

[Charter Amendment - Executive Branch Management]

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 to eliminate the prohibition on employing deputy mayors; expand the Mayor’s authority to reorganize executive branch departments including those specified in the Charter; generally authorize the Mayor to appoint and remove most department heads, while generally modifying and eliminating the role of commissions in nominating, appointing, and removing department heads; and generally allow officials who appoint commissioners to remove their appointees at will rather than only for cause.

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 revising Sections 3.100, 4.101, 4.102, 4.105, 4.107, 4.108, 4.109, 4.110, 4.111, 4.112, 4.113, 4.114, 4.115, 4.117, 4.118, 4.119, 4.120, 4.121, 4.126, 4.132, 4.133, 4.134, 4.135, 4.136, 4.137, 4.139, 4.140, 4.141, 5.102, 5.103, 5.106, 7.102, 8.102, 8A.102, 8B.126, 10.100, 13.103.5, 15.105, and 16.108-1, 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. 3.100. POWERS AND RESPONSIBILITIES.

* * * *

The Mayor shall have the power to:

* * * *

12. Subject to the fiscal provisions of this Charter and budgetary approval by the Board

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

12 * * * *

13 19. Unless otherwise provided in this Charter, a ~~Appoint and remove~~ department heads
14 ~~subject to the provisions of this Charter;~~ and

15 * * * *

16 17 **SEC. 4.100. GENERAL.**

18 In addition to the office of the Mayor, the executive branch of the City and County shall
19 be composed of departments, appointive boards, commissions, and other units of government
20 that perform the sovereign powers of the City and County. To the extent law permits, each
21 appointive board, commission, or other unit of government of the City and County established by
22 State or Federal law shall be subject to the provisions of this Article IV and this Charter.

23 24 **SEC. 4.101. BOARDS AND COMMISSIONS – COMPOSITION**

25 * * * *

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

2 (f) Unless otherwise provided in this Charter or the law establishing or governing an
3 appointive board, commission, or advisory body, members serve at the pleasure of their
4 appointing authority and may be removed by their appointing authority without cause.

5
6 **SEC. 4.102. BOARDS AND COMMISSIONS – POWERS AND DUTIES.**

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

9 * * * *

10 5. Unless otherwise ~~specifically~~ provided in this Charter, submit to the Mayor one or
11 more ~~at least three~~ qualified applicants, and if rejected, ~~to~~ make additional nominations in the
12 same manner, for the position of department head, subject to appointment by the Mayor;

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

17 ~~7~~6. Conduct investigations into any aspect of governmental operations within its
18 jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board
19 of Supervisors;

20 ~~8~~7. Exercise such other powers and duties as shall be prescribed by ~~the Board of~~
21 ~~Supervisors~~ ordinance; and

22 ~~9~~8. Appoint an executive secretary to manage the affairs and operations of the board
23 or commission.

24 In furtherance of the discharge of its responsibilities, an appointive board, commission
25 or other unit of government may:

1 ~~409.~~ Hold hearings and take testimony; and

2 ~~410.~~ Retain temporary counsel for specific purposes, subject to the consent of the
3 Mayor and the City Attorney.

4 * * * *

5
6 **SEC. 4.105. PLANNING COMMISSION.**

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

12 * * * *

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

14 * * * *

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

18 Notwithstanding Section 4.102(5) of this Charter, the Mayor shall appoint and may
19 remove the Director of Planning, who shall serve as the department head of the Planning
20 Department.

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

23 * * * *

1 **SEC. 4.107. HUMAN RIGHTS COMMISSION.**

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

4 * * * *

5
6 **SEC. 4.108. FIRE COMMISSION.**

7 The Fire Commission shall consist of five members appointed by the Mayor, ~~pursuant to~~
8 ~~Section 3.100~~, for four-year terms. ~~Members may be removed by the Mayor.~~ In addition to any
9 other powers set forth in this Charter, the Fire Commission is empowered to prescribe and
10 enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency
11 of the Department, provided that the civil service and ethics provisions of this Charter shall
12 control in the event of any conflict with rules adopted under this section.

