

File No. 130582

Committee Item No. 2

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date September 19, 2013

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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- Budget and Legislative Analyst Report
- Youth Commission Report
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- Department/Agency Cover Letter and/or Report
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OTHER (Use back side if additional space is needed)

- California Streets and Highways Code Section 2006
- Notice of Public Hearing
- \_\_\_\_\_
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Completed by: Linda Wong Date September 16, 2013

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Appointment, Road Commissioner - Mohammed Nuru]

2

3 **Ordinance appointing Mohammed Nuru, Director of the Department of Public Works, as**  
4 **Road Commissioner for the City and County of San Francisco; repealing Ordinance No.**  
5 **160-10.**

6 NOTE: Additions are *single-underline italics Times New Roman*;  
7 deletions are ~~*strike-through italics Times New Roman*~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~striketrough-normal~~.

9

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. After a duly noticed public hearing and deliberation by the Board of  
12 Supervisors, as required by Section 2006 of the California Streets and Highways Code, and  
13 due to the resignation of Edward D. Reiskin, previous Director of the Department of Public  
14 Works, the Board hereby finds that it is in the interest of economy and efficiency to appoint the  
15 current Director of the Department of Public Works to serve as Road Commissioner, and  
16 hereby further finds that the said Director is qualified and competent to handle the road and  
17 highway work of the City and County of San Francisco.

18 Section 2. The Board of Supervisors hereby appoints Mohammed Nuru, Director of the  
19 Department of Public Works, to serve as Road Commissioner for the City and County of San  
20 Francisco.

21 Section 3. Ordinance No. 160-10, a copy of which is on file with the Clerk of the Board  
22 of Supervisors in File No. 100584, appointing Edward D. Reiskin, previous Director of Public  
23 Works, to serve as Road Commissioner for the City and County of San Francisco is hereby  
24 repealed.

25

1 Section 4. Effective Date. This ordinance shall become effective 30 days from the  
2 date of passage.

3  
4 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

5 By:   
6 John D. Malamut  
7 Deputy City Attorney

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# STREETS AND HIGHWAYS CODE

## SECTION 2004.5-2010

2006. (a) The board of supervisors of each county shall appoint a single road commissioner for all road districts in the county. Every person who is appointed road commissioner after December 31, 1965, shall be a registered civil engineer. However, the City and County of San Francisco may appoint a person road commissioner who is not a registered civil engineer. Any person appointed road commissioner on or before December 31, 1965, need not be a registered civil engineer if he or she is approved by the board of supervisors as qualified and competent to handle the road and highway work of the county. Any person who is a road commissioner in any county on December 31, 1965, need not be a registered civil engineer to be appointed road commissioner of another county after December 31, 1965. After October 1, 1952, no person shall be appointed road commissioner until the board of supervisors holds a public hearing on the qualifications of the candidate or candidates for the position of road commissioner. At least 14 days but not more than 30 days prior to the hearing, notice of the hearing shall be posted at the county courthouse and published at least once in a newspaper of general circulation in the county. Nothing in this section precludes one person from serving two or more counties. An elective county official shall not be appointed road commissioner after October 1, 1952, unless the official is holding the position of road commissioner on that date. The road commissioner is, at all times, under the direction and supervision of the board of supervisors but may be dismissed, after a hearing, only upon a majority vote of the board. This subdivision does not apply in chartered counties whose charter requires the county surveyor to perform the duties of, or exercise the powers conferred by law on, the road commissioner.

(b) Each county shall furnish evidence to the Controller that it has complied with this section.

(c) Neither the Controller nor any other state officer shall make any allocations or payments to any county from the Highway Users Tax Account in the Transportation Tax Fund until the county has complied with the requirements of this section; except that, if a vacancy occurs in the office of road commissioner of a county, the allocations or payments to the county shall not be suspended pursuant to this section unless the county has not appointed a new road commissioner in accordance with this section within 180 days from the date the vacancy first occurred.

(d) The 180-day time limit is contingent on the condition that there be a qualified acting road commissioner functioning during the interim period under direct appointment by the board of supervisors.

BOARD of SUPERVISORS



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

**NOTICE OF PUBLIC HEARING**  
**BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**  
**RULES COMMITTEE**

NOTICE IS HEREBY GIVEN THAT the Rules Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:


**Date:** Thursday, September 19, 2013

**Time:** 1:30 p.m.

**Location:** Room 263, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** Public Hearing on the qualifications of the candidate or candidates for the position of Road Commissioner and consider approving File No. 130582, an Ordinance appointing Mohammed Nuru, Director of the Department of Public Works, as Road Commissioner for the City and County of San Francisco pursuant to the provisions of Section 2006 of the California Streets and Highways Code; and repealing Ordinance No. 160-10.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Monday, September 16, 2013.

