

Be it enacted by the people of the City and County of San Francisco:

NOTE:                    **Unchanged Charter text and uncoded text** are in plain font.  
                              **Additions** are *single-underline italics Times New Roman font*.  
                              **Deletions** are ~~*strike-through italics Times New Roman font*~~.

### **Section 1. Title**

This measure shall be known as the “Strengthening Executive Branch Accountability” Initiative Act.

### **Section 2. Findings and Declarations**

- (a) San Francisco’s Charter is the longest of any major American city.
- (b) The vast majority of City departments are embedded in the Charter itself, meaning even organizational improvements require voter approval.
- (c) Department heads oversee the vast majority of City staff and resources, yet the Mayor has direct hire-and-fire authority over only a small fraction of them. In recent instances involving serious ethical lapses, the Mayor lacked authority to immediately remove department heads.
- (d) The Charter also requires the Mayor to directly supervise nearly 50 department heads—an impractical structure for a government with more than 30,000 employees, which diffuses responsibility and makes it difficult for voters to know who is accountable when services fall short.
- (e) This measure will ensure that when San Franciscans elect a Mayor, they know who is responsible for delivering results.

### **Section 3. Purpose and Intent**

It is the intent of the people of the City and County of San Francisco to do all of the following with this Initiative:

- (a) Expand the Mayor’s authority to hire and remove most department heads.
- (b) Allow most commissioners to be removed at will by their appointing authority.
- (c) Permit the Mayor to reorganize departments and adjust reporting relationships within the executive branch, subject to potential rejection by the Board.
- (d) Authorize the use of Deputy Mayors to improve oversight and coordination.

- (e) Restore clear lines of accountability within the executive branch while preserving oversight by the Board of Supervisors.

**Section 4.** 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 of the Charter of the City and County of San Francisco are hereby amended to read as follows:

**SEC. 3.100. POWERS AND RESPONSIBILITIES.**

The Mayor shall be the chief executive officer and the official representative of the City and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity. The Mayor shall enforce all laws relating to the City and County, and accept service of process on its behalf.

The Mayor shall have responsibility for:

1. General administration and oversight of all departments and governmental units in the executive branch of the City and County;
2. Coordination of all intergovernmental activities of the City and County;
3. Receipt and examination of complaints relating to the administration of the affairs of the City and County, and timely delivery of notice to the complainant of findings and actions taken;
4. Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and are representative of both sexes;
5. Submission of ordinances and resolutions by the executive branch for consideration by the Board of Supervisors;

6. Presentation before the Board of Supervisors of a policies and priorities statement setting forth the Mayor's policies and budget priorities for the City and County for the ensuing fiscal year;

7. Appearance, in person, at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board;

8. Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the proposed budget from the various commissions, officers and departments; and

9. Preparation of and introduction to the Board of Supervisors of supplemental appropriations.

The Mayor shall have the power to:

10. Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all boards and commissions appointed by the Mayor;

11. As provided in Section 3.103 of this Charter, veto any ordinance or resolution passed by the Board of Supervisors;

12. Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, provided that no member of the staff shall receive a salary in excess of seventy percent of that paid the Mayor. For purposes of this provision, staff does not include the City Administrator, department heads, or employees of departments placed under ~~his or her~~ the City Administrator's direction by Section 3.104. ~~Notwithstanding any other provisions or limitations of this Charter to the contrary, the Mayor may not designate nor may the City and County employ on the Mayor's behalf any person to act as deputy to the Mayor or any similar employment classification, regardless of title, whose responsibilities include but are not necessarily limited to supervision of the administration of any department for which the City Administrator, an~~

~~*elected official other than the Mayor or an appointed board or commission is assigned responsibility elsewhere in this Charter;*~~

13. Designate a member of the Board of Supervisors to act as Mayor in the Mayor's absence from the state or during a period of temporary disability;

14. In the case of an emergency threatening the lives, property or welfare of the City and County or its citizens, the Mayor may direct the personnel and resources of any department, command the aid of other persons, and do whatever else the Mayor may deem necessary to meet the emergency;

In meeting an emergency, the Mayor shall act only with the concurrence of the Board of Supervisors, or a majority of its members immediately available if the emergency causes any member of the Board to be absent. The Mayor shall seek the Board's concurrence as soon as is reasonably possible in both the declaration of an emergency and in the action taken to meet the emergency. Normal notice, posting and agenda requirements of the Board of Supervisors shall not be applicable to the Board's actions pursuant to these provisions;