13
14 **SEC. 4.109. POLICE COMMISSION.**

15 * * * *

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

19 ~~Notwithstanding any other provision of the Charter, the Chief of Police may be removed~~
20 ~~by the Commission or the Mayor, acting jointly or separately of each other.~~ In addition to any
21 other powers set forth in this Charter, the Police Commission is empowered to prescribe and
22 enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency
23 of the Department, provided that the civil service and ethics provisions of this Charter shall
24 control in the event of any conflict with rules adopted under this section.

1 **SEC. 4.110. HEALTH COMMISSION.**

2 The Health Commission shall consist of seven members appointed by the Mayor;
3 ~~pursuant to Section 3.100~~, for four-year terms. The Commission shall have less than a majority
4 of direct care providers. ~~Members may be removed by the Mayor only pursuant to Section~~
5 ~~15.105~~. The Commission shall control the property under its jurisdiction.

6 * * * *

7
8 **SEC. 4.111. HUMAN SERVICES COMMISSION.**

9 The Human Services Commission shall consist of five members appointed by the Mayor;
10 ~~pursuant to Section 3.100~~, for four-year terms. ~~Members may be removed by the Mayor only~~
11 ~~pursuant to Section 15.105~~.

12
13 **SEC. 4.112. PUBLIC UTILITIES COMMISSION.**

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

18 * * * *

19
20 **SEC. 4.113. RECREATION AND PARK COMMISSION.**

21 The Recreation and Park Commission shall consist of seven members appointed by the
22 Mayor, ~~pursuant to Section 3.100~~, for four-year terms. ~~Members may be removed by the Mayor~~
23 ~~only pursuant to Section 15.105~~.

24 * * * *

1 **SEC. 4.114. PORT COMMISSION.**

2 The Port Commission shall consist of five members who shall be appointed by the
3 Mayor, subject to confirmation by a majority of the Board of Supervisors. Each of the members
4 shall serve for a term of four years. They shall be subject to recall, ~~suspension and removal~~ in the
5 same manner as an elected official.

6 * * * *

7
8 **SEC. 4.115. AIRPORT COMMISSION.**

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

12 * * * *

13
14 **SEC. 4.117. ENTERTAINMENT COMMISSION.**

15 * * * *

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

21 Notwithstanding Section 4.102(5) of this Charter, the Mayor shall appoint and may
22 remove the Executive Director, who shall serve as the department head of the Entertainment
23 Commission.

1 **SEC. 4.118. COMMISSION ON THE ENVIRONMENT.**

2 The Commission on the Environment shall consist of seven members appointed by the
3 Mayor, ~~pursuant to Section 3.100~~, for four-year terms. ~~Members may be removed by the Mayor.~~

4 * * * *

6 **SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.**

7 The Commission on the Status of Women shall consist of seven members. Commission
8 members shall be appointed by the Mayor, ~~pursuant to Section 3.100~~, for four-year terms.
9 ~~Members may be removed by the Mayor only pursuant to Section 15.105.~~ The Commission shall
10 develop and recommend policies and practices for the City and County to reduce the particular
11 impacts on women and girls of problems such as domestic violence, sexual harassment,
12 employment and health care inequity, and homelessness, as well as advocate on behalf of women
13 and girls in such areas. The Commission may be assigned additional duties and functions by
14 ordinance or pursuant to Section 4.132.

16 **SEC. 4.120. DISABILITY AND AGING SERVICES COMMISSION.**

17 (a) The Disability and Aging Services Commission shall consist of seven members
18 appointed by the Mayor, ~~pursuant to Section 3.100~~, for four-year terms. ~~Members may be~~
19 ~~removed by the Mayor.~~ The Commission shall oversee the Department of Disability and Aging
20 Services, including the functions of the Public Guardian/Administrator, as well as carry out any
21 additional duties and functions assigned to the Commission by ordinance or pursuant to Section
22 4.132.

