other unit of government may:

~~*10*~~*8*. Hold hearings and take testimony; and

~~*11*~~*9*. Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.

Each board or 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 shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the board or 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.

* * * *

(b) The presence of a majority of the members of an appointive board, commission or other unit of government 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 *state law* ~~*Government Code Section 54953(b) or any successor legislation*~~ 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 to participate in meetings by teleconferencing or other electronic means when the member is absent to care for *their*~~*his or her*~~ 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. Unless otherwise required by this Charter, the affirmative vote of a majority of *all* 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 shall act by a majority, two-thirds, three-fourths or other vote of all members.*~~ 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. *A body may excuse a member at the member's own request; and shall excuse a member if the member's participation would violate City or state law, including but not limited to City or state law pertaining to conflicts of interest.*

SEC. 4.105. PLANNING COMMISSION.

* * * *

GENERAL PLAN. The Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan. If the Board of Supervisors fails to act within 90 days of receipt, the proposed General Plan or amendments shall be deemed approved. The General Plan which will initially consist of the Master Plan in effect

immediately prior to the effective date of this Charter shall consist of goals, policies and programs for the future physical development of the City and County that take into consideration social, economic and environmental factors. In developing their recommendations, the Commission shall consult with commissions and elected officials, and shall hold public hearings as part of a comprehensive planning process. The Planning Department, in consultation with other departments ~~*and the City Administrator*~~, shall periodically prepare special area, neighborhood and other plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state and federal resources. The Planning Department may make such other reports and recommendations to the Mayor, Board of Supervisors and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the General Plan.

* * * *

SEC. 4.111. HUMAN SERVICES COMMISSION.

The Human Services 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.

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 the section to the Administrative Code. Thereafter, Section 4.111 (as enacted into ordinance) may be amended or repealed by ordinance.

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 15.505.

(b) *One seat shall be held by a person with experience in labor representation. 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. 4.114. PORT COMMISSION.

* * * *

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.

The Commission shall be subject to the provisions of Sections 4.101 ~~*through 4.103*~~*and 4.102* 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.

SEC. 4.120. DISABILITY AND AGING SERVICES COMMISSION.

(a) The Disability and Aging Services 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. 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 Section 4.132.

(b) As of January 15, 2020, Seat 1 on the Commission shall be held by a person who is 60 years old or older; Seat 2 shall be held by a person with a disability, as defined under the Americans With Disabilities Act, who is 18 years old or older; and Seat 3 shall be held by a person who served in the United States military and who was 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.

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 the section to the Administrative Code. Thereafter, Section 4.120 (as enacted into ordinance) may be amended or repealed by ordinance, consistent with state and federal law.

SEC. 4.121. BUILDING INSPECTION COMMISSION.

(a) GENERAL. The Building Inspection Commission shall consist 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 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. Two of the four Mayoral appointments shall each have one or more of the following qualifications: be an active, formerly active, or retired structural engineer, architect, or residential builder. One of the three Board President appointments shall have one or more of the following qualifications: be a residential tenant or work or have worked for a non-profit housing organization.

(b) MEMBERS. 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.

(c) CODES. 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, *Existing Building, Green Building,* Mechanical, Electrical, and Plumbing Codes, except where this Charter specifically grants that power to another department.

(d) INSPECTIONS AND ENFORCEMENT. 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, *Existing Building, Green 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.

(e) RULES AND REGULATIONS. The Commission shall adopt rules and regulations consistent with fulfilling its responsibilities under this Charter. 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, *Existing Building Code, Green Building Code,* Electrical Code, Housing Code, Plumbing Code, and Mechanical Code.

(f) OTHER BODIES. 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, ~~*all of*~~ which shall have the powers and duties ~~*to the extent*~~ set forth in the San Francisco Building Code.

(g) PERMITS. 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.

As set forth in Section 18.116 of this Charter, subsection (f) of this Section 4.121 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer the section to the Administrative Code. Thereafter, subsection (f) of this Section 4.121 may be amended or repealed by ordinance.

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

* * * *

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

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

(~~f~~*e*) 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~~*f*) 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. 4.127. POLICE DEPARTMENT.

* * * *

POLICE STAFFING. By no earlier than October 1 and no later than November 1 in every odd-numbered calendar year, the Chief of Police shall transmit to the Police Commission a report describing the department's current number of full-duty sworn officers and recommending staffing levels of full-duty sworn officers in the subsequent two fiscal years. The report shall include an assessment of the Police Department's overall staffing, the workload handled by the department's employees, the department's public service objectives, the department's legal duties, and other information the Chief of Police deems relevant to determining proper staffing levels of full-duty sworn officers. The report shall evaluate and make recommendations regarding staffing levels at all district stations and in all types of jobs and services performed by full-duty sworn officers. By no later than ~~*July*~~ *April* 1 in every odd-numbered calendar year, the Police Commission shall adopt a policy prescribing the methodologies that the Chief of Police may use in evaluating staffing levels, which may include consideration of factors such as workload metrics, the Department's targets for levels of service, ratios between supervisory and non-supervisory positions in the Department, whether particular services require a fixed number of hours, and other factors the Commission determines are best practices or otherwise relevant. The Chief of Police may, but is not required by this Section 4.127 to, submit staffing reports regarding full-duty sworn officers to the Police Commission in even-numbered years.

* * * *

SEC. 4.133. HOMELESSNESS OVERSIGHT COMMISSION.

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

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

(1) Seats 1, 2, 3, and 4 shall be appointed by the Mayor *under Section 3.100(18).* ~~*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) *For all seats, the appointing authority shall consider qualifications including, but not limited to, experience providing services to or engaging in advocacy on behalf of persons experiencing homelessness, expertise in mental health service delivery or substance use treatment, participation in a merchants' or small business association, participation in a neighborhood association, experience in budgeting, finance, and auditing, and experience working with homeless families with children and/or homeless youth, and shall also consider* ~~*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.*~~

SEC. 4.135. HISTORIC PRESERVATION COMMISSION.

* * * *

BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter subsections 4.102(~~*3*~~*2*), 4.102(~~*4*~~*3*), 4.102(~~*5*~~*4*), and 4.102(~~*6*~~*5*) 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 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*~~ *an* employee of the Police Department. The 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 *of the Police Department*. 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*~~ *an employee* 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*~~ *the Chief's* designee, may verify and file charges with the Police Commission against members of the Police Department arising out of sustained complaints; 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 may be disciplined under 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 file charges with the Police Commission arising out of the sustained complaint, (2) the Chief of Police or ~~*his or her*~~ *the Chief's* 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 to impose punishment pursuant to Section A8.343.

(f) The Director shall schedule hearings before 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. 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 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*~~ *the* command *of the Chief or officer*, or taking disciplinary or corrective action, otherwise permitted by this Charter, when such is warranted; and nothing herein shall limit or otherwise restrict the disciplinary powers vested in the Chief of Police and the Police Commission by other provisions of this Charter.

* * * *

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

~~***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 Section~~s~~ 3.100(19) ~~*and 4.102(5)*~~.

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.

(b) Nothing in this Section 4.140 shall relieve property owners of their legal responsibilities set by City or s~~S~~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.*~~

SEC. 5.104. ASIAN ART MUSEUM OF SAN FRANCISCO.

~~*The Asian Art Commission shall consist of twenty-seven 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.*~~ *Effective January 1, 2027, the Asian Arts Commission trustees shall be elected by members of the Commission, and the Commission may vote to increase or decrease the number of trustees, provided that the Commission may not set the number of trustees to more than 20, and provided that a vote to decrease the number shall not affect the power or tenure of any incumbent. In selecting trustees to serve on the Commission, the Commission shall give due consideration to persons who are representative of the fields of Asian art and culture by reason of their knowledge, experience, education, training, interest, or activity therein.*

* * * *

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.*~~

* * * *

SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.

The governing board of the War Memorial and Performing Arts Center shall consist of ~~*eleven*~~ *11* 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.

The governing board may enter into agreements with a not-for-profit or other legal entity to develop or operate the War Memorial and Performing Arts Center and to raise and maintain funds for its support.

SEC. 6.102. CITY ATTORNEY.

The City Attorney shall:

* * * *

5. Make recommendations for or against the settlement or dismissal of legal proceedings to the Board of Supervisors prior to any such settlement or dismissal. Such proceedings shall be settled or dismissed by *resolution*~~*ordinance*~~ and only upon the recommendation of the City Attorney;

* * * *

SEC. 8.103. LAW LIBRARY.

* * * *

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*~~*Technical Services Manager*.

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 Clerks of the Superior and Municipal Courts 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*~~*legal research materials*, and in the establishment and maintenance of the Law Library.

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

~~***SEC. 8A.100. PREAMBLE.***~~

~~*(a) An effective, efficient, and safe transportation system is vital for San Francisco to achieve its goals for quality of life, environmental sustainability, public health, social justice, and economic growth. The Municipal Transportation Agency must manage San Francisco's transportation system which includes automobile, freight, transit, bicycle, and pedestrian networks to help the City meet those goals. Through this measure, the voters seek to provide the Municipal Transportation Agency with improved resources and expanded independence and authority in order to create a transportation system that is among the best in the world.*~~

~~*(b) This article requires the Municipal Transportation Agency to develop clear, meaningful and quantifiable measures of its performance and goals and to regularly publicize those standards. This article also recognizes that the workers of the Municipal Transportation Agency are vital to the success of the Agency and to achieving the improvements voters seek. Therefore, it authorizes incentives for excellence and requires accountability for both managers and employees.*~~

~~*(c) Specifically, San Francisco residents require:*~~

~~*1. Reliable, safe, timely, frequent, and convenient transit service to all neighborhoods;*~~

~~*2. A reduction in breakdowns, delays, over-crowding, preventable accidents;*~~

~~*3. Clean and comfortable transit vehicles and stations, operated by competent, courteous, and well trained employees;*~~

~~*4. Support and accommodation of the special transportation needs of the elderly and the disabled;*~~

~~*5. Protection from crime and inappropriate passenger behavior on the Municipal Railway;*~~

~~*6. Responsive, efficient, and accountable management;*~~

~~*7. Roads that are not gridlocked with congestion;*~~

~~*8. A safe and comprehensive network of bicycle lanes;*~~

~~*9. A safe and inviting environment for pedestrians;*~~

~~*10. Efficient movement of goods and deliveries;*~~

~~*11. A transportation sector that promotes environmental sustainability and does not contribute to global warming; and*~~

~~*12. A well-managed and well-coordinated transportation system that contributes to a livable urban environment.*~~

~~*Through this measure, the voters seek to provide the transportation system with the resources, independence and focus necessary to achieve these goals.*~~

~~*(d) The voters find that one of the impediments to achieving these goals in the past has been that responsibility for transportation has been diffused throughout City government. Accordingly, this Article places within the Municipal Transportation Agency the powers and duties relating to transit now vested in other departments, boards, and commissions of the City*~~

~~*and County. This Article further requires that, to the extent other City and County agencies provide services to the Municipal Transportation Agency, those departments must give the highest priority to the delivery of such services.*~~

~~*(e) At the same time, this Article is intended to ensure sufficient oversight of the Municipal Transportation Agency by, among other things, preserving the role of the City's Controller as to financial matters, the City Attorney as to legal matters, and the Civil Service Commission, as to merit system issues. In addition, this Article requires that outside audits be performed to ensure that required service levels are obtained with a minimum of waste.*~~

~~*(f) Finally, this Article is intended to strengthen the Municipal Transportation Agency's authority to: 1) manage its employees; 2) establish efficient and economical work rules and work practices that maximize the Agency's responsiveness to public needs; and 3) protect the Agency's right to select, train, promote, demote, discipline, layoff and terminate employees, managers, and supervisors based upon the highest standards of customer service, efficiency and competency.*~~

~~*(g) The effective management of traffic flow and parking are vital to the operation of the Municipal Railway. Congestion on city streets causes delays in transit operations. Therefore, the Municipal Transportation Agency must manage parking and traffic flow to ensure that transit vehicles move through City streets safely and efficiently.*~~

~~*(h) In addition, the residents of San Francisco require that the Agency: 1) value and protect the safety of pedestrians and bicyclists; 2) reduce congestion and air pollution through efficient use of the streets; and 3) protect the City's economic health by giving priority to commercial deliveries and access to local businesses.*~~

~~*(i) The voters find that reducing the carbon emissions from San Francisco's transit sector is fundamental to the City's health and wellbeing and shall be among the Agency's policy priorities. Because the Agency has significant influence on San Francisco's transportation*~~

~~*sector, which is responsible for fully half of the carbon emissions produced within the City, the voters direct the Agency to develop and implement strategies for substantially reducing those emissions. The voters further affirm the goals of the City's Climate Action Plan.*~~

~~*(j) This Article shall be interpreted and applied in conformance with the above goals.*~~

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, *and the powers and duties of the former Taxi Commission,* 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 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~~b) 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~~c) The Agency may ~~contract~~ *enter into memoranda of understanding* with existing City and County departments to carry out any of its powers and duties. Any such ~~contract~~ *memoranda of understanding* 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~~d) The Agency may not exercise any powers and duties of the Controller or the City Attorney and shall ~~contract~~ *enter into memoranda of understanding* 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.*~~

(i~~i~~*ii*) 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 ~~*14*~~*XIV*, 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 ~~*14*~~*XIV*.