  
Angela Calvillo, Clerk of the Board

DATED: August 22, 2013  
PUBLISHED/MAILED/POSTED: August 27, 2013

## Caldeira, Rick

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**From:** Megan Filly [MFilly@sftc.org]  
**Sent:** Monday, August 26, 2013 10:16 AM  
**To:** Caldeira, Rick  
**Subject:** RE: Notice of Public Hearing

Hi Rick,

I have posted the Public Notice at Civic Center Courthouse and will leave it up until September 19<sup>th</sup>.

Thanks,  
Megan

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**From:** Caldeira, Rick [mailto:rick.caldeira@sfgov.org]  
**Sent:** Friday, August 23, 2013 1:09 PM  
**To:** Megan Filly  
**Subject:** FW: Notice of Public Hearing  
**Importance:** High

Megan,

Thank you for your call, please find attached Notice of Public Hearing. Please send me a confirmation e-mail when it has been posted. Please note that the notice should remain posted until September 19, 2013.

Regards,

**Rick Caldeira, MMC**  
**Legislative Deputy Director**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-7711 | Fax: (415) 554-5163  
[rick.caldeira@sfgov.org](mailto:rick.caldeira@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.  
<http://www.sfbos.org/index.aspx?page=104>

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**From:** Caldeira, Rick  
**Sent:** Friday, August 23, 2013 8:52 AM  
**To:** 'leino@sftc.org'  
**Subject:** Notice of Public Hearing  
**Importance:** High

Ms. Leino,

I need to have this notice posted at the County Courthouse, pursuant to California Streets and Highways Code, Section 2004.5-2010. Specifically the code states:

"...at least 14 days but not more than 30 days prior to the hearing, notice of the hearing shall be posted at the county courthouse..."

The public hearing is scheduled at the Rules Committee of the Board of Supervisors on Thursday, September 19, 2013. Therefore, we would like this posted by next Tuesday, August 27, 2013. Please contact me and let me know how I need to proceed to get this notice posted.

Thank you for your attention to this matter,

**Rick Caldeira, MMC**  
**Legislative Deputy Director**

Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-7711 | Fax: (415) 554-5163  
[rick.caldeira@sfgov.org](mailto:rick.caldeira@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.  
<http://www.sfbos.org/index.aspx?page=104>

1 [Appointing Road Commissioner]

2  
3 **Ordinance appointing Edward D. Reiskin, Director of the Department of Public Works,**  
4 **as Road Commissioner for the City and County of San Francisco, and repealing**  
5 **Ordinance 63-07.**

6 Note: Additions are single-underline italics Times New Roman;  
7 deletions are ~~strikethrough italics Times New Roman~~.  
8 Board amendment additions are double underlined.  
9 Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

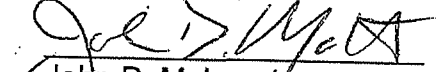
11 Section 1. After a duly noticed public hearing, as required by Section 2006 of the  
12 California Streets and Highways Code, and due to the resignation of Fred V. Abadi, Ph.D.,  
13 previous Director of the Department of Public Works, this Board of Supervisors hereby finds  
14 that it is in the public interest of the City and County to appoint the current Director of the  
15 Department of Public Works to serve as Road Commissioner, and hereby further finds that  
16 the said Director is qualified and competent to handle the road and highway work of the City  
17 and County of San Francisco.

18 Section 2. The Board of Supervisors hereby appoints Edward D. Reiskin, Director of  
19 the Department of Public Works, to serve as Road Commissioner for the City and County of  
20 San Francisco.

21 Section 3. Ordinance No. 63-07, a copy of which is on file with the Clerk of the Board  
22 of Supervisors in File No. 070076, appointing Fred V. Abadi, Ph.D., previous Director of Public  
23 Works, to serve as Road Commissioner for the City and County of San Francisco, is hereby  
24 repealed.



1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

3 By:   
4 John D. Malamut  
5 Deputy City Attorney

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City and County of San Francisco

Tails  
Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 100584

Date Passed: June 22, 2010

Ordinance appointing Edward D. Reiskin, Director of the Department of Public Works, as Road Commissioner for the City and County of San Francisco, and repealing Ordinance 63-07.

June 15, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi

June 22, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 1 - Alioto-Pier

File No. 100584

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/22/2010 by the Board of Supervisors of the City and County of San Francisco.

\_\_\_\_\_  
Mayor Gavin Newsom

\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

JUN 1, 2010  
\_\_\_\_\_  
Date Approved

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *Ed* Mayor Edwin M. Lee *JE*  
RE: Appointing the City and County of San Francisco Road Commissioner  
DATE: June 4, 2013

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Attached for introduction to the Board of Supervisors is the ordinance appointing Mohammed Nuru, Director of the Department of Public Works, as Road Commissioner for the City and County of San Francisco; repealing Ordinance No. 160-10.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 JUN -4 PM 2:32

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