23 * * * *

1 **SEC. 4.121. BUILDING INSPECTION COMMISSION.**

2 * * * *

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

12 The Building Inspection Commission shall have responsibility for oversight of the
13 Department of Building Inspection, which shall have responsibility for the enforcement,
14 administration, and interpretation of the San Francisco Housing, Building, Mechanical,
15 Electrical, and Plumbing Codes, except where this Charter specifically grants that power to
16 another department. Notwithstanding Section 4.102(5) of this Charter, the Mayor shall appoint
17 and may remove the Director, who shall serve as the department head of the Department of
18 Building Inspection.

19 * * * *

20
21 **SEC. 4.126. DEPARTMENTS – GENERAL PROVISIONS.**

22 Except as otherwise provided by this Charter, the responsibilities of each department
23 within the executive branch shall be prescribed by ordinance.

24 The administration and management of each department within the executive branch
25 shall be the responsibility of the department head. Such officials may:

- 1 1. Appoint qualified individuals to fill all positions within their departments which are
2 exempt from the Civil Service provisions of this Charter;
- 3 2. Adopt rules and regulations governing matters within the jurisdiction of their
4 respective departments, subject, if applicable, to Section 4.102; and
- 5 3. ~~With the approval of the City Administrator, r~~Reorganize their respective departments.

6 * * * *

7

8 **SEC. 4.132. EXECUTIVE BRANCH REORGANIZATION.**

9 (a) The Mayor, by issuing a notice to the Board of Supervisors, may reorganize duties
10 and functions between or among departments and other units of government within the executive
11 branch ("executive branch departments") as specified in subsection (d), in order to promote the
12 effectiveness and efficiency of the executive branch and taking into account the special expertise
13 and roles of said departments. A ~~Such~~ reorganization shall become effective 30 days after ~~its~~
14 issuance the Clerk of the Board of Supervisors receives the Mayor's notice unless disapproved
15 by the Board of Supervisors during that time. In the event an implementing ordinance is
16 necessary to update the Municipal Code in accordance with the proposed reorganization, the
17 Mayor may introduce said ordinance with the notice, and the notice and ordinance shall both be
18 deemed approved by the Board of Supervisors unless the Board disapproves within 60 days.

19 (b) A proposed reorganization shall provide for the transfer of:

20 ____(1)~~2~~. Civil service employees who are engaged in the performance of a function
21 or duty transferred to another office, agency, or department; such transfer shall not adversely
22 affect status, position, compensation, or pension or retirement rights and privileges.~~;~~

23 ____(2)~~2~~. Any unexpended balances of appropriations and other funds available for
24 use in connection with any office, agency, department, or function affected by the
25 reorganization; any unexpended balance so transferred shall be used only for the purpose for

1 which the appropriation was originally made, except as this Charter otherwise permits.

2 (c) A reorganization under this Section 4.132 may transfer certain duties and functions
3 of an executive branch department to, or may consolidate an entire executive branch department
4 ("former department") into, one or more other executive branch departments including the City
5 Administrator ("receiving departments").

6 (1) When reorganizing executive branch departments whose duties and functions
7 are specified in the Charter, the Mayor may transfer those duties and functions but may not
8 eliminate those duties and functions either in whole or in part, and the receiving department(s)
9 shall continue to perform all of those Charter-assigned duties and functions.

10 (2) If a duty or function is transferred to a receiving department that operates
11 under a commission, then the reorganization may also transfer the corresponding oversight of
12 the transferred duties and functions to that commission.

13 (3) If a reorganization will consolidate an entire department into a receiving
14 department, then the head of the former department shall cease to be a department head, and the
15 head of the receiving department shall succeed to the powers, functions, and duties of the head of
16 the former department; and if the Charter or federal or state law impose legal qualifications on
17 the head of the former department or other person performing the transferred powers, functions,
18 or duties, then the head of the receiving department either shall meet those qualifications or
19 shall designate a qualified person to perform and oversee the specific transferred powers,
20 functions, or duties.