* * * *

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

11. 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*~~ *collision* data and planning improvements to improve the safety of the City's roadways; and conducting traffic research and planning;

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

13. 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, 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.

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. Have exclusive authority over taxi-related functions and taxi-related fares, fees, charges, budgets, and personnel; and

16~~*5*~~. 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*~~ *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 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*~~*m*) 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, 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) 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) 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*~~ *the Director's* 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*~~ *the Director's* 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) Notwithstanding any provision of ~~*Chapter 6 or 21 of the Administrative*~~ *the Municipal* 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*~~ *the Director's* designees may approve contracts.

(h) Except *as* provided in this Article *VIIIA*, 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, ~~*4.103,*~~ 4.104, 4.113, 6.102, 9.118, *and* 16.100~~*, and A8.346*~~. Sections 4.102, 4.126, and 4.132 shall not be applicable to the Agency.

SEC. 8A.103. SERVICE STANDARDS AND ACCOUNTABILITY.

* * * *

(c) The standards for the Agency with respect to the services provided by the Municipal Railway shall include the following minimum standards for on-time performance and service delivery:

1. On-time performance: at least 85*%* ~~*percent*~~ of vehicles must run on-time, ~~*where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points*~~ *with on-time performance determined in accordance with subsection (e)*; and

2. Service delivery: 98.5*%* ~~*percent*~~ of scheduled service hours must be delivered, and at least 98.5*%* ~~*percent*~~ of scheduled vehicles must begin service ~~*at the scheduled time*~~ *on time*.

* * * *

(e) The Board of Directors shall adopt Agency rules setting forth the methods by which performance shall be measured with respect to each standard established pursuant to subsections

(c) or (d) above in accordance with industry best practices to enhance the Agency's ability to compare its performance to that of other comparable transit systems. The Agency shall regularly publish reports documenting the Agency's performance for each standard. Each performance report shall note any changes in the rules governing the methods by which performance is measured so as to inform interpretation of performance trends over time. Nothing herein shall prohibit the Agency from using additional performance measures.

(f) ~~*The Agency shall issue a Climate Action Plan to the Board of Supervisors and the Commission on the Environment by January 1, 2009, and every two years thereafter.*~~ *The Agency shall participate in Citywide climate action planning efforts.* ~~*The plan*~~ *As part of their participation, the Agency* shall describe measures taken and progress made toward the goal of reducing greenhouse gas emissions from San Francisco's transportation sector*, as measured by applicable federal, state, and local requirements and standards, and* ~~*to 80% of 1990 levels by 2012 and shall further address*~~ progress toward the following goals:

1. Zero greenhouse gas emissions for Municipal Railway transit vehicles;
2. Lowering energy consumption in Agency facilities and by non-transit vehicles;
3. Maximizing waste reduction in Agency operations;
4. Increasing transit trips and reducing private vehicle trips within the City;
5. Increasing the use of bicycling and walking as alternate forms of transportation; and
6. Improving regional transit connections to reduce private vehicle use by commuters.

~~*No later than January 1, 2010, and no less than every ten years thereafter, the Board of Supervisors shall adopt legislation setting goals for reducing greenhouse gas emissions from San Francisco's transportation sector, and other climate action measures set forth above, for periods after 2012.*~~

SEC. 8A.104. PERSONNEL AND MERIT SYSTEM.

* * * *

(k) Upon the expiration of labor contracts negotiated by the Department of Human Resources and approved by the Board of Supervisors, and except for retirement benefits, the wages, hours, working conditions, and benefits of the employees in classifications within the Municipal Railway designated by the Agency as "service-critical" shall be fixed by the Agency after meeting and conferring as required by the laws of the State of California and this Charter, including Sections ~~*A8.346,*~~ A8.404 and A8.409. These agreements shall utilize, and shall not alter or interfere with, the health plans established by the City's Health Service Board; provided, however, that the Agency may contribute toward defraying the cost of employees' health premiums. For any job classification that exists both as a "service-critical" classification in the Agency and elsewhere in City service, the base wage rate negotiated by the Agency for that classification shall not be less than the wage rate set in the Citywide memorandum of understanding for that classification.

* * * *

(o) ~~*The voters find that f*~~For transit system employees whose wages, hours and terms and conditions of employment are set by the Agency, the Agency's discretion in establishing and adjusting scheduling, deployment, assignment, staffing, sign ups, and the use and number of part-time transit system personnel based upon service needs is essential to the effective, efficient, and reliable operation of the transit system. In any mediation/arbitration proceeding under Section 8.409-4 with an employee organization representing transit system employees, the employee organization shall have the burden of proving that any restrictions proposed on the Agency's ability to exercise broad discretion with respect to these matters are justified. ~~*To meet this burden, the employee organization must prove by clear and convincing evidence that the*~~

~~*justification for such restrictions outweighs the public's interest in effective, efficient, and reliable transit service and is consistent with best practices.*~~ The mediation/arbitration board shall not treat the provisions of MOUs for transit system employees adopted prior to the effective date of this provision as precedential in establishing the terms of a successor agreement. The mediation/arbitration board's jurisdiction shall be limited to matters within the mandatory scope of bargaining under state law.

* * * *

(q) In addition, ~~*the voters find that*~~ Agency service *in the past* has been impaired by the existence of side-letters and reliance on "past practices" that have been treated as binding or precedential but have not been expressly authorized by the Board of Directors or the Director of Transportation, and have not been and are not subject to public scrutiny. Accordingly, for employees whose wages, hours and terms and conditions of employment are set by the Agency, no side-letter or practice within the scope of bargaining may be deemed binding or precedential by the Agency or any arbitrator unless the side-letter or practice has been approved in writing by the Director of Transportation or, where appropriate, by the Board of Directors upon the recommendation of the Director of Transportation and appended to the MOU of the affected employee organization or organizations subject to the procedures set out in this charter. No MOU or arbitration award approved or issued after the November 2010 general election shall provide or require that work rules or past practices remain unchanged during the life of the MOU, unless the specific work rules or past practices are explicitly set forth in the MOU. ~~*All side-letters shall expire no later than the expiration date of the MOU.*~~

(r) Before adopting any tentative agreement with an employee organization covering matters within the scope of representation, the Agency shall, at a duly noticed public meeting, disclose in writing the contents of such tentative agreement, a detailed analysis of the proposed agreement, a comparison of the differences between the agreement reached and the prior

agreement, an analysis of all costs for each year of the term of such agreement, and whether funds are available to cover these costs. Such tentative agreement between the Agency and employee organization shall not be approved by the Agency until ~~15~~*14* calendar days after the above disclosures have been made.

SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND.

* * * *

(c) The Base Amount shall initially be determined by the Controller. Adjustments to the Base Amount shall be made as follows:

1. The Base Amount shall be adjusted for each year after fiscal year 2000-2001 by the Controller based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City and County discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by adjustment in the next year's estimate.

2. An adjustment shall also be made for any increases in General Fund appropriations to the Agency in subsequent years to provide continuing services not provided in

the Base Year, but excluding additional appropriations for one-time expenditures such as capital expenditures or litigation judgments and settlements.

3. Commencing with the fiscal year beginning on July 1, 2015, the Controller shall also adjust the Base Amount annually by the percentage increase in the San Francisco population based on data from the source(s) the Controller, in ~~*his or her*~~ *the Controller's* sole discretion, finds most reliable for the most recent available calendar year. The Controller's population growth adjustment shall be based on the greater of the increase in daytime or night-time population. For any year in which the Controller determines that neither the daytime nor night-time population has increased, the Controller shall make no adjustment under this subparagraph 3 to the Base Amount. For purposes of the initial adjustment for the year commencing July 1, 2015, the Controller shall adjust the Base Amount based on the increase in City daytime or night-time population for the most recent ten-year period for which data are available instead of the most recent available calendar year. The Agency shall use the amount of any increase in the Base Amount resulting from the adjustment required by this subparagraph 3 exclusively as follows: 75% ~~*per cent*~~ shall be used *for transit operations expenses and transit infrastructure improvements and maintenance* ~~*to make transit system improvements to the Municipal Railway to improve the system's reliability, frequency of service, capacity, and state of good repair,*~~ and 25% ~~*per cent*~~ shall be used for transportation capital *improvement and maintenance* ~~*expenditures*~~ to improve street safety for all users.

* * * *

(f) In addition, there is hereby set aside from the general revenues of the City and County and deposited in the Transportation Fund to support the Agency's transit services an amount equivalent to 80% ~~*percent*~~ of the revenues received from the City's tax on occupation of parking spaces. Additional amounts appropriated as a result of this subsection *(f)* after July 1, 2008 which were not previously available to support transit service shall be used exclusively to:

1. support *transit operations expenses* ~~*implementation of the transit service improvements recommended by the Transit Effectiveness Project or any subsequent system-wide route and service evaluation, with first priority given to the hiring of full time on-going staff and expansion of training for Agency employees, supervisors and managers*~~; and

2. support the creation of a Labor-Management Implementation and Service Improvement Committee consisting of the Director of Transportation and a designated representative of each union representing Agency employees. This committee shall meet quarterly to discuss implementation of this Section and ongoing system challenges.

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 a* 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*~~ *adopted* 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.

The Agency shall establish a Citizens' Advisory Council of ~~*fifteen*~~*15* 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*~~*10* members of the Council must be regular riders of the Municipal ~~*Rail-way*~~ *Railway, and the Council shall include both pedestrians and cyclists*. At least two members must use the Municipal Railway's paratransit system, and at least three of the members must be senior citizens 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 may provide recommendations to the 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. 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.*~~

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

SEC. 8A.113. PARKING AND TRAFFIC; GOVERNANCE.

* * * *

(b) It shall be City policy that the Agency manage the Parking Authority so that it does not acquire or construct new or expanded parking facilities unless the Agency finds that the costs resulting from such acquisition, construction, or expansion and the operation of such facilities will not reduce the level of funding to the Municipal Railway from parking and garage revenues under ~~*Section 16.110*~~*Section 8A.105(e)* to an amount less than that provided for fiscal year 1999-2000, as adjusted by the Controller for inflation; further provided that it shall be City policy that before approving the acquisition, construction or expansion of a parking garage, the Agency's Board of Directors shall make a finding that the operation of the garage will advance or be consistent with the City's Transit First Policy.

SEC. 8B.120. PREAMBLE.

