

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

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

DATE: July 25, 2019

SUBJECT: CHARTER AMENDMENT INTRODUCED
March 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following revised Charter Amendment for the March 3, 2019, Election. This matter is being referred to you in accordance with Rules of Order 2.22.3.

File No. 190569

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to create the Homelessness Oversight Commission ("Commission") to oversee the Department of Homelessness and Supportive Housing ("Department"); to provide that the Commission lacks jurisdiction to approve or disapprove criteria used to ascertain eligibility or priority for programs and services, where such criteria are required as a condition of funding; to provide that the Commission lacks jurisdiction to approve or disapprove contracts executed by the Department during a declared shelter crisis under the authority of an ordinance that waives procurement requirements; and to require the Board of Supervisors to adopt an ordinance amending the Municipal Code to provide that the Commission shall appoint the members of the Local Homeless Coordinating Board and the Shelter Monitoring Committee, and requiring those bodies to advise the Commission, and to require the Our City, Our Home Oversight Committee to advise the Commission and the Health Commission, in lieu of advising the Mayor and the Board of Supervisors, on administration of the Our City, Our Home Fund and on monies appropriated from the Fund; at an election to be held on March 3, 2020.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller
Peg Stevenson, City Performance Director
Natasha Mihal, City Services Auditor

1 [Charter Amendment - Homelessness Oversight Commission]

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3 **Describing and setting forth a proposal to the voters at an election to be held on March 3,**
4 **2020, to amend the Charter of the City and County of San Francisco to create the**
5 **Homelessness Oversight Commission (“Commission”) to oversee the Department of**
6 **Homelessness and Supportive Housing (“Department”); to provide that the Commission**
7 **lacks jurisdiction to approve or disapprove criteria used to ascertain eligibility or priority**
8 **for programs and services, where such criteria are required as a condition of funding; to**
9 **provide that the Commission lacks jurisdiction to approve or disapprove contracts**
10 **executed by the Department during a declared shelter crisis under the authority of an**
11 **ordinance that waives procurement requirements; and to require the Board of Supervisors**
12 **to adopt an ordinance amending the Municipal Code to provide that the Commission shall**
13 **appoint the members of the Local Homeless Coordinating Board and the Shelter**
14 **Monitoring Committee, and requiring those bodies to advise the Commission, and to**
15 **require the Our City, Our Home Oversight Committee to advise the Commission and the**
16 **Health Commission, in lieu of advising the Mayor and the Board of Supervisors, on**
17 **administration of the Our City, Our Home Fund and on monies appropriated from the**
18 **Fund.**

19 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
20 **Additions** are *single-underline italics Times New Roman font*.
21 **Deletions** are *strike-through italics Times New Roman font*.
22 **Asterisks (* * * *)** indicate the omission of unchanged Charter
23 subsections.

24 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
25 and County, at an election to be held on March 3, 2020, a proposal to amend the Charter of the
City and County by adding Section 4.133 to Article IV, to read as follows:

1 **SEC. 4.133. HOMELESSNESS OVERSIGHT COMMISSION.**

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

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

9 (1) Seats 1, 2, and 3, shall be appointed by the Mayor subject to confirmation
10 by the Board of Supervisors. Each nomination shall be the subject of a public hearing and vote
11 within 60 days. If the Board of Supervisors fails to act on a nomination within 60 days of the
12 date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be
13 deemed confirmed. Seat 1 shall be held by a person who has personally experienced
14 homelessness. Seat 2 shall be held by a person with significant experience providing services to
15 or engaging in advocacy on behalf of persons experiencing homelessness. Seat 3 shall be held
16 by a person with expertise in mental health service delivery or substance use treatment.

17 (2) Seats 4, 5, and 6 shall be appointed by the Board of Supervisors. Seat 4
18 shall be held by a person who has personally experienced homelessness. Seat 5 shall be held by
19 a person with significant experience providing services to or engaging in advocacy on behalf of
20 persons experiencing homelessness. Seat 6 shall be held by a person with significant experience
21 working with homeless families with children and/or homeless youth.

22 (3) Seat 7 shall be appointed by the Controller, subject to confirmation by the
23 Board of Supervisors, and held by a person with experience in financial management and
24 oversight, accounting, or auditing. If the Board of Supervisors fails to act on a nomination
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1 within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors,
2 the nominee shall be deemed confirmed.

3 (4) Section 4.101 shall apply to these appointments, with a particular
4 emphasis on diversity in ethnicity, race, age, sexual orientation, and types of disabilities.

