


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

## MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller  
Steve Bruckman, General Counsel, SF Community College District

FROM:  Alisa Somera, Legislative Deputy Director  
Rules Committee

DATE: March 6, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by the Office of the Treasurer & Tax Collector on February 27, 2018:

**File No. 180171**

**Ordinance amending the Administrative Code to modify the composition of the Treasury Oversight Committee.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Todd Rydstrom, Office of the Controller  
Ronald Gerhard, SF Community College District

1 [Administrative Code - Treasury Oversight Committee]

2  
3 **Ordinance amending the Administrative Code to modify the composition of the**  
4 **Treasury Oversight Committee.**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
7 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
8 **Board amendment additions** are in double-underlined Arial font.  
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
10 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
11 subsections or parts of tables.

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

13 Section 1. The Administrative Code is hereby amended by renumbering Sections  
14 10.80-1 through 10.80-5 as Sections 5.9-1 through 5.9-5 respectively in Chapter 5, Article IX,  
15 and revising those Sections, to read as follows:

16 **ARTICLE IX:**

17 **TREASURY OVERSIGHT COMMITTEE**

18 **SEC. ~~10.80-1~~ 5.9-1. ESTABLISHMENT AND PURPOSE – TREASURY OVERSIGHT**  
19 **COMMITTEE.**

20 (a) **Establishment.** A Treasury Oversight Committee ("Committee") for the City and  
21 County of San Francisco (~~referred to hereafter in this Chapter as "Committee"~~) ("City") is hereby  
22 established as an advisory body to the Treasurer. The Committee shall consist of ~~five~~ seven  
23 members, ~~appointed as provided in Section 5.9-3. The members of the Committee shall be nominated~~  
24 ~~by the Treasurer and confirmed by and serve at the pleasure of the Board of Supervisors.~~

1 (b) **Purpose.** The Committee is established to involve depositors of funds into the City  
2 *and County* Treasury in reviewing the policies for investment of surplus funds that guide the  
3 management of their funds and to enhance the security and investment return on those funds  
4 by providing a more stable and predictable balance for investment by establishing criteria for  
5 the withdrawal of funds.

6 (c) **Limitation.** Nothing in this Article IX shall be construed to allow the Committee to direct  
7 individual decisions, select individual investment advisors, brokers, or dealers, or impinge on the day-  
8 to-day operations of the Treasurer.

9  
10 **SEC. ~~10.80-2~~ 5.9-2. TREASURY OVERSIGHT COMMITTEE – DUTIES.**

11 The duties of the Committee shall be the following:

12 (a) Review and monitor the investment policy described in California Government  
13 Code Section 27133 and annually prepared by the *County*-Treasurer; and

14 (b) Cause an annual audit to be conducted to determine the Treasurer's compliance  
15 with California Government Code Article 6 including Sections 27130 through 27137 and with  
16 the provisions of Article XIII of Chapter 10 of the Administrative Code ~~this ordinance~~. The audit may  
17 examine the structure of the investment portfolio and risk;

18 ~~(c) Nothing herein shall be construed to allow the Committee to direct individual decisions,~~  
19 ~~select individual investment advisors, brokers, or dealers, or impinge on the day-to-day operations of~~  
20 ~~the Treasurer.~~

21  
22 **SEC. ~~10.80-3~~ 5.9-3. TREASURY OVERSIGHT COMMITTEE – COMPOSITION.**

23 (a) **Composition of Committee.** Consistent with California Government Code Sections  
24 27130 et seq., ~~t~~The Committee shall consist of the following members, each of whom shall be  
25 nominated by the Treasurer and confirmed by the Board of Supervisors. ~~drawn from the following:~~

1                   (1) ~~The County Treasurer;~~

2                   ~~(21) The County Seat 1 shall be held by the Controller or the Controller's designee.;~~

3                   ~~(3) A representative appointed by the Board of Supervisors;~~