~~*The Public Utilities Commission operates the Water, Clean Water and Power Utilities of the City and County of San Francisco. Hetch Hetchy Water and Power System is an irreplaceable asset of the people of the City and County of San Francisco. The system is fundamental to the economic vitality of San Francisco and the Bay Area. The voters of the City and County of San Francisco are committed to preserving and protecting the system as well as safeguarding the extraordinary quality of the water from Yosemite and local watersheds. The voters find that the protection, maintenance and repair of the system are among their highest priorities.*~~

~~*San Francisco faces an unprecedented challenge: to restore its aging water system to ensure a reliable Bay Area water supply through the next century. Repairs must be accomplished as quickly as possible to avoid system outages, which could be caused by natural disasters such as earthquake. In planning for its future needs and those of its wholesale customers, the City must promote water conservation and responsible stewardship of its natural resources. The effectiveness of the City's Public Utilities Commission, which has jurisdiction over the system, is essential to achieving these goals.*~~

~~*In addition, San Francisco must upgrade and repair its clean water system to meet changes in state and federal water quality requirements, and to ensure reliability of the system, parts of which are outdated, aged or seismically vulnerable. The voters find that the operation of the clean water system should not unnecessarily place a disproportionate environmental burden on any community.*~~

~~*This measure is intended to enhance public confidence in the City's stewardship of public utilities by:*~~

~~*1. Clarifying that the Public Utilities Commission has exclusive control of water, clean water and power assets owned or maintained by the City and County of San Francisco;*~~

~~*2. Establishing rates sufficient to meet operation, maintenance and financial needs of the system based on costs and sound budgeting and auditing procedures to protect retail ratepayers and reduce interest paid on bonds and other indebtedness while ensuring public review;*~~

~~*3. Establishing the Public Utilities Commission as an independent revenue department not subject to undue financial pressures to contribute to the City's general fund;*~~

~~*4. Requiring the development of long term Capital, Financial and Strategic Plans to ensure that the utilities are operated efficiently in accordance with best public utility practice;*~~

~~*5. Authorizing the Public Utilities Commission to independently enter into certain contracts;*~~

~~*6. Giving the Public Utilities Commission the ability to finance needed capital improvements through revenue bonds or other financing methods consistent with the powers of other major public utilities in California; and*~~

~~*7. Promoting labor stability to ensure that the Capital Improvement Plan is completed expeditiously and efficiently.*~~

The people of the City and County of San Francisco over many years have invested and continue to invest significant financial resources to develop, improve, and maintain their water, power, and sewer systems. Prudent planning and efficient implementation are critical to sustaining effective, efficient, reliable, and resilient utilities through regular operation and natural disasters such as earthquakes and floods. The people also recognize the importance of protecting the natural environment, promoting water conservation, and supporting the communities that may be impacted by utility operation. Further, the people recognize that utility operations are subject to federal and state laws, and the City and County of San Francisco must meet regulatory mandates through continuous resource investment.

The Public Utilities Commission operates the Water, Power, and Sewer utilities of the City and County of San Francisco, all of which are invaluable assets of the City and County and each of which is described in the following paragraphs.

***Water**. The Water utility provides drinking water to the City and County of San Francisco and portions of the San Francisco Bay Area Region. The Water utility includes the Hetch Hetchy Water and Power system, the Regional Water system, and the system for distributing water throughout the City and County. The Water utility also includes multiple systems to manage, maintain, protect, store, transport, and deliver drinking water from the Hetch Hetchy reservoir in Yosemite National Park and other sources within the Regional and San Francisco water systems.*

***Power**. The Power utility provides electric power from the hydro- and solar power generation of the Hetch Hetchy Power system. The Power utility includes power generation and storage facilities, power transmission systems, and a renewable energy community choice aggregation service.*

***Sewer**. The Sewer utility collects, conveys, treats, and discharges wastewater, stormwater, and other surface flows to protect public health and the environment. The Sewer utility includes combined and separate sewer collection, conveyance, treatment, and discharge facilities and infrastructure.*

The purpose of this Article VIIIB is to ensure the long-term successful stewardship of the utility systems that support the City and County of San Francisco and serve San Francisco's utility ratepayers and wholesale customers.

SEC. 8B.121. PUBLIC UTILITIES COMMISSION.

(a) Notwithstanding Charter section 4.112, the Public Utilities Commission shall have exclusive charge of the *design*, construction, management, supervision, maintenance, extension,

expansion, operation, use, and control of all water, ~~*clean water and energy*~~*power, and sewer infrastructure, facilities,* supplies and utilities of the City as well as the real, personal and financial assets, that are under the Commission's jurisdiction or assigned to the Commission under Section 4.132.

(b) The Public Utilities Commission may enter into Joint Powers Agreements *or other joint, coordinated, or common-use agreements* with other public entities in furtherance of the responsibilities of the Commission.

(c) Except to the extent otherwise provided in this Article *VIIIB*, the Public Utilities Commission shall be subject to the provisions of Charter sections 4.100 et seq. generally applicable to boards and commissions of the City and County.

(d) The General Manager shall *be the department head and chief executive of the San Francisco Public Utilities Commission department (SFPUC or department). The General Manager shall have authority over and responsibility for the day-to-day management of the Water, Power, and Sewer utility systems, department operations, personnel, facilities, infrastructure, and real property under the jurisdiction of the Commission. The General Manager shall appoint all subordinate personnel of the department. The General Manager may appoint deputy and/or assistant general managers who shall serve at the pleasure of the General Manager. The General Manager may* ~~*have the authority to*~~ organize and reorganize the department. The General Manager shall adopt rules and regulations governing all matters within the jurisdiction of the department subject to section 4.102 as applicable.

(e) Ownership or control of any public utility or any part thereof under the jurisdiction of the Public Utilities Commission may not be transferred or conveyed absent approval by the Public Utilities Commission and approval by a vote of the electors of the City at the election next ensuing not less than 90 days after the adoption of such ordinance, which shall not go into effect until ratified by a majority of the voters voting thereon. Voter approval shall not be required for

sales or transfers of real property declared surplus to the needs of any utility by the Public Utilities Commission or to leases or permits for the use of utility real property approved by the Public Utilities Commission.

SEC. 8B.122. GOALS AND OBJECTIVES ~~*RELATED TO WATER AND CLEAN WATER*~~.

~~*(a)*~~ The Commission shall ~~*develop, periodically update and implement programs to achieve goals and objectives consistent with the following*~~*oversee the department's implementation of the following goals and objectives*:

~~—~~(1) Provide water ~~*and clean water*~~*, power, and sewer* services to San Francisco and ~~*water service to its wholesale customers while maintaining stewardship of the system by the City*~~*its retail and wholesale customers*;

~~—~~(2) Establish equitable *utility* rates sufficient to meet *the cost of service, maintain continuous, safe, and reliable operation of resilient utility systems*, and maintain ~~*operation, maintenance and*~~ financial health of the *utility* system*s*;

~~*(3) Provide reliable water and clean water services and optimize the systems' ability to withstand disasters;*~~

~~—~~(~~*4*~~*3*) Protect and manage lands and natural resources used by the Commission to provide utility services consistent with applicable laws in an ~~*environ-mentally*~~ *environmentally* sustainable manner. Operate hydroelectric generation facilities in a manner that causes no reasonably anticipated adverse impacts on water service and habitat;

~~—~~(~~*5*~~*4*) Develop ~~*and implement priority programs to increase and to monitor water conservation and efficiency system-wide*~~ *and protect high-quality drinking water and water supply, environmentally sustainable power generation, and sewer utility efficacy*;

~~*(6) Utilize state-of-the-art innovative technologies where feasible and beneficial;*~~

~~*(7) Develop and implement a comprehensive set of environmental justice guidelines for use in connection with its operations and projects in the City;*~~

~~*(8) Create opportunities for meaningful community participation in development and implementation of the Commission's policies and programs; and*~~

~~*(9) Improve drinking water quality with a goal of exceeding applicable drinking water standards if feasible.*~~

(5) Support utility-related community engagement and environmental justice initiatives to address direct impacts of utility operations.

SEC. 8B.123. PLANNING AND REPORTING.

(~~*A*~~*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*~~*b*) Citizens' Advisory ~~*Committee*~~*Council*

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

As set forth in Section 18.116 of this Charter, subsection (b) of this Section 8B.123 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 8B.123. Thereafter, subsection (b) may be amended or repealed by ordinance.

SEC. 8B.124. WATER*,* ~~***CLEAN WATER, AND***~~ **POWER**, ***AND SEWER*** **REVENUE BONDS *AND FINANCE*.**

(a) The Commission shall have authority to plan and issue indebtedness, including revenue bonds, notes, commercial paper, or other forms of indebtedness, for utility-related purposes, subject to the approval, amendment, or rejection of the Board of Supervisors of each issue. Such purposes may include but are not limited to purchases of water or power supply or storage, environmentally sustainable energy generation facilities, or the purchase or development of infrastructure necessary to transmit water, power, or wastewater or to operate utility systems.

(b) The Commission may authorize debt refunding or refinancing that does not increase the total debt obligation of the enterprise in conformance with the SFPUC debt policy, subject to approval by the Controller.

(c) Receipts from each utility operated by the Commission shall be paid into the City and County treasury and maintained in a separate fund for each such utility.

~~*Notwithstanding, and in addition to, the authority granted under Charter Section*~~ 9.107~~*, the Public Utilities Commission is hereby authorized to issue revenue bonds, including notes,*~~

~~*commercial paper, or other forms of indebtedness, when authorized by ordinance approved by a two-thirds vote of the Board of Supervisors, for the purpose of reconstructing, replacing, expanding, repairing, or improving water facilities, clean water facilities, power facilities, or combinations of water, clean water, and power facilities under the jurisdiction of the Public Utilities Commission or for any other lawful purpose of the water, clean water, or power utilities of the City in furtherance of the purposes herein provided. The Public Utilities Commission shall endeavor to finance new power facilities that increase delivery of clean energy, enhance reliability and safety, and increase sustainability by incorporating technologies like energy storage and electric vehicle charging, as well as other technologies that become available. In no event shall the Public Utilities Commission finance construction of a power plant that generates electricity using fossil fuels or nuclear energy.*~~

~~*Any legislation authorizing the issuance of revenue bonds (except for refunding bonds) under this section shall be subject to the referendum requirements of Section 14.102 of this Charter. The ordinance authorizing the issuance of such revenue bonds shall not become effective until 30 days after its adoption.*~~

~~*Notwithstanding any other provision of this Charter or of any ordinance of the City and County, the Board of Supervisors may take any and all actions necessary to authorize, issue and repay such bonds, including, but not limited to, modifying schedules of rates and charges to provide for the payment and retirement of such bonds, subject to the following conditions:*~~

~~*(a) Certification by an independent engineer retained by the Public Utilities Commission that:*~~

~~*(1) the projects to be financed by the bonds, including the prioritization, cost estimates and scheduling, meet utility standards; and*~~

~~*(2) that estimated net revenue after payment of operating and maintenance expenses will be sufficient to meet debt service coverage and other indenture or resolution requirements, including debt service on the bonds to be issued, and estimated repair and replacement costs.*~~

~~*(b) Certification by the San Francisco Planning Department that facilities under the jurisdiction of the Public Utilities Commission funded with such bonds will comply with applicable requirements of the California Environmental Quality Act.*~~

(d) Except as expressly provided in this Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided for by ordinance of the Board of Supervisors.

(e) In no event shall the Public Utilities Commission finance construction of a power plant that generates electricity using fossil fuels or nuclear energy.

SEC. 8B.125. RATES.

(a) Notwithstanding Charter sections 2.109, 3.100, and 4.102 or any ordinance ~~*(including, without limitation, 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.