15. Make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected;

16. Subject to the provisions of Charter Section 2.113, submit to the voters a declaration of policy or ordinance on any matter on which the Board of Supervisors is empowered to pass;

17. Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a City and County;

18. Unless otherwise specifically provided, make appointments to boards and commissions which shall be effective immediately and remain so, unless rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County;

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

20. Prepare and submit schedule of rates, fees and other similar charges to the Board of Supervisors.

#### **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.

#### **SEC. 4.101. BOARDS AND COMMISSIONS – COMPOSITION**

(a) Unless otherwise provided in this Charter, the composition of each appointive board, commission, or advisory body of any kind established by this Charter or legislative act of the United States of America, the State of California, or the Board of Supervisors shall be broadly representative of the communities of interest, neighborhoods, and the diversity of the City and County in ethnicity, race, age, sex, gender identity, sexual orientation, and types of disabilities.

(b) All members of such bodies as described in subsection (a) shall be residents of the City and County and the minimum age required to vote in municipal elections in the City and County, at all times during the term of their respective offices, unless otherwise specifically provided in this Charter. Either or both of the requirements set forth in the first sentence of this subsection (b) shall not apply to boards, commissions, or advisory bodies established by legislative act if the legislation specifically exempts the position from either or both requirements, or if the appointing officer or entity makes a finding that a person meeting both requirements, and willing to serve, could not be located.

(c) It shall be the official City policy that the composition of each appointive board, commission, or advisory body of any kind established by this Charter or legislative act of the United States of America, the State of California, or the Board of Supervisors shall reflect the interests and contributions of people of all races, ethnicities, ages, sexes, gender identities, sexual orientations, and types of disabilities. The voters therefore urge in the strongest terms all City officers and agencies involved in nominating, appointing, or confirming members of those appointive boards, commissions, or advisory bodies to consider and as appropriate support the nomination, appointment, or confirmation of women, people of color, seniors, people with disabilities, and people that reflect a range of sexual orientations and gender identities to fill seats on those bodies.

(d) The Commission on the Status of Women shall conduct an analysis of appointments to appointive boards, commissions, and advisory bodies established in the Charter or by legislative act, in the second and fourth year of each mayoral term to track the diversity of appointments to such bodies. This analysis, to be based only on voluntary disclosures, shall include ethnicity, sex, gender identity, sexual orientation, disability status, and any other relevant demographic qualities.

(e) Vacancies on appointive boards, commissions, or other units of government shall be filled for the balance of the unexpired term in the manner prescribed by this Charter or ordinance for initial appointments.

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

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

#### **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. 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. 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. Unless otherwise ~~specifically~~ provided in this Charter, submit to the Mayor one or more ~~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. 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;

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

~~9~~8. 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:

~~100.~~ Hold hearings and take testimony; and

~~110.~~ 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 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. 4.105. PLANNING COMMISSION.**

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

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.~~

In order to stagger the terms, three members shall initially serve two-year terms, and four members shall initially service four-year terms. The initial two and four-year terms of office shall be instituted as follows:

1. The respective terms of office of members of the Planning Commission who hold office on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the four members

appointed by the Mayor and the three members appointed by the President of the Board of Supervisors shall succeed to said offices at that time.

2. The Clerk of the Board of Supervisors shall determine by lot which two of the four Mayoral appointees shall serve an initial two-year term, and which one of the three appointees of the President of the Board of Supervisors shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.

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

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

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

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.

In preparing any plans, the Planning Department may include plans for systems and areas within the Bay Region which have a planning relationship with the City and County.

**REFERRAL OF CERTAIN MATTERS.** The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Planning Department regarding conformity with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition or vacation of property by, or a change in the use or title of property owned by, the City and County;
2. Subdivisions of land within the City and County;
3. Projects for the construction or improvement of public buildings or structures within the City and County;
4. Project plans for public housing, or publicly assisted private housing in the City and County;
5. Redevelopment project plans within the City and County; and
6. Such other matters as may be prescribed by ordinance.

The Commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the General Plan. Such a finding may be reversed by a vote of two-thirds of the Board of Supervisors.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance.

**PERMITS AND LICENSES.** All permits and licenses dependent on, or affected by, the City Planning Code administered by the Planning Department shall be approved by the Commission prior to issuance. The Commission may delegate this approval function to the Planning Department. Notwithstanding the foregoing, certificates of appropriateness for work to designated landmarks and historic districts and applications for alterations to significant or contributory buildings or properties in designated conservation districts that have been approved, disapproved, or modified by the Historic Preservation Commission shall not require approval by the Commission prior to issuance.