21 (d) This Section 4.132 shall apply to all executive branch departments created by
22 ordinance (including voter-adopted ordinances); and to those that are specifically designated as
23 within the executive branch under Articles III, IV, V, VII or VIII of the Charter. However, this
24 Section 4.132 does not authorize the Mayor to transfer the duties and functions set forth in the
25 Charter of the City Administrator, the Controller, the Board of Appeals, the Port, the Airport, the

1 Asian Art Museum, and the Fine Art Museums. Consistent with Charter Sections 4.136 and
2 4.137, the Charter duties of the Department of Police Accountability shall not transfer to the
3 Police Department, and the Charter duties of the Office of Sheriff's Inspector General shall not
4 transfer to the Sheriff.

5
6 **SEC. 4.133. HOMELESSNESS OVERSIGHT COMMISSION.**

7 (a) There shall be a Homelessness Oversight Commission ("Commission") to oversee
8 the Department of Homelessness and Supportive Housing ("Department"), or any successor
9 agency. The Department shall, to the extent prescribed by ordinance, manage and direct housing,
10 programs, and services for persons experiencing homelessness in the City, including, but not
11 limited to, street outreach, homeless shelters, transitional housing, homelessness prevention, and
12 permanent supportive housing. Notwithstanding Section 4.102(5) of this Charter, the Mayor
13 shall appoint and may remove the Director, who shall serve as the department head of the
14 Department.

15 * * * *

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

17 (1) With respect to the Department, the Commission shall exercise all of the powers
18 and duties of boards and commissions as set forth in Sections 4.102, 4.103, and 4.104, except
19 Section 4.102(5), including but not limited to, approving applicable departmental budgets,
20 formulating annual and long-term goals consistent with the overall objectives of the City and
21 County, establishing departmental performance standards, holding hearings and taking
22 testimony, conducting public education and outreach concerning programs and services for
23 homeless persons in San Francisco, and issues concerning homelessness, and conducting
24 performance audits of the Department to assess the efficiency and effectiveness of the
25 Department's delivery of services to persons experiencing homelessness and persons

1 participating in programs overseen by the Department, and the extent to which the Department
2 has met the annual goals and performance standards established by the Commission.

3 * * * *

4
5 **SEC. 4.134. SMALL BUSINESS COMMISSION.**

6 (a) There shall be a Small Business Commission to oversee the San Francisco Office of
7 Small Business. The Commission shall consist of seven members, ~~who shall serve at the~~
8 ~~pleasure of the appointing authority.~~ The Mayor shall appoint four members of the Commission;
9 the Board of Supervisors shall appoint the remaining three members. ~~The Mayor shall designate~~
10 ~~two of his or her initial appointments to serve for two-year terms; the Board of Supervisors shall~~
11 ~~designate one of its initial appointments to serve a two-year term. Thereafter, aAll~~
12 commissioners shall serve for four-year terms.

13 * * * *

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

16 (d) Notwithstanding Section 4.102(5) of this Charter, the Mayor shall appoint and may
17 remove the Director of the Office of Small Business, who shall serve as the department head of
18 that Office.

19
20 **SEC. 4.135. HISTORIC PRESERVATION COMMISSION.**

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

1 * * * *

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

3 * * * *

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

13
14 **SEC. 4.136. DEPARTMENT OF POLICE ACCOUNTABILITY.**

15 (a) There shall be under the Police Commission a Department of Police Accountability
16 (“DPA”).

17 (b) The ~~Mayor shall appoint a nominee of the~~ Police Commission as shall appoint the
18 Director of DPA, ~~subject to confirmation by the Board of Supervisors~~. The Director shall serve
19 at the pleasure of the Police Commission. ~~If the Board of Supervisors fails to act on the~~
20 ~~appointment within 30 days, the appointment shall be deemed approved. In the event the office~~
21 ~~is vacant, until the Mayor makes an appointment and that appointment is confirmed by the~~
22 ~~Board, the Police Commission shall appoint an interim Director who shall serve at the pleasure~~
23 ~~of the Police Commission.~~ The appointment of the Director shall be exempt from the civil
24 service requirements of this Charter. The Director shall never have been a uniformed member or
25 employee of the Police Department. ~~The~~ As the department head, the Director shall be the

1 appointing officer under the civil service provisions of this Charter for the appointment, removal,
2 or discipline of employees of DPA.