(b) 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*~~ *Set*~~*connection*~~ fees *or charges* for water~~ *and clean water*~~*, power, and sewer* facilities servicing new development;

5. ~~*Conduct studies of rate-based conservation incentives and/or*~~ *If allowable under applicable law, consider and implement* lifeline rates*, retail customer assistance programs,* and ~~*similar*~~ *other* rate structures to provide assistance to low income ~~*users*~~*ratepayers and/or rate-based conservation incentives*~~*, 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*~~

(c) ~~*7. Establish*~~*There shall be* 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.

The Rate Fairness ~~*Board*~~*Council* may:

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

~~*ii*~~*2*. 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.

~~*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.*~~

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

SEC. 8B.126. ~~*PERSONNEL AND MERIT SYSTEM*~~*APPOINTMENT OF THE GENERAL MANAGER*.

(a) The General Manager shall be selected under the provisions of Charter sections 3.100 and 4.102. The General Manager may be employed under an individual contract. ~~*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, after an independent survey, determines most closely resemble the Public Utilities Commission in size, mission, and complexity. In addition, the Public Utilities

Commission may provide an incentive compensation bonus plan for the General Manager based on performance goals established by the Commission.

(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 the Public Utilities Commission 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 ~~*charter*~~*Charter*. 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 Commission may contribute toward defraying the cost of the employee's health premiums and retirement pick-up.

SEC. 9.109. REFUNDING BONDS.

The Board of Supervisors is hereby authorized to provide *by resolution* for the issuance of bonds*, notes, commercial paper, leases, or other indebtedness* of the City and County for the purpose of refunding any ~~*general obligation or revenue bonds*~~*outstanding indebtedness* of the City and County ~~*then outstanding*~~. No voter approval shall be required for the authorization, issuance, and sale of refunding ~~*bonds*~~*indebtedness*~~*, which*~~ *that the Controller determines would be financially advantageous* ~~*are expected to result in net debt service savings*~~ to the City and County ~~*on a present value basis, calculated as provided by ordinance*~~.

SEC. 9.114. MISSION-DRIVEN BUDGET.

Each departmental budget shall describe each proposed activity of that department and the cost of that activity. In addition, each department shall provide the Mayor and the Board of Supervisors with the following details regarding its budget:

1. The overall mission and goals of the department;

2. The specific programs and activities conducted by the department to accomplish its mission and goals;

3. The customer(s) or client(s) served by the department;

4. The service outcome desired by the customer(s) or client(s) of the department's programs and activities;

5. Strategic plans that guide each program or activity;

6. Productivity goals that measure progress toward strategic plans;

7. The total cost of carrying out each program or activity; and

8. The extent to which the department achieved, exceeded, or failed to meet its missions, goals, productivity objectives, service objectives, strategic plans, and spending constraints identified in subsections (1) through (6) during the prior year or prior budgetary cycle.

Departmental budget estimates shall be prepared in such form as the Controller, after consulting with the Mayor, directs in writing.

As set forth in Section 18.116 of this Charter, this Section 9.114 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer the section to the Administrative Code. Thereafter, this Section 9.114 may be amended or repealed by ordinance.

SEC. 9.115. DEPARTMENTAL BUDGET COMMITMENTS.

It shall be the duty of each officer, department head, board or commission ultimately responsible for the management of each department to certify to the Mayor and the Board of

Supervisors ~~*his/her*~~*their* commitment to perform the programs and activities with specified levels of performance for specified costs as outlined in the budget description and other information required by Section 9.114.

As set forth in Section 18.116 of this Charter, this Section 9.115 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer the section to the Administrative Code. Thereafter, this Section 9.115 may be amended or repealed by ordinance.

SEC. 9.116. DEPARTMENTAL SAVINGS AND REVENUE GAINS.

Within 30 days of the Controller's issuance of the combined annual financial report of the City and County, the Controller shall report to the Mayor and Board of Supervisors regarding the extent to which each department in the prior fiscal year has recovered additional revenues measured by the difference between projected and experienced revenues. It shall be City policy for the Mayor and Board of Supervisors, upon receipt of this report, through the supplemental appropriations process to give serious consideration to rewarding those departments that the Controller has certified pursuant to this section exceeded their revenue goals or met or exceeded departmental operational goals expending less than has been projected in the budget.

As set forth in Section 18.116 of this Charter, this Section 9.116 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer the section to the Administrative Code. Thereafter, this Section 9.116 may be amended or repealed by ordinance.

SEC. 9.119. FIVE-YEAR FINANCIAL PLAN.

(a) No later than July 1, 2010, the City shall adopt a five-year financial plan for those non-general fund departments and offices proposed by the Mayor and designated by the Board by ordinance for early implementation. The City shall update that plan and combine it with a five-year financial plan for all other City departments and offices no later than July 1, 2011. By

March 1~~st~~ of each odd numbered year thereafter, the Mayor shall propose a five-year financial plan, and by May 1~~st~~ of each such year the Board of Supervisors shall review, amend, and adopt the five-year financial plan by resolution.

(b) The Mayor and the Board of Supervisors shall use the financial plan as a tool to plan for upcoming City budgets. The financial plan shall include a forecast of expenditures and revenues during the five-year period, and actions proposed to balance revenues and expenditures during each year of the plan. ~~*The plan shall include a summary of each department's strategic goals, resources allocated in the plan to meet these goals, and changes in service levels expected given investment levels proposed in the plan.*~~

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, 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. The 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 vacancy 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 that Section 15.105(b) assigns to the appointing authority with respect to an elected member.

* * * *

SEC. 12.200. HEALTH SERVICE BOARD.

There shall be a Health Service Board which shall consist of seven *voting* members as follows: one member of the Board of Supervisors, *ex officio*, 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 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. Elected members need not reside within the City and County.

~~*Not later than April 1, 2013 t*~~The Controller shall nominate a candidate for appointment to the Health Service~~s~~ Board ~~*for a two-year term commencing on May 15, 2013*~~. The Controller shall transmit a written notice of *that* nomination to the Health Service~~s~~ Board. The Controller's nominee shall be subject to the approval of the Health Service~~s~~ Board. If the Health Service~~s~~ 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 *Health Service Board member nominated by the* Controller~~*'s nominee*~~ may not vote on ~~*his or her*~~*that member's* successor.

The terms of Health Service Board members, other than the ex officio members *of the Board of Supervisors*, 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.

Board 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 that Section 15.105(b) assigns to the appointing authority with respect to an elected Board member.

* * * *

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.

* * * *

SEC. 12.202. MEMBERSHIP IN HEALTH SERVICE SYSTEM.

The members of the System shall consist of all officers and permanent employees of the City and County, the Unified School District, the Community College District, and such other officers, employees, dependents, and retirees as provided by ordinance.

SEC. 12.203. HEALTH SERVICE SYSTEM FUND.

The Health Service System fund shall be a trust fund administered by the Health Service Board in accordance with the provisions of this Charter solely for the benefit of the active and retired members of the Health Service System and their covered dependents. The City and County, *Unified* School District, and Community College District, shall each contribute to the Health Service System Fund amounts sufficient to efficiently administer the Health Service System.

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, 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 *elected* 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 *of the Health Service System as of the date of their election and shall be elected by the active employees,* and *the other* ~~*one*~~ shall be a retired member as of the date of ~~*their respective elections*~~ *their election and shall be elected by the retired members*. Each elected trustee shall serve for a term of five years. 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 that Section 15.105(b) assigns to the appointing authority with respect to an elected trustee.

SEC. 13.110. ELECTION OF SUPERVISORS.

* * * *

(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* ~~*Task Force*~~*Redistricting Board* shall be appointed by January 8, 2002 and following the publication of each decennial federal census thereafter, shall be appointed within ~~*sixty*~~*60* 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.

~~*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. 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, and shall make such adjustments as appropriate based on *legal criteria as informed by* public input at public hearings.

The ~~*Task Force*~~ *Redistricting Board* shall complete redrawing district lines before ~~*the fifteenth day of*~~ April *15* 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 refers are not available a sufficient period of time before ~~*the fifteenth day of*~~ April *15* 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*~~*5%* 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 *15* immediately preceding the next supervisorial election redraw the district lines for that supervisorial election in accordance with the provisions of this ~~*s*~~*S*ection. The procedures for redrawing supervisorial lines following the publication of every subsequent decennial federal census shall follow the procedures established by this Section.

The City Attorney shall ~~*remove*~~*place* the description of district lines *in an appendix to this Charter.*~~*found in this subsection from the Charter after the Elections Task Force*~~ *Whenever the Redistricting Board* has completed redrawing the district lines *according to the process*~~*as*~~ set forth above~~*. Following each redrawing of the district lines thereafter*~~, the City Attorney shall cause the *old district lines to be removed from the appendix, and the* redrawn ~~*district*~~ lines ~~*to be*~~ published in ~~*an*~~ *the* appendix ~~*to this Charter*~~.

* * * *

SEC. 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 amend 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 amend Chapter 67, Section 67.30 of the Administrative Code to provide that for the seven members of the Sunshine Ordinance Task Force not nominated by the Society of Professional Journalists or the League of Women Voters, the Board of Supervisors is not bound to specific criteria in appointing members to the Task Force, but should take into account the following desired qualifications, together with other factors that the Board of Supervisors deems relevant: experience and/or demonstrated interest in the issues of citizen access and participation in local government; experience working in news organizations whose work focuses on issues impacting diverse communities, or whose target audiences include diverse communities, including but not limited to different cultural, linguistic, and racial/ethnic communities.

(3) To recodify Section 290 of the Health Code, the Refuse Collection and Disposal Ordinance No. 17.083, in the Administrative Code, with the City Attorney determining the appropriate placement of that section within the Administrative Code.

(4) To rename the Citizens' General Obligation Bond Oversight Committee in Administrative Code, Chapter 5, Article V, as the Citizens General Obligation Bond Oversight Council.

(5) To rename the Sugary Drinks Distributor Tax Advisory Committee in Administrative Code Chapter 5, Article XXXIII, as the Sugary Drinks Distributor Tax Advisory Council, provide that administrative support for the Council shall be provided by the Department of Public Health and not the Controller or City Administrator, and provide that the Council will sunset when the Sugary Drinks Distributor Tax expires.

(6) To eliminate the requirement in Section 2A.242(b)(2) of the Administrative Code that the Small Business Commission, or the Executive Director of the Office of Small Business on its behalf, shall request an advisory recommendation from the Historic Preservation Commission as to whether the business meets the requirements of the Legacy Business program.

(b) Notwithstanding Section 14.101, the City shall have authority to enact one or more ordinances by an affirmative vote of two-thirds of the members of the Board of Supervisors, and otherwise in accordance with Article II of this Charter, to amend Chapter 2, Article IX of the Administrative Code, addressing Official Newspapers, provided that the Board keeps in place a process for providing support to local news organizations.

(c) Notwithstanding Section 14.101, the City shall have authority to enact one or more ordinances in accordance with Article II of this Charter to amend or eliminate any aspect of the Our City Our Home Oversight Committee in Article 28, Section 2810 of the Business and Tax Regulations Code, and Chapter 5, Article XLI of the Administrative Code.

(d) 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. 15.105. SUSPENSION AND REMOVAL.

* * * *

(b) BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD OF APPEALS, ELECTIONS COMMISSION, ETHICS COMMISSION, SHERIFF'S DEPARTMENT OVERSIGHT BOARD, ~~*AND*~~ ENTERTAINMENT COMMISSION*, HEALTH SERVICE BOARD, RETIREMENT BOARD, AND RETIREE HEALTH CARE TRUST FUND BOARD*. Members of the Building Inspection Commission, the Planning Commission, the Board of Appeals, the Elections Commission, the Ethics Commission, the Sheriff's Department

Oversight Board, ~~*and*~~ the Entertainment Commission*, the Health Service Board, the Retirement Board, and the Retiree Health Care Trust Fund Board* may be suspended and removed pursuant to the provisions of subsection (a) of this section except that*, unless otherwise specified in this Charter,* 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.