4                   (42) Seat 2 shall be held by the County Superintendent of Schools or his/her the  
5 Superintendent's designee. If at any time the Superintendent declines to serve on the Committee or to  
6 designate a person to serve, and the seat remains vacant for 60 days or longer, the Treasurer may  
7 nominate and the Board of Supervisors may appoint a new member to fill the seat.;

8                   (53) Seat 3 shall be held by the Chancellor of the Community College District or  
9 his/her the Chancellor's designee. If at any time the Chancellor declines to serve on the Committee  
10 or to designate a person to serve, and the seat remains vacant for 60 days or longer, the Treasurer may  
11 nominate and the Board of Supervisors may appoint a new member to fill the seat.;

12                   (4) Seats 4 and 5 shall be held by employees of City departments or local agencies  
13 that participate in the City's pooled fund under California Government Code Sections 53630 et seq., as  
14 those sections may be amended in the future.

15                   (65) Seats 6 and 7 shall be held by members of the public who:

16                   ~~(A) A majority of which shall~~ have expertise in, or an academic  
17 background in, public finance, and are economically diverse and bipartisan in political registration,  
18 nominated by the Treasurer and appointed by the Board of Supervisors.

19                   ~~(B) The combination of whom shall be economically diverse and bipartisan in~~  
20 political registration.

21                   **(b) Conditions for Membership.**

22                   (1) A Committee member ~~of the Committee~~ may not be employed by an entity that  
23 had contributed to ~~a reelection~~ an election campaign of the Treasurer or a member of the Board  
24 of Supervisors in the previous three years.

1 (2) A Committee member may not directly or indirectly raise money for the  
2 *County* Treasurer or a member of the Board of Supervisors while a member of the Committee.

3 (3) A Committee member may not secure employment with bond underwriters,  
4 bond counsel, security brokerages or dealers, or with financial services firms for three years  
5 after leaving the Committee.

6  
7 **SEC. ~~10.80-4~~ 5.9-4. ~~COUNTY~~ TREASURY OVERSIGHT COMMITTEE – TERM OF  
8 OFFICE.**

9 *(a)* Each member of the Committee shall serve for a term of four years.

10 *(b)* Members nominated by the Treasurer and appointed by the Board of Supervisors may be  
11 removed by the Board of Supervisors with the written concurrence of the Treasurer at any time.

12 *(c)* The terms of members serving on the Committee on the effective date of the ordinance in  
13 Board File No. \_\_\_\_\_ shall continue until their expiration.

14  
15 **SEC. ~~10.80-5~~ 5.9-5. ~~COUNTY~~ TREASURY OVERSIGHT COMMITTEE – COSTS.**

16 The cost of complying with the requirements of this ~~ordinance~~ Article IX, including the  
17 cost of establishing and maintaining the Committee and of the audit shall be County charges  
18 and may be included with those charges enumerated under California Government Code  
19 Section 27013.

20  
21 Section 2. Effective Date. This ordinance shall become effective 30 days after  
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
24 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the "Note" that appears under  
6 the official title of the ordinance.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By:



11 JON GIVNER  
12 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Administrative Code - Treasury Oversight Committee]

**Ordinance amending the Administrative Code to modify the composition of the Treasury Oversight Committee.**

Existing Law

The Treasury Oversight Committee is a five-member body required by California law to review the City's investments and annually audit the City's compliance with State law regarding investments. The five members nominated by the Treasurer and appointed by the Board of Supervisors. Currently, the five members must be selected from the following categories: the Treasurer, the Controller, a member of the Board of Supervisors, the Superintendent of Schools (or a designee), the Chancellor of the Community College District (or a designee), and members of the public with qualifications specified in California law.

Amendments to Current Law

The proposed ordinance would change the composition of the Committee so it has seven members, all nominated by the Treasurer and appointed by the Board of Supervisors. The members will be the Controller (or a designee), the Superintendent of Schools (or a designee), the Chancellor of the Community College District (or a designee), two employees of City departments or local agencies, and two members of the public. The ordinance would also make clarifying changes to the Administrative Code.

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