3 * * * *

4
5 **SEC. 4.137. SHERIFF'S DEPARTMENT OVERSIGHT.**

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

7 * * * *

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

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

20 * * * *

21
22 **SEC. 4.139. SANITATION AND STREETS COMMISSION.**

23 * * * *

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

25 * * * *

1 ~~——(3) Members may be removed at will by their respective appointing officer.~~

2 * * * *

3
4 **SEC. 4.140. DEPARTMENT OF PUBLIC WORKS.**

5 **(a) Responsibilities of Department.** There shall be a Department of Public Works (the
6 “Department”). ~~On January 1, 2023, the Department shall assume the responsibilities of the~~
7 ~~Department of Sanitation and Streets as they existed on December 31, 2022, and shall retain the~~
8 ~~existing responsibilities of the Department of Public Works. The Department shall be headed by~~
9 ~~a Director of Public Works appointed by the Mayor as provided in Sections 3.100(19) and~~
10 ~~4.102(5). Notwithstanding Section 4.102(5) of this Charter, the Mayor shall appoint and may~~
11 ~~remove the Director of Public Works, who shall serve as the department head of the Department.~~

12 * * * *

13 ~~(e) **Transition.**~~

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

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

1 **SEC. 4.141. PUBLIC WORKS COMMISSION.**

2 * * * *

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

4 * * * *

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

7 **(c) Powers and Duties.** With regard to the Department of Public Works, the
8 Commission shall exercise all the powers and duties of boards and commissions set forth in
9 Sections 4.102, 4.103, and 4.104, except for Section 4.102(5) and the authority conferred on the
10 Sanitation and Streets Commission in Section 4.139, and may take other actions as prescribed by
11 ordinance.

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

14
15 **SEC. 5.102. CITY MUSEUMS.**

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

18 Trustees and commissioners of the museums are exempt from the requirements of
19 Section 4.101(2b) of this Charter, except that at least a majority of The Fine Arts Museums
20 Board of Trustees shall be residents of the City and County. Members shall serve for three-year
21 terms, ~~and may be removed by the Mayor only pursuant to Section 15.105.~~ Members shall serve
22 without compensation.

23 * * * *

1 **SEC. 5.103. ARTS COMMISSION.**

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

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

17 * * * *

18
19 **SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.**

20 The governing board of the War Memorial and Performing Arts Center shall consist of
21 eleven trustees appointed by the Mayor, ~~pursuant to Section 3.100~~, for four-year terms. In
22 making appointments the Mayor shall give due consideration to veterans and others who have a
23 special interest in the purposes for which the Center exists. ~~Members may be removed by the~~
24 ~~Mayor only pursuant to Section 15.105.~~

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

1 **SEC. 7.102. JUVENILE PROBATION.**

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

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

7 * * * *

8
9 **SEC. 8.102. PUBLIC LIBRARIES.**

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

12 The Commission shall consist of seven members appointed by the Mayor, ~~pursuant to~~
13 ~~Section 3.100~~, for four-year terms. ~~Members may be removed by the Mayor.~~

14
15 **SEC. 8A.102. GOVERNANCE AND DUTIES.**

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

21 At least four of the directors must be regular riders of the Municipal Railway, and must
22 continue to be regular riders during their terms. The directors must possess significant
23 knowledge of, or professional experience in, one or more of the fields of government, finance, or
24 labor relations. At least two of the directors must possess significant knowledge of, or
25 professional experience in, the field of public transportation. During their terms, all directors

1 shall be required to ride the Municipal Railway on the average once a week.

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

11 * * * *

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

13 ~~—1. Appoint a Director of Transportation, who shall serve at the pleasure of the~~
14 ~~Board. The Director of Transportation shall be employed pursuant to an individual contract. His~~
15 ~~or her compensation shall be comparable to the compensation of the chief executive officers of~~
16 ~~the public transportation systems in the United States which the Board of Directors, after an~~
17 ~~independent survey, determine most closely resemble the Agency in size, mission, and~~
18 ~~complexity. In addition, the Board of Directors shall provide an incentive compensation plan~~
19 ~~consistent with the requirements of Section 84.104(k) under which a portion of the Director's~~
20 ~~compensation is based on achievement of service standards adopted by the Board of Directors.~~

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

23 32. In addition to any training that may be required by City, State or federal law,
24 attend a minimum of four hours of training in each calendar year, provided by the City Attorney
25 and the Controller regarding the legal and financial responsibilities of the Board and the Agency.