~~***SEC. 16.103. UTILITY REVENUES AND EXPENDITURES.***~~

~~*(a) Receipts from each utility operated by the Public Utilities Commission shall be paid into the City and County treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named:*~~

~~*1. For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the Commission may establish or the Board of Supervisors may require;*~~

~~*2. For repairs and maintenance;*~~

~~*3. For reconstruction and replacements as hereinafter described;*~~

~~*4. For the payment of interest and sinking funds on the bonds issued by the Public Utilities Commission pursuant to this charter;*~~

~~*5. For extensions and improvements; and*~~

~~*6. For a surplus fund.*~~

~~*For any utility with outstanding bonds for which the indenture requires different payment priorities, the bond priorities will control over the priorities set forth in this section.*~~

~~*(b) For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the Commission, the Commission must create and maintain a reconstruction and replacement fund*~~

~~*for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.*~~

~~*(c) If, at the end of any fiscal year, the Controller certifies that excess surplus funds of a utility exist, from hydropower assets or water or clean water assets in excess of 25 percent of the total expenditures of such utility in the previous fiscal year for costs of operation, repair, maintenance and debt service coverage and required debt service reserves, the Public Utilities Commission may transfer that surplus revenue, in whole or in part, to any other utility system under the Commission's jurisdiction on the operative date of this section.*~~

~~*(d) Any surplus revenue which the Public Utilities Commission unanimously finds is not required for utility purposes pursuant to sections (a) and (b) of this section may be transferred to the General Fund by the Public Utilities Commission with the concurrence of three-fourths of the Board of Supervisors upon making all of the following findings of fact and judgment:*~~

~~*(a) That a surplus exists or is projected to exist after meeting the requirements of this section;*~~

~~*(b) That there is no unfunded operating or capital program or required reserve that by its lack of funding could jeopardize bond ratings, health, safety, water supply or power production;*~~

~~*(c) That there is no reasonably foreseeable operating contingency that cannot be funded without General Fund subsidy; and*~~

~~*(d) That such a transfer of funds in all other respects reflects prudent utility practice.*~~

~~*The Commission shall make such findings having received reports and an affirmative recommendation from the General Manager and a public hearing, which shall have received no less than 30 days of public notice.*~~

~~*(e) The provisions of subsection (c) above shall not be applied in a manner that would be inconsistent with the provisions of any outstanding or future indentures, resolutions, contracts or other agreements of the City and County relating to bonded indebtedness issued in connection with the utility, or with any applicable state or federal laws.*~~

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:

* * * *

(4) An allocation, as a separate line item, of funds required for preparation, monitoring, and evaluation of the plans required under subsection (h).

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:

* * * *

(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.

* * * *

(3) **Capital Expenditure Plan**. ~~*By January 15, 2017 and f*~~*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 f*~~*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.

* * * *

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

* * * *

As set forth in Section 18.116 of this Charter, subsection (i) of this Section 16.107 as amended shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer subsection (i) to the Administrative Code and renumber subsections (j)-(n) of this Section accordingly. Thereafter, subsection (i) (as enacted into ordinance) may be amended or repealed by ordinance.

SEC. 16.108. CHILDREN AND YOUTH FUND.

(a) **Preamble.**

(1) By overwhelmingly reauthorizing the Children's Fund in 2000 with 74% ~~*percent*~~ approval, the people of the City and County of San Francisco found and declared that the Children's Fund (now to be known as the "Children and Youth Fund") is essential in ensuring the health and success of every San Francisco child.

(2) The previous investment of the Children and Youth Fund allowed for the Department of Children, Youth, and Their Families to serve over 56,000 youth in FY 2012-2013, focusing on the children with the most need.

(3) The Fund successfully stabilized and expanded services for children, youth, and their families, while leveraging other resources.

(4) Addressing the level of unmet need among children and youth remains a significant challenge. The needs of San Francisco's children have been increasing:

(A) One-third of San Francisco's African American and Latino children live below the poverty line. The number of San Francisco children in poverty has increased by 14% in the past 5 years.

(B) The federal poverty level for a family of four is $23,000; adjusted to San Francisco, it is $35,000. Self-sufficiency in San Francisco for a family of four is three times that amount, and over half of all families cannot meet the self-sufficiency standard. The Children and Youth Fund provides services that support families and opportunities for children and youth that are essential to meeting their needs and providing pathways out of poverty.

(C) State and federal cuts have significantly reduced children and youth services in San Francisco, including funding for child care, youth employment and high need disconnected transitional-aged youth.

(5) The reauthorization of the Children and Youth Fund will enable the Department of Children, Youth and Their Families ("DCYF") to build on the previous success of the Fund

and strengthen DCYF's capacity for the future, while fostering innovation and improving transparency and accountability.

(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 *Charter* Section 16.108-1 (~~*"Oversight and Advisory Committee"*~~ *"CYF Commission"*).

*** * * ***

(h) **Baseline.** The Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for those services for children and Disconnected Transitional-Aged Youth that are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law). To this end, the City shall not reduce the amount of such City appropriations for eligible services (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) under this section below the amount so appropriated for the Fiscal Year 2000-2001 ("the base year") as set forth in the Controller's baseline budget, as adjusted ("the base amount" or "the Children and Youth Baseline").

The Controller shall calculate City appropriations made in fiscal year 2013-2014 for services for Disconnected Transitional-Aged Youth aged 18 through 24 years. Beginning with fiscal year 2014-2015, that amount shall be added to the base amount and adjusted as provided

below. The City shall not reduce the amount of such City appropriations for services for Disconnected Transitional-Aged Youth (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) under this section below the amount so appropriated for fiscal year 2013-2014, as adjusted.

The base amount shall be adjusted for each year after the base year by the Controller based on calculations consistent from year to year by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenues, the Controller shall only include revenues received by the City and County that are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. ~~*Additionally, in determining aggregate City and County discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020.*~~ Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year's estimate. Within 90 days following the end of each fiscal year through Fiscal Year 2040-2041, the Controller shall calculate and publish the actual amount of City appropriations for services for children and Disconnected Transitional-Aged Youth that would have been eligible to be paid from the Fund but are paid from other sources, separately identifying expenditures mandated by state or federal law.

(i) **Five-Year Planning Cycle.** The City shall appropriate monies from the Fund according to a five-year planning process *(the "Five-Year Planning Cycle")*. 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. *The first year of the Five-Year Planning Cycle shall be Fiscal Year 2026-2027. The Board of Supervisors may reset the starting year of a future Five-Year Planning Cycle at any time by ordinance.*

(1) **Year 1 – Community Needs Assessment.** During *the first year of each Five-Year Planning Cycle ("Year 1")*~~*fifth fiscal year beginning with Fiscal Year 2015-20162026-2027*~~, 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*, the ~~*Service Provider Working Group*~~ *Children, Youth, and Their Families Service Provider Advisory Council ("Service Provider Advisory Council")* created in *Charter* Section 16.108-1(e), *the Childcare Planning and Advisory Council*

established by Administrative Code Article XX, 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 ~~*Oversight and Advisory Committee and the*~~ *CYF Commission, the* Service Provider ~~*Working Group*~~ *Advisory Council, and the Childcare Planning and Advisory Council* 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 Department of Early Childhood,* the ~~*First Five*~~ *Children and Families First* Commission *or any successor body,* ~~*the Office of Early Care and Education (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, the Service Provider Advisory Council, the Childcare Planning and Advisory Council*, 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* shall provide input on, approve, or disapprove the CNA. If the ~~*Oversight and Advisory Committee*~~ *CYF Commission* 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 *of Supervisors* 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 *the second year of* *each* *Five-Year Planning Cycle following the CNA ("Year 2")* ~~*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 Department of Early Childhood,* the ~~*First Five*~~ *Children and Families First* Commission *or any successor body,* ~~*the Office of Early Care and Education (or any successor entity),*~~*the Childcare Planning and Advisory Council,* 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, 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% ~~*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*, ~~*and*~~ the Service Provider ~~*Working Group*~~ *Advisory Council, and the Childcare Planning and Advisory Council*. 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 Department of Early Childhood,* the ~~*First Five*~~ *Children and Families First* Commission *or any successor body,* ~~*the Office of Early Care and Education (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, the Service Provider Advisory Council, the Childcare Planning and Advisory Council,* 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* shall approve or disapprove the SAP. If the ~~*Oversight and Advisory Committee*~~ *CYF Commission* 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 *of Supervisors* 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* and the Board of Supervisors, may amend the SAP to address emerging needs.

(3) **Year 3 – Selection of Contractors.** During *the third year of each Five-Year Planning Cycle following the SAP ("Year 3")*~~*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.** *During the fourth year of each Five-Year Planning Cycle following the selection of contractors ("Year 4"), DCYF shall execute* ~~*C*~~*c*ontracts for services *with a*~~*shall start on*~~ July 1 *start date* ~~*of Year 4 of the planning cycle, beginning with Fiscal Year 2018-2019*~~. During subsequent years of the *Five Year* ~~*p*~~*P*lanning ~~*c*~~*C*ycle, DCYF, with the approval of the ~~*Oversight and Advisory Committee*~~ *CYF Commission*, 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* 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*. 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* 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.

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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. *The CYF Commission shall only have the responsibilities set forth in Charter Sections 16.108 and 16.108-1 and shall not otherwise exercise the powers and duties of boards and commissions set forth in Charter Section 4.102.*

(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*~~ *CYF Commission* 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 *for appointment*.

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

(5) 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 members for Seats 1 through 6. The Board of Supervisors shall appoint 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.*~~

~~*(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.*~~

(*ed*) **Service Provider** ~~***Working Group***~~ ***Advisory Council*****.** ~~*The CYF Commission Oversight and Advisory Committee shall create*~~ *There shall be* a *Children, Youth, and Their Families Service Provider Advisory Council* ~~*Service Provider Working Group*~~ ("~~*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*. All members of the ~~*Working Group*~~ *Advisory Council* shall be actively providing services to children, youth and their families. ~~*The Working Group shall be supported by DCYF staff,*~~ *DCYF shall provide or assist the Advisory Council in obtaining adequate administrative support. The Advisory Council* 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 and encourage widespread participation.*~~

SEC. 16.114. POWERS OF INQUIRY AND REVIEW.

The Mayor, the City Administrator, the Controller, or any board or commission appointed by the Mayor, relative solely to the affairs under its control, may require such periodic or special reports of departmental costs, operations and expenditures, examine the ~~*books, papers*~~*documents*, *data*, records and accounts of, and inquire into matters affecting the conduct of any department or office of the City and County, and for that purpose may hold hearings, subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. The Board of Supervisors shall have the same powers of inquiry and review, including the power to issue subpoenas and compel the production of evidence, with respect to matters affecting the conduct of any department or office of the City and County.

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 *(the "Plan")*, engaging in a Citywide Community Needs Assessment *("CCNA")* for children, youth, and families, and the Outcomes Framework described in *Charter* Section*s* *16.127-3 and* 16.127-~~9~~5, 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~~2. ~~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~~3. 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*~~*thrive*, 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 *Charter* Section 16.127-~~9~~5 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 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 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 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*~~ *During Year 1 of each Five-Year Planning Cycle described in Charter Section 16.108(i),* 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 *CCNA and* evolving needs of the community. ~~*No later than July 1, 2026, and every fifth year thereafter,*~~*During Year 2 of each Five-Year Planning Cycle described in Charter Section 16.108(i),* the ~~*Council*~~ *Initiative* shall prepare and adopt ~~*a Children and Families*~~ *the* 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,*~~ *During Year 3 of each Five-Year Planning Cycle described in Charter Section 16.108(i),* 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.