5 (c) Commission members shall serve at the pleasure of their respective appointing
6 authorities and may be removed by their appointing authorities at any time. Vacancies shall be
7 filled by the respective appointing authorities as prescribed in subsections (b)(1), (2), and (3).

8 (d) Commissioners shall serve four-year terms, beginning at noon on May 1, 2020;
9 provided, however, the term of the initial appointees in Seats 1, 4, and 6 shall be a two-year
10 term, expiring at noon on May 1, 2022.

11 (e) The Commission shall elect a Chair, Vice-Chair, and officers for other such
12 positions, if any, that it chooses to create. The Chair, or the Vice-Chair if the Chair is
13 unavailable, shall be responsible for developing the Commission's meeting agendas and
14 conducting Commission meetings.

15 (f) The Commission shall have the following powers and duties:

16 (1) With respect to the Department, the Commission shall exercise all of the
17 powers and duties of boards and commissions as set forth in Sections 4.102, 4.103, and 4.104,
18 including but not limited to, approving applicable departmental budgets, formulating goals
19 consistent with the overall objectives of the City and County, holding hearings and taking
20 testimony, conducting public education and outreach concerning programs and services for
21 homeless persons in San Francisco, and issues concerning homelessness, and conducting
22 performance audits of the Department to assess the Department's effective and timely delivery of
23 services to persons experiencing homelessness and persons participating in programs overseen
24 by the Department. The Commission's powers and duties prescribed in this subsection (f)(1)
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1 shall not override or be in derogation of the powers of the Board of Supervisors and Mayor as
2 set forth in other provisions of this Charter.

3 (2) Notwithstanding the Commission's authority to review and set policies,
4 the Commission shall not have the authority to approve, disapprove, or modify criteria used to
5 ascertain eligibility or priority for programs and/or services operated or provided by the
6 Department, where such criteria are required as a condition of the receipt of state or federal
7 funding.

8 (3) The Commission shall not have the authority to approve or disapprove
9 any contract or grant agreement executed by the Department during a shelter crisis, as declared
10 by the Board of Supervisors consistent with California Government Code Section 8698.2, as may
11 be amended from time to time, where the Department has executed the contract or grant
12 agreement in compliance with an ordinance that authorizes the waiver of otherwise applicable
13 procurement processes.

14 (g) The Mayor, the Board of Supervisors, and the Controller shall make their initial
15 appointments to Seats 1-7, respectively, on the Commission by no later than noon, May 1, 2020,
16 and the Commission shall come into existence upon the appointment, and confirmation where
17 required, of four members. The Commission shall have its inaugural meeting within 30 days of
18 its coming into existence.

19 (h) By no later than May 1, 2020, the City shall enact an ordinance that:

20 (1) Amends Article XXXI of Chapter 5 of the Administrative Code, to provide
21 that the Commission shall appoint all members of the Local Homeless Coordinating Board
22 ("LHCB") and that the LHCB's sole duties shall be to serve as the Continuum of Care
23 governing body and to advise the Commission on issues relating to the City's participation in the
24 Continuum of Care program.

1 (2) Amends Article XII of Chapter 20 of the Administrative Code, to provide
2 that the Commission shall appoint all members of the Shelter Monitoring Committee, and that
3 the Shelter Monitoring Committee shall advise the Commission in lieu of advising the LHCB.

4 (3) Amends Article XLI of Chapter 5 of the Administrative Code, to provide
5 that the Our City, Our Home Oversight Committee (“Oversight Committee”) shall advise and
6 make recommendations to the Commission and the Health Commission, in lieu of advising and
7 making recommendations to the Mayor and the Board of Supervisors, on administration of the
8 Our City, Our Home Fund (“Fund”) and on monies appropriated from the Fund, and to provide
9 that the needs assessment conducted by the Oversight Committee shall inform the Department’s
10 strategic planning process.

11 (i) The Board of Supervisors may amend or repeal the provisions of the ordinance
12 enacted in compliance with subsection (h).

13 (j) The references in subsection (h) to the LHCB, Shelter Monitoring Committee, and
14 Oversight Committee do not change their character as bodies created by ordinance.
15 Accordingly, they are not subject to provisions in the Charter or Municipal Code that apply
16 exclusively to bodies enumerated in the Charter or created by the Charter, including but not
17 limited to Charter Sections 4.101.1 and 4.101.5.

18 (k) Within one year of the effective date of the ordinance adopted by the Board of

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1 Supervisors in compliance with subsection (h), the City Attorney shall cause subsections (h)-(k)
2 of this Section 4.133 to be removed from the Charter.

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

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7 By: 
8 ANNE PEARSON
Deputy City Attorney

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