1 (d) The Director of Transportation shall be selected and appointed following the
2 process in Section 4.102(5), may be removed by the Mayor under Section 3.100, and shall be
3 employed pursuant to an individual contract approved by the Mayor. The Director's
4 compensation shall be comparable to the compensation of the chief executive officers of the
5 public transportation systems in the United States which the Mayor, after an independent survey,
6 determines most closely resemble the Agency in size, mission, and complexity. In addition, the
7 contract may provide an incentive compensation plan consistent with the requirements of Section
8 8A.104(m) under which a portion of the Director's compensation is based on achievement of
9 service standards adopted by the Mayor. The Director of Transportation shall appoint all
10 subordinate personnel of the Agency, including deputy directors. The deputy directors shall
11 serve at the pleasure of the Director of Transportation.

12 * * * *

13 (h) Except provided in this Article, the Agency shall be subject to the provisions of this
14 Charter applicable to boards, commissions, and departments of the City and County, including
15 Sections 2.114, 3.105, 4.101, 4.103, 4.104, 4.113, 6.102, 9.118, 16.100, and A8.346. Sections
16 4.102, 4.126, and 4.132 shall not be applicable to the Agency, except as expressly provided in
17 this Article VIIIA.

18 19 **SEC. 8B.126. PERSONNEL AND MERIT SYSTEM.**

20 (a) The General Manager shall be ~~selected under the provisions of Charter sections~~
21 ~~3.100 and 4.102. The General Manager~~ selected and appointed following the process in Section
22 4.102(5), may be removed by the Mayor under Section 3.100, and may be employed under an
23 individual contract approved by the Mayor. ~~His or her~~ The General Manager's compensation
24 shall be comparable to the compensation of the chief executive officers of the public water,
25 ~~wastewater-sewer~~ and/or power systems in the United States that the ~~Commission~~ Mayor, after

1 an independent survey, determines most closely resemble the Public Utilities Commission in
2 size, mission, and complexity. In addition, the ~~Public Utilities Commission~~ contract may provide
3 an incentive compensation bonus plan for the General Manager based on performance goals
4 established by the ~~Commission~~ Mayor.

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

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

18 **SEC. 10.100. CIVIL SERVICE COMMISSION.**

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

21 * * * *

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

25 * * * *

1 **SEC. 13.103.5. ELECTIONS COMMISSION.**

2 * * * *

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

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

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

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

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

1 **SEC. 15.105. SUSPENSION AND REMOVAL.**

2 (a) ELECTIVE ~~AND CERTAIN APPOINTED~~ OFFICERS. Any elective officer in
3 ~~Article XIII of this Charter ; and any member of the Airport Commission, Asian Art Commission,~~
4 ~~Civil Service Commission, Commission on the Status of Women, Golden Gate Concourse~~
5 ~~Authority Board of Directors, Health Commission, Human Services Commission, Juvenile~~
6 ~~Probation Commission, Municipal Transportation Agency Board of Directors, Port Commission,~~
7 ~~Public Utilities Commission, Recreation and Park Commission, Fine Arts Museums Board of~~
8 ~~Trustees, War Memorial and Performing Art Center Board of Trustees, Board of Education or~~
9 ~~Community College Board~~ is subject to suspension and removal for official misconduct as
10 provided in this subsection (a). Such officer may be suspended by the Mayor and the Mayor
11 shall appoint a qualified person to discharge the duties of the office during the period of
12 suspension. Upon such suspension, the Mayor shall immediately notify the Ethics Commission
13 and Board of Supervisors thereof in writing and the cause thereof, and shall present written
14 charges against such suspended officer to the Ethics Commission and Board of Supervisors at or
15 prior to their next regular meetings following such suspension, and shall immediately furnish a
16 copy of the same to such officer, who shall have the right to appear with counsel and present a
17 defense before the Ethics Commission ~~in his or her defense~~. The Ethics Commission shall hold a
18 hearing not less than five days after the filing of written charges. After the hearing, the Ethics
19 Commission shall transmit the full record of the hearing to the Board of Supervisors with a
20 recommendation as to whether the charges should be sustained. If, after reviewing the complete
21 record, the charges are sustained by not less than a three-fourths vote of all members of the
22 Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or
23 if not acted on by the Board of Supervisors within 30 days after the receipt of the record from the
24 Ethics Commission, the suspended officer shall thereby be reinstated.