(i) ***Progress Report.*** *During Year 3 of each Five-Year Planning Cycle described in Charter Section 16.108(i), the Initiative shall report to the general public on the 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 Initiative's previously-adopted goals and priorities.*

(*j*) **Evaluation.** *Every five years, Following completion of each Five-Year Planning Cycle described in Charter Section 16.108(i) and before the end of Year 1 of the subsequent cycle,* the Controller shall review the *Council's Initiative's* operations and the Plan *from the preceding cycle*. 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 shall also report to the general public on the Council'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 previously-adopted goals and priorities.*

SEC. 16.127-*64*. OUR CHILDREN, OUR FAMILIES *COUNCIL INITIATIVE*; STAFFING.

(a) **Staffing Support.** Subject to the fiscal and budgetary provisions of the Charter, the City shall provide staff to the *Council Initiative* ("*Council Initiative* Staff") for administrative,

organizational, policy, and research support. Funding for ~~*Council*~~ *Initiative* 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,*~~ *Initiative,* ~~*Council*~~ *Initiative* Staff shall:

(1) Provide administrative, organizational, policy, planning, and research support to the ~~*Council*~~ *Initiative* 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*~~ *Initiative*, 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*~~ *Initiative* and ~~*Council*~~ *Initiative* Staff to perform these functions. Funding for administrative support for the ~~*Council*~~ *Initiative* 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*~~ *Initiative* 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~~5. RESPONSIBILITIES OF THE OUR CHILDREN, OUR FAMILIES INITIATIVE.

(a) **Citywide Community Needs Assessment.** *During Year 1 of each Five-Year Planning Cycle described in Charter Section 16.108(i), ~~T~~t*he Initiative shall assist *~~the Department of Children, Youth, and Their Families (~~"*DCYF*~~")~~* in developing *~~a Citywide Community Needs Assessment (~~"the* CCNA*~~")~~* for children, youth, and families. The CCNA shall supplement and expand upon the CNA described in *Charter* Section 16.108(i)(1), and the Initiative and its constituent departments, commissions, 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 Charter Section 16.108(i)(1).~~*

(b) **The San Francisco Children and Families Plan and Outcomes Framework.** *During Year 2 of each Five-Year Planning Cycle described in Charter Section 16.108(i), ~~T~~t*he Initiative shall *~~support the Council in~~* craft*~~ing~~* the Plan and Outcomes Framework described in *Charter* Section 16.127-~~5~~3 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 the 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-~~10~~6. BUDGET REVIEW PROCESS.

(a) **Outcomes Framework Analysis.** ~~*By January 1, 2028 and at least once every five years thereafter in alignment with the beginning*~~ *During Year 3* of ~~*the*~~ *each* Five-Year Planning Cycle described in *Charter* Section 16.108(i), the Initiative, in consultation with the Controller, shall develop a policy to help the Initiative evaluate whether the following types of expenditures are consistent with the Outcomes Framework: (1) expenditures that are included in, or are eligible to be included in, the Children and Youth Fund Baseline described in *Charter* Section 16.108(h), and (2) expenditures from the Public Education Enrichment Fund ("PEEF") and the annual PEEF Baseline appropriation ("PEEF Baseline") described in *Charter* Section 16.123-2.

(b) **Budget Review and Approval for Proposed Appropriations in the Children and Youth Baseline, Public Education Enrichment Fund, and Public Education Enrichment Fund Annual Baseline Appropriations.**

(1) ~~*By February 21 each year, b*~~*B*eginning in *Year 1 of the first Five-Year Planning Cycle described in Charter Section 16.108(i)*~~*2026*~~, *and annually thereafter*, each City department

that anticipates expending funds for eligible services in the Children and Youth Fund Baseline, the PEEF, or the PEEF Baseline in the subsequent fiscal year shall submit a written report ~~*with its*~~*explaining how its* anticipated expenditures *align to the most recent Outcomes Framework and Plan* to the Initiative for review *within two weeks of submitting their budget to the Controller as described in the Administrative Code*. The Initiative may request that City departments provide additional reports on expenditures as the Initiative deems necessary.

(2) Beginning in ~~*Fiscal*~~ Year *3 of the first Five-Year Planning Cycle described in Charter Section 16.108(i)*~~*2028-2029*~~, *and annually thereafter,* the Initiative shall review and determine whether each department's proposed expenditures under subsection (b)(1) and SFUSD's annual report under *Charter* Section 16.123-6(d) are consistent with the *most recent* Plan and Outcomes Framework. The Initiative shall also review the department's and SFUSD's expenditures for eligible services in the Children and Youth Fund Baseline, the PEEF, or the PEEF Baseline for the current and prior fiscal year, if any, to determine whether those expenditures were consistent with the Outcomes Framework. ~~*By April 30 each year, t*~~*T*he Initiative shall provide a written report to the Mayor and Board of Supervisors evaluating whether each department's current and prior year expenditures were consistent with the Outcomes Framework and stating whether the department's proposed expenditures for the subsequent fiscal year are consistent with the Outcomes Framework. ~~*By April 30 each year, t*~~*T*he Initiative also shall provide a written report to the Mayor and the Board of Supervisors evaluating whether SFUSD's current and prior year expenditures were consistent with the Outcomes Framework and stating whether SFUSD's proposed expenditures for the subsequent fiscal year are consistent with the Outcomes Framework.

(3) In preparing the biennial budget under Article IX of this Charter, the Mayor shall consider the Initiative's written report. In its evaluation of the proposed biennial budget, the Board of Supervisors also shall consider the Initiative's written report and shall hold a public

hearing on the Initiative's report before finally approving the budget. The Initiative may provide an addendum or update to the report based on new information it receives following its initial report regarding the budget.

(4) By no later than the date of final enactment of the biennial budget, beginning with the biennial budget for ~~*Fiscal Year 2029-2030*~~*Year 4 of the first Five-Year Planning Cycle described in Charter Section 16.108(i), and annually thereafter,* the Board of Supervisors shall, by resolution, find that all anticipated expenditures for services in the Children and Youth Fund Baseline and City department and SFUSD expenditures under the PEEF and the PEEF Baseline in the biennial budget are, on balance, consistent with the Outcomes Framework, or that specified expenditures are not consistent with the Outcomes Framework but otherwise serve an overriding public purpose.

(c) The Board of Supervisors by ordinance may modify the deadlines in this *Charter* Section 16.127-~~*10*~~*6*.

(d) For purposes of *Charter* Section 16.127-~~*10*~~*6*(b)(2), the Controller and the Board of Supervisors' Budget Analyst shall jointly be responsible for approving the final determinations and reports of the Initiative. The Board of Supervisors by ordinance may designate a different City entity to perform the duties of the Initiative for the purposes of that subsection.

SEC. 16.127-~~*11*~~*7*. OUR CHILDREN, OUR FAMILIES INITIATIVE; GENERAL FUND EXPENDITURES.

(a) ~~*No later than February 21 of each year, b*~~*B*eginning in *Year 1 of the first Five-Year Planning Cycle described in Charter Section 16.108(i)*~~*2026*~~*, and annually thereafter,* each City department that anticipates expending funds from the City's General Fund to procure or otherwise support any services related to children and youth in the subsequent fiscal year, other than funds for eligible services in the Children and Youth Fund Baseline, the PEEF, or PEEF

Baseline, shall submit to the Initiative a written report describing its anticipated expenditures *within two weeks of submitting their budget to the Controller as described in the Administrative Code*. Beginning in ~~*Fiscal*~~ Year *3 of the first Five-Year Planning Cycle described in Charter Section 16.108(i)*~~*2028-2029*~~, *and annually thereafter,* the Initiative may evaluate whether the anticipated expenditures are consistent with the *most recent* Plan and Outcomes Framework, and may provide a written report to the Mayor and Board of Supervisors detailing the expenditures that it has concluded are consistent with the *most recent* Plan and Outcomes Framework and the expenditures that it has concluded are inconsistent with the *most recent* Plan or Outcomes Framework and the reasons for such conclusions.

(b) The Board of Supervisors by ordinance may modify the deadlines and the reporting requirements in this *Charter* Section 16.127-~~*11*~~*7*.

~~***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 to *(1)* 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*~~ *Council or Successor*, ~~*the Service Provider Working Group created in Section 16.128-11(e),*~~ the Disability and Aging Services Commission, and the Board of Supervisors. 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*~~ *Council or Successor* ~~*and the Service Provider Working Group*~~ for review. DAAS shall also provide the draft CNA to interested City departments and commissions, including but not limited to the Disability and Aging Services Commission, 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 Commission, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission. 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 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 of Successor*, the public, or the agencies that received copies of the draft CNA. The Disability and Aging Services Commission 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 shall provide input on and approve or disapprove the CNA. If the Disability and Aging Services Commission 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 commissions, including but not limited to the Disability and Aging Services Commission, 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. 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 *DAAS* ~~*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*.

(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) *Pursuant to federal regulations, 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. *Members of the Council shall be compensated in the same manner as members of the Commission for the Council meetings and Commission committee meetings at which they serve.*

(5) The Council, together with DAAS, shall solicit feedback from service providers who provide services to seniors, adults with disabilities, and their caregivers, and shall make this feedback available to DAAS and any other departments receiving monies from the Fund for consideration in conjunction with department planning.

(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 three 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 social and economic need, people with disabilities, consumers, and others specified by federal regulation. The 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) 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 January 1, 2027, 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.

(a) The principles stated in subsection (e) of this Section 16.130 constitute the Privacy First Policy of the City and County of San Francisco ("City") and are intended to provide

guidance to the City when considering the adoption of privacy-protective laws, regulations, policies, and practices for the City; the City's contractors, lessees, and grantees; third parties receiving permits, licenses, or other entitlements from the City; and persons (including businesses and other entities) within the regulatory authority of the City.

* * * *

(g) No less frequently than every ~~*three*~~ *five* years following the submission under subsection (f) of the City Administrator's proposed ordinance, the City Administrator shall provide to the Board of Supervisors and the Mayor a written report describing the City's implementation of the Privacy First Policy; describing new dimensions of collecting, storing, sharing, and using Personal Information that may present a threat to privacy; and making such recommendations as the City Administrator deems appropriate, including but not limited to recommendations to adopt or amend ordinances regarding the collection, storage, sharing, or use of Personal Information.

* * * *

ARTICLE XVIII: TRANSITION PROVISIONS

SEC. 18.100. EFFECTIVE DATE OF THIS ARTICLE XVIII.