ENFORCEMENT. The Planning Department shall administer and enforce the City Planning Code.

ZONING AMENDMENTS. The Commission may propose for consideration by the Board of Supervisors ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land. An ordinance proposed by the Board of Supervisors concerning zoning shall be reviewed by the Commission. Applications for the reclassification of property may be made by interested parties and must be reviewed by the Commission. Notwithstanding the foregoing, designation of a landmark, a significant or contributory building, an historic district, or a conservation district shall be reviewed by the Commission only as provided in Section 4.135.

Notwithstanding the Commission's disapproval of a proposal from the Board of Supervisors or the application of interested parties, the Board of Supervisors may adopt the proposed ordinance; however, in the case of any proposal made by the application of interested parties, any such adoption shall be by a vote of not less than two-thirds of the Board of Supervisors.

No application of interested parties proposing the same or substantially the same ordinance as that disapproved by the Commission or by the Board of Supervisors shall be resubmitted to or reconsidered by the Commission within a period of one year from the effective date of final action upon the earlier application.

ZONING ADMINISTRATOR. The Director of Planning shall appoint a Zoning Administrator from a list of qualified applicants provided pursuant to the Civil Service provisions of the Charter. The Zoning Administrator shall be responsible for the determination of all zoning variances. The administrator shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance, and in accordance with the general and specific rules of the zoning ordinance, subject to such conditions and safeguards as the Zoning Administrator may impose. The power to grant variances shall be applied only when the plain and literal interpretation and enforcement of the zoning ordinance would result in practical difficulties, unnecessary hardships or where the results would be inconsistent with the general purpose of the

zoning ordinance. Decisions of the Zoning Administrator regarding zoning variances may be appealed to the Board of Appeals.

Before any such variance may be granted, there shall appear, and the Zoning Administrator shall specify in his or her findings, the facts in each case which shall establish:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same district or zone;

(b) That owing to such exceptional or extraordinary circumstances the literal enforcement of the zoning ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone and vicinity;

(d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located; and

(e) That the granting of such variance will be in harmony with the general purpose and intent of the zoning ordinance and will not adversely affect the general plan.

The determination of the Zoning Administrator shall be final except that appeals therefrom may be taken, as hereinafter provided, to the Board of Appeals, exclusively and notwithstanding any other provisions of this Charter, by any person aggrieved or by any office, agency, or department of the City and County. An appeal from a determination of the Zoning Administrator shall be filed with the Board of Appeals within ten days from the date of such determination. Upon making a ruling or determination upon any matter under his or her jurisdiction, the Zoning Administrator shall thereupon furnish a copy thereof to the applicant and to the Director of Planning. No variance granted by the Zoning Administrator shall become effective until ten days thereafter. An appeal shall stay all proceedings in furtherance of the action appealed from.

CONDITIONAL USE. The Commission shall have the power to hear and decide conditional use applications. An appeal may be taken to the Board of Supervisors from a decision of the Commission to grant or deny a conditional use application. The Board of Supervisors may disapprove the decision of the Commission by a vote of not less than two-thirds of the members of the Board.

#### **SEC. 4.107. HUMAN RIGHTS COMMISSION.**

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

The Commission shall:

1. Investigate complaints of unlawful discrimination against any person;
2. Ensure the civil rights of all persons;
3. Ensure that the affirmative action plans of each department of the City and County are current and are being properly implemented; and report on the implementation of such affirmative action plans to the Mayor and Board of Supervisors;
4. Promote understanding among the residents of the City and County and work cooperatively with governmental agencies, community group and others to eliminate discrimination and the results of past discrimination by furnishing information, guidance and technical assistance;
5. Study, investigate, mediate and make recommendations with respect to the solving of community- wide problems resulting in intergroup tensions and discrimination;
6. Implement the provisions of ordinances prohibiting discrimination in all contracts and subsequent subcontracts, franchises, leases, concessions or other agreements for or on behalf of the City and County; and
7. Issue such rules and regulations for the conduct of its business, and prepare such ordinances with respect to human rights for consideration by the Board of Supervisors as are necessary to carry out the purposes of this section.

In performing its duties, the Commission may hold hearings, issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, take testimony and issue appropriate orders