25 (b) MEMBERS OF CERTAIN COMMISSIONS~~BUILDING INSPECTION~~

1 ~~COMMISSION, PLANNING COMMISSION, BOARD OF APPEALS, ELECTIONS~~
2 ~~COMMISSION, ETHICS COMMISSION, SHERIFF'S DEPARTMENT OVERSIGHT BOARD,~~
3 ~~AND ENTERTAINMENT COMMISSION.~~ Members of the *Building Inspection Commission, the*
4 *Planning Commission, the* Board of Appeals, *Civil Service Commission, and, the Elections*
5 *Commission, the* Ethics Commission, *the Sheriff's Department Oversight Board, and the*
6 *Entertainment Commission* may be suspended and removed pursuant to the provisions of
7 subsection (a) of this section except that the Mayor may initiate removal only of the Mayor's
8 appointees and the appointing authority shall act in place of the Mayor for all other appointees.

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

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

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

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

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

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

20 (C) Removal under this subsection (c) is not subject to the procedures in
21 subsections (a) and (b) of this Section 15.105.

22 (2) Other Officers and Employees.

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

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

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

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

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

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

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

10 (d) DISQUALIFICATION.

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

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

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

22 (B) Upon the request of any former City officer or employee, the Ethics
23 Commission may, after a public hearing, overturn the application of the disqualification
24 provision of subsection (d)(1)(B) if: (i) the decision that the former officer or employee engaged
25 in official misconduct was not made after a hearing by a court, the Board of Supervisors, the

1 Ethics Commission, an administrative body, an administrative hearing officer, or a labor
2 arbitrator; and (ii) if the officer or employee does not have the right to appeal ~~their~~ *his or her*
3 restriction on holding future office or employment to the ~~San Francisco~~ Civil Service
4 Commission.

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

13
14 **SEC. 16.108-1. CHILDREN, YOUTH AND THEIR FAMILIES OVERSIGHT AND**
15 **ADVISORY COMMITTEE.**

16 * * * *

17 (b) **Responsibilities.**

18 * * * *

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

22 (4) The Oversight and Advisory Committee shall establish and maintain a
23 Service Provider Working Group as provided in subsection (e).

24 (5) The Oversight and Advisory Committee shall meet at least six times a year.

25 * * * *

1
2 Section 2. In enacting this Charter amendment, the voters of the City and County intend
3 to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
4 punctuation marks, or any other constituent parts of the Charter that are explicitly shown in this
5 Charter amendment as additions or deletions in accordance with the “Note” that appears under
6 the official title of the Charter amendment.

7
8 Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of
9 this Charter amendment, or any application thereof to any person or circumstance, is held to be
10 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall
11 not affect the validity of the remaining portions or applications of the Charter amendment. The
12 qualified voters of the City and County of San Francisco hereby declare that they would have
13 voted in favor of this Charter amendment, and each and every section, subsection, sentence,
14 clause, phrase, and word not declared invalid or unconstitutional without regard to whether any
15 other portion of this Charter amendment or application thereof would be subsequently declared
16 invalid or unconstitutional.

17
18 APPROVED AS TO FORM:
19 DAVID CHIU, City Attorney

20 By: _____
21 ATTORNEY’S NAME
22 Deputy City Attorney

23
24
25
26 4911-5829-7222 v.9