This Article XVIII shall take effect upon the filing of this Charter with the Secretary of State of the State of California. ~~*This Article, and each individual section, shall expire and go out of existence when the last act, required to be done in this Article, or individual section, has been completed; and, thereafter, the Clerk of the Board of Supervisors shall secure its removal from the next printing of this Charter.*~~

~~*SEC. 18.104. TRANSFER OF FUNCTIONS, POWERS AND DUTIES.*~~

~~*On the operative date of this Charter, all offices, agencies and departments of the City and County then in existence under the Charter of 1932 shall continue to perform their functions, exercise their authority and fulfill their responsibilities, as they existed immediately before this Charter's becoming operative subject to the provisions of this Article. Not later than 90 days after the operative date of this Charter, each such office, agency and department for which this Charter does not provide shall cease to exist, and its functions, powers and duties shall be transferred to the appropriate governmental unit created by this Charter or under the authority of this Charter. The Board of Supervisors and the Mayor shall take all action necessary to provide for the orderly transfer of functions, authority and responsibility on or before the date of such transfer.*~~

~~***SEC. 18.109. EXEMPT POSITIONS.***~~

~~*The Board of Supervisors and the Mayor, through the budget for the fiscal year ending June 30, 1996, shall designate the positions exempt from civil service, within the categories provided in Article X of this Charter.*~~

~~***SEC. 18.110. PROVISIONAL APPOINTMENTS.***~~

~~*Unless their appointments are renewed pursuant to the provisions of Section 10.105, the employment of all provisional employees, appointed under the Charter of 1932, whose appointment does not meet the provisions of this Charter, shall be terminated within three years of the operative date of this Charter in accordance with the rules and regulations governing layoffs. Such provisional employees may qualify for certification as eligibles under rules and regulations expressly authorized by civil service rules approved by the Board of Supervisors. Such rules may establish special credit for civil service examinations for years of service or,*~~

~~*through other methods, recognize the service of such employees who have held such employment for more than six months at the operative date of this Charter.*~~

~~***SEC. 18.112. PREPARATION AND INDEXING OF THIS CHARTER.***~~

~~*The City Attorney shall correct typographical errors and prepare an index prior to the operative date and publication of this Charter.*~~

~~***SEC. 18.113. MISSION-DRIVEN BUDGET PHASE-IN.***~~

~~*The mission-driven budget process shall be phased in over a three-year period with the Mayor identifying for each of the three years approximately one-third of the City departments that shall thenceforth be required to comply with the requirements of Sections 9.114, 9.115 and 9.116.*~~

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

(a) On January 1, 2027, Charter Sections 4.111, 4.120, 4.121(f), 8B.123(b), 8B.125(c), 9.114, 9.115, 9.116, 16.107(i), 16.128-11, and F1.108, shall be deemed removed from the Charter, enacted into ordinance, and placed in the Administrative Code. The City Attorney is authorized and directed to determine where in the Administrative Code the various sections shall be placed. In addition, the City Attorney.is authorized, but not required, to make textual changes that are entirely nonsubstantive in any of those sections in the process of their relocation to the Administrative Code, and may provide headings or subheadings to those sections as appropriate.

(b) On January 1, 2027, Charter Section 8A.111 (Municipal Transportation Agency Citizens' Advisory Council), as amended above, shall be deemed removed from the Charter,

enacted into ordinance, and placed in a new Article 1300 of Division II of the Transportation Code entitled "Municipal Transportation Agency Citizens' Advisory Council."

(c) The City Attorney is authorized and directed to cause all cross-references in the Charter and Municipal Code to the Charter sections identified in subsections (a) and (b), to be updated to reflect the new section or subsection numbers for them in the Administrative Code.

(d) This sole purpose of this Section 18.116 is to move the Charter Sections identified in subsection (a) out of the Charter and into the Administrative Code, and the Charter Sections identified in subsection (b) out of the Charter and into the Transportation Code, and to enable these sections to be amended or deleted in the future consistent with the process for amending and deleting other Board of Supervisors-adopted provisions of the Administrative and Transportation Codes. This Section does not effect any other change in the substance or meaning of the various sections. Moving those sections from the Charter to the Administrative Code and Transportation Code is not to be considered a "reenactment" of those sections carrying any substantive significance.

A7.204 CONTRACTORS' WORKING CONDITIONS

Every contract for any public work or improvement to be performed at the expense of the City and County, or paid out of moneys deposited in the treasury, whether such work is to be done directly under contract awarded, or indirectly by or under subcontract, subpartnership, day labor, station work, piece work, or any other arrangement whatsoever, must provide:

* * * *

~~*(c) that any person performing labor in the execution of the contract shall be a citizen of the United States;*~~

(~~*d*~~*c*) that all laborers employed in the execution of any contract within the limits of the City and County shall have been residents of the City and County for a period of one year

immediately preceding the date of their engagements to perform labor thereunder; provided, however, that the officer empowered to award any such contract may, upon application of the contractor, waive such residence qualifications and issue a permit specifying the extent and terms of such waiver whenever the fact be established that the required number of laborers and mechanics possessing qualifications required by the work to be done cannot be engaged to perform labor thereunder.

* * * *

~~***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:*~~

~~*(a) As used in this section the word "strike" shall mean the willful failure to report for duty, the willful absence from one's position, any concerted stoppage or slowdown of work, any concerted interruption of operations or services by employees, or the willful abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the conditions of employment; provided, however, that nothing contained in this section shall be construed to limit, impair, or affect the right of any municipal employee to express or communicate a view, grievance, complaint, or opinion on any matter related to the conditions or compensation of municipal employment or their betterment, so long as the same is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment.*~~

~~*(b) No person holding a position by appointment or employment under the civil service provisions of this Charter, exclusive of uniformed members of the police and fire departments as provided under Section 8.345 of this Charter, which persons are hereinafter referred to as municipal employees, shall strike, nor shall any municipal employee cause, instigate, or afford leadership to a strike against the City and County of San Francisco. For the purposes of this section, any municipal employee who willfully fails to report for duty, is willfully absent from his or her position, willfully engages in a work stoppage or slowdown, willfully interrupts City operations or services, or in any way willfully abstains in whole or in part from the full, faithful, and proper performance of the duties of his or her employment because such municipal employee is "honoring" a strike by other municipal employees, shall be deemed to be on strike.*~~

~~*(c) No person exercising any authority, supervision, or direction over any municipal employee shall have the power to authorize, approve, or consent to a strike by any one or more municipal employees, and such person shall not authorize, approve, or consent to such strike. No officer, board, commission or committee of the City and County of San Francisco shall have the power to grant amnesty to any person who has violated any of the provisions of this section, and such officer or bodies shall not grant amnesty to any person who has violated any of the provisions of this section.*~~

~~*(d) Notwithstanding any other provision of law, a person violating any of the provisions of this section may subsequent to such violation be appointed or reappointed, employed or re-employed as a municipal employee of the City and County of San Francisco, but only on the following conditions:*~~

~~*(1) such person shall be appointed or reappointed, employed or re-employed as a new appointee or employee, who is appointed or employed in accordance with all Charter*~~

~~*provisions, ordinances, rules or regulations of said City and County in effect for new employees at the time of appointment, reappointment, employment or re-employment;*~~

~~*(2) the compensation of such person shall not be increased by virtue of any previous employment with said City and County.*~~

~~*(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) 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.*~~

~~*(j) The provisions of Sections 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) 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.*~~

~~***A8.409-6 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.*~~

A8.420 ESTABLISHMENT OF AND MEMBERSHIP IN HEALTH SERVICE SYSTEM

A health service system is hereby established. Said system shall be administered by the *Health Service System* ~~*human resources department*~~ subject to the approval of the ~~*h*~~*H*ealth ~~*s*~~*S*ervice ~~*b*~~*B*oard. The members of the system shall consist of all permanent employees, which shall include officers of the City and County, of the San Francisco Unified School District, ~~*and of the Parking Authority of the City and County of San Francisco*~~ and such other employees as may be determined by ordinance, subject to such conditions and qualifications as the Board of Supervisors may impose, and such employees as may be determined by collective bargaining agreement. Any employee who adheres to the faith or teachings of any recognized religious sect, denomination or organization and, in accordance with its creed, tenets or principles, depends for healing upon prayers in the practice of religion shall be exempt from the system upon filing annually with the human resources department an affidavit stating such adherence and dependence and disclaiming any benefits under the system. The *Health Service System* ~~*human resources department*~~ shall have the power to exempt any person whose compensation exceeds

the amount deemed sufficient for self coverage and any person who otherwise has provided for adequate medical care. Any claim or request for exemption denied by the *Health Service System* ~~*human resources department*~~ may be appealed to *H*~~*h*~~ealth *S*~~*s*~~ervice *B*~~*b*~~oard.

A8.423 REVISION OF SCHEDULES AND COMPENSATION

In January of each year, or at such other time consistent with the Plan Year set by the *H*~~*h*~~ealth *S*~~*s*~~ervice *B*~~*b*~~oard, ~~*or at such other time consistent with the Plan Year set by the Health Service Board,*~~ at a public hearing, the Health Service Board shall review and determine the adequacy of medical care provided for members of the system and the adequacy of fee schedules and the compensation paid for all services rendered and it may make such revisions therein as it deems equitable but such revisions shall not become effective until approved by ordinance of the Board of Supervisors adopted by three-fourths of its members.

Commencing in 1973, the Health Service Board shall, prior to the second Monday in January in each year, or at such other time consistent with the Plan Year set by the Health Service Board, conduct a survey of the 10 counties in the State of California, other than the City and County of San Francisco, having the largest populations to determine the average contribution made by each such county toward the providing of health care plans, exclusive of dental care, for each employee of such county. The Health Service Board may promulgate rules and regulations for the survey to allow for unavoidable gaps in survey data and to insure a consistent methodology from year to year. In accordance with said survey, the Health Service Board shall determine the average contribution made with respect to each employee by said 10 counties toward the health care plans provided for their employees and on or before the second Monday in January of each year, or at such other time consistent with the Plan Year set by the Health Service Board, the Health Service Board shall certify to the Board of Supervisors the

amount of such average contribution. For the purposes of Section A8.428, the amount of such average contribution shall be "the average contribution."

The Health Service Board shall have the responsibility to obtain and disseminate information to its members with regard to plan benefits and costs thereof. All expenses in connection with obtaining and disseminating said information, the investment of such fund or funds as may be established, including travel and transportation costs, member wellness programs, actuarial expenses and expenses incurred to reduce health care costs, shall be borne by the system from reserves in the health service fund but only upon adoption of a resolution by the Health Service Board approving such expenses.

A8.425 PERSONS COVERED

Each plan may make provision for the participation in the benefits of the system by the dependents of members, retired City and County employees, temporary City and County employees, such other dependents of deceased and retired City and County employees as the Board of Supervisors may authorize by ordinance, teachers and other employees of the San Francisco Unified School District retired under the San Francisco City and County Employees' Retirement System and resigned employees of the City and County and resigned teachers and employees of the school district whose resignations occur after June 15, 1955, and within 30 days immediately prior to the date on which, but for their resignations, they would have become retired members of the said Retirement System, on whose relinquishment of retirement allowances as permitted by the Charter occurs after such date and resigned employees of the San Francisco Unified School District not otherwise included. A resigned employee or teacher is one whose employment has terminated other than by retirement, discharge or death or who has relinquished retirement allowances. The purpose of empowering the ~~h~~H<u>H</u>ealth ~~s~~<u>S</u>ervice ~~b~~<u>B</u>oard to make provision for the participation in the benefits of the system to the aforementioned resigned

teachers and employees of the San Francisco Unified School District is to enable them, subject to the ~~h~~Health ~~s~~Service ~~b~~Board's exercise of its power, to participate in the benefits of the system after transferring to the State Teachers' Retirement System from the San Francisco City and County Employees' Retirement System. The purpose of empowering the ~~h~~Health ~~s~~Service ~~b~~Board to make provision for participation in the benefits of the system by the aforementioned resigned employees of the City and County and other resigned employees of San Francisco Unified School District is to permit the ~~h~~Health ~~s~~Service ~~b~~Board to have power to treat them the same as it treats resigned teachers and employees of the San Francisco Unified School District.

~~*As used in this section, and for the purpose of this section, the terms "City and County employees" and "employees of the City and County" shall include officers and employees of the Parking Authority of the City and County of San Francisco.*~~

In addition to "the average contributions" in Subsection (b) of Section A8.428, the Board of Supervisors may provide by ordinance for additional funds from the City and County to pay the full cost of any plan for medical benefits adopted under Sections A8.422 or A8.423 for current members of the Board of Supervisors. The Board of Supervisors may also provide by ordinance for the continuation in any plan by former supervisors who agree to and do pay the full cost of such benefit.

A8.428 HEALTH SERVICE SYSTEM TRUST FUND

There is hereby created a health service system trust fund. The costs of the health service system shall be borne by the members of the system and Retired Persons, the City and County of San Francisco because of its members and Retired Persons, ~~*the Parking Authority of the City and County of San Francisco because of its members and Retired Persons,*~~ the San Francisco Unified School District because of its members and Retired Persons, and the San Francisco Community College District because of its members and Retired Persons.

* * * *

(b) **Employer Contributions.**

The City and County, the School District and the Community College District shall each contribute to the health service fund amounts sufficient for the following purposes, and subject to the following limitations:

(1) All funds necessary to efficiently administer the health service system.

(2) The City and County, the School, District and the Community College District shall contribute to the health service system fund with respect to each of their members an amount equal to the lesser of "the average contribution," as certified by the ~~h~~H<u></u>ealth ~~s~~S<u></u>ervice ~~b~~B<u></u>oard in accordance with the provisions of Section A8.423, or the cost of the plan selected by the member.

* * * *

(5) **Retired Employees Who Were Hired on or After January 10, 2009 - Categories of Employees Eligible for 50%-75% Employer Contribution.**

For Retired Persons identified in A8.428 Subsections (a)(4), (a)(5) and (a)(6), the Employers shall contribute:

(i) 50% ~~percent~~ of the employer contribution established in A8.428 Subsection (b)(3) for a Retired Employee who was Hired on or After January 10, 2009, with, at least 10 but less than 15 years of Credited Service with the Employers: their surviving spouses or surviving domestic partners: and the surviving spouses or surviving domestic partners of active employees hired on or after January 10, 2009, with at least 10 but less than 15 years of Credited Service with the Employers; and

(ii) 75% ~~percent~~ of the employer contribution established in A8.428 Subsection (b)(3) for a Retired Employee who was Hired on or After January 10, 2009, with at least 15 but

less than 20 years of Credited Service with the Employers; their surviving spouses or surviving domestic partners; and the surviving spouses or surviving domestic partners of active employees hired, on or after January 10, 2009, with at least 15 but less than 20 years of Credited Service with the Employers.

(6) **Retired Employees Who Were Hired on or After January 10, 2009 - Categories of Employees Eligible for Access to Retiree Medical Benefits Coverage.**

An employee hired on or after January 10, 2009, and retired under the Retirement System or PERS with five (5) or more years Credited Service with the Employers, shall be eligible to receive health benefits as a member of the health service system, provided that he or she makes monthly contributions equal to ~~*one hundred percent, (*~~100%~~)~~ of the total premiums for health coverage as established by the Health, Service Board, including the total cost for dependent coverage. At such time as he or she becomes eligible to receive benefits under A8.428 Subsection (a)(4), the Employers shall contribute the amounts established in A8.428 Subsections (b)(4), (b)(5), and (c), as applicable.

* * * *

A8.429 CONTRIBUTIONS TO FUND

The ~~h~~*H*ealth ~~s~~*S*ervice ~~b~~*B*oard shall determine and certify to the ~~c~~*C*ontroller the amount to be paid monthly by the members of the system to the health service system fund for the purposes of the system hereby created. The ~~c~~*C*ontroller shall deduct said sums from the compensation of the members and shall deposit the same with the ~~t~~*T*reasurer of the City and County to the credit of the health service system fund.

Such deductions shall not be deemed to be a reduction of compensation under any provision of this Charter.

The ~~h~~*H*ealth ~~s~~*S*ervice ~~b~~*B*oard shall have control of the administration and investment of the health service system fund, provided that all investments shall be of the character legal for insurance companies in California. Disbursements from the fund shall be made only upon audit by the ~~c~~*C*ontroller and the ~~c~~*C*ontroller shall have and exercise the accounting and auditing powers over the health service system fund which are vested in ~~*him*~~ *the Controller* by this Charter with respect to all other municipal boards, officers, and commissions.

~~***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.*~~

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

(a) In addition to the other duties prescribed by this Charter, the Controller shall perform the duties of a City Services Auditor, responsible for monitoring the level and effectiveness of services provided by the government of the City and County of San Francisco to the people of San Francisco. The City Services Auditor shall establish and maintain a Services Audit Unit in the Controller's Office to ensure the financial integrity and improve the overall performance and efficiency of City government. The Services Audit Unit shall review performance and cost benchmarks developed by City departments in consultation with the Controller and based on their departmental efficiency plans under Chapter 88 of the Administrative Code, and conduct comparisons of the cost and performance of San Francisco

City government with other cities, counties, and public agencies performing similar functions.

The City Services Auditor will evaluate the City's major service areas.~~*In particular, the Services Audit Unit shall assess:*~~

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

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

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

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

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

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

~~*(3) Parks, cultural, and recreational facilities;*~~

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

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

~~*(6) Fire and paramedic services;*~~

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

~~*(8) City management; and,*~~

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

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

F1.102. STREET, SIDEWALK, AND PARK CLEANING AND MAINTENANCE.

(a) The Services Audit Unit shall conduct ~~*annually*~~ a performance audit of the City's street, sidewalk, and public park maintenance and cleaning operations *once every five years*. The ~~*annual*~~ audit shall:

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

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

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

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

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

(b) In addition, all City agencies engaged in street, sidewalk, or park maintenance shall establish regular maintenance schedules for streets, sidewalks, parks and park facilities,

which shall be available to the public and on the department's website. Each such department shall monitor compliance with these schedules, and shall publish regularly data showing the extent to which the department has met its published schedules. The City Services Audit Unit shall ~~*audit each department's compliance with these requirements annually, and shall*~~ furnish recommendations for meaningful ways in which information regarding the timing, amount and kind of services provided may be gathered and furnished to the public.

F1.103. MANAGEMENT PRACTICES.

The City Services Audit Unit shall *conduct analyses of the City's management and employment practices.*~~:~~

~~*(1) Conduct and publish an annual review of management and employment practices, including City policies and MOU provisions, that either promote or impede the effective and efficient operation of City government;*~~

~~*(2) Identify the top five City departments by workers compensation claims, list the cost of these claims, and recommend ways to reduce both workplace injuries and improper claims;*~~

~~*(3) Identify the top five departments by overtime expenditures and report on the cause and potential mitigations for any excessive overtime spending; and,*~~

~~*(4) Conduct best practices reviews and other studies and assist departments in implementing their findings.*~~

F1.104. PERFORMANCE AUDITS.

The City Services Audit Unit shall conduct periodic, comprehensive financial and performance audits of City departments, services, and activities. Except as provided in Section F1.102, the Controller shall have discretion to select, on a rotating basis, departments, services, and activities for audit, giving priority to matters affecting direct services to the residents of the

City and County of San Francisco. In selecting audit subjects, the Controller shall ~~*give preference to*~~*consider* requests for performance audits made by the Audit Review Board, the Mayor, the Board of Supervisors, department heads, and commissions~~*; provided, however, that absent extraordinary circumstances, no department, activity, or service shall be subject to repeated audits in two successive years*~~.

F1.105. AUDIT RESULTS.

(a) Before making public any portion of any draft, notes, preliminary or final report relating to the operations or activities of a City officer or agency, the Controller shall deliver a copy of the draft report to any such officer, and to the head of any agency discussed in such report and provide the officer and agency, in writing, with a reasonable deadline for their review and response. The Controller shall include in any report, or portion thereof that is made public, a copy or summary of all such officer and agency responses. In addition, the audit shall include an analysis of the anticipated costs and/or savings of any recommendations contained in the report.

(b) The Controller shall publish the results of all final performance audits and a summary of agency responses, shall deliver copies of such audits to relevant department heads, Audit Review Board, Mayor, City Attorney, Board of Supervisors, San Francisco Civil Grand Jury, and San Francisco Public Library, and shall make the audits available on the City's website. Each department subject to recommendations by the Controller shall include with its next two annual budget requests following such audit a report on the status of the Controller's recommendations. In particular, the report shall include:

(1) the Controller's final audit recommendations;

(2) a plan to address the Controller's findings and to implement the Controller's recommendations;

(3) any costs or savings reflected in the proposed budget attributable to implementation of Controller recommendations; and

(4) a statement of the recommendations that the department does not intend to implement and the basis of the department head's determination not to adopt the Controller's recommendation.

~~*(c) To avoid conflicts of interest, all employees engaged in preparation of audits shall be designated as confidential employees. If the Controller determines that any member of the regular audit staff is unable to participate in an audit due to a potential conflict of interest, or as a result of the employee's collective bargaining representation, the Controller shall have the option of assigning other employees regardless of civil service job description, hiring outside experts, or contracting for such services with an outside individual or agency.*~~

F1.106. OVERSIGHT OF CONTRACTING PROCEDURES.

The Controller shall have the ~~*duty*~~*authority* to perform regular oversight of the City's contracting procedures, including ~~*developing model criteria and terms for City Requests for Proposals (RFPs), and*~~ *assessing and* auditing compliance with City contracting rules and procedures. Where appropriate, the Inspector General shall investigate cases of alleged abuse or conflict of interest. Should the Inspector General find that there has been an abuse or conflict of interest, the Inspector General shall refer that finding to the Ethics Commission, the District Attorney, and the City Attorney for possible enforcement action. Nothing in this Section F1.106 shall be construed to alter the existing jurisdiction of City departments and agencies with respect to contracting.

F1.108. CUSTOMER SERVICE PLANS.

The Controller shall assess the progress of City departments' compliance with Charter Section 16.120 and any implementing ordinances requiring City departments to prepare effective customer service plans. The Controller shall make recommendations to departments to improve the effectiveness of such plans. The Controller shall report to the Board of Supervisors and Mayor the failure of any department to comply substantially with the Controller's recommendations regarding customer service plans.

As set forth in Section 18.116 of this Charter, this Section F1.108 shall be deemed enacted into ordinance on January 1, 2027, and the City Attorney shall transfer the section to the Administrative Code. Thereafter, Section F1.108 (as enacted into ordinance) may be amended or repealed by ordinance.

Section 2. In enacting this measure together with the measure titled "Strengthening Executive Branch Accountability," the measure titled "Modernizing City Contracting," and/or the measure titled "Fix Our Broken Ballot Process," the qualified voters of the City and County intend as follows:

(1) All provisions of this measure shall be read to harmonize with all provisions of the other enacted measure or measures, regardless of which of these measures receives more votes. When multiple of these measures amend the same Charter sections, the voters intend that all textual changes be effective, integrated, and read together, to the extent possible. When multiple of these measures make textual changes in the same sentence, the voters intend that all of the textual changes from the multiple measures be effective, integrated, and read together, to the extent possible. This means that where multiple measures add new text to different parts of the same sentence, all of the new text from the multiple measures shall be effective, integrated, and read together, to the extent possible. When one measure deletes an entire section or subsection that another measure amends, the voters intend that the section or subsection be deleted, and that

any renumbering resulting from the deletion be incorporated. In each of these cases, there is no conflict.

(2) The following specific instances of overlap between or among measures shall be reconciled as follows, should the voters enact multiple overlapping measures:

(a) In Section 8B.120, if this measure is enacted and the measure titled "Modernizing City Contracting" is also enacted, the entire text of 8B.120 as amended in this measure shall prevail.

(b) In Section 15.105, if this measure is enacted and the measure titled "Strengthening Executive Branch Accountability" is also enacted, the addition of "the Health Service Board, the Retirement Board, and the Retiree Health Care Trust Fund Board" in the title and text of subsection (b) as reflected in this measure shall be effective, integrated, and read together with the additions and deletions in the measure titled "Strengthening Executive Branch Accountability." In case of an actual conflict in Section 15.105, the measure titled "Strengthening Executive Branch Accountability" shall prevail.

(3) If this measure is enacted and the measure titled "Modernizing City Contracting" is also enacted, the following language shall be added as subsection (b)(9) of Section 3.104, to read as follows:

(b)(9) Conduct long-term real estate strategic planning and negotiate and manage acquisitions, leases, and conveyances of real property owned or controlled by, or for the use of, the City and County of San Francisco. The City Administrator's authority under the previous sentence shall be subject to Charter Section 9.118, shall only apply to the extent consistent with applicable law and Charter provisions, and shall not apply to the Airport, the Port, the Public Utilities Commission, or the Municipal Transportation Agency.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Sarah Crowley
SARAH CROWLEY
Deputy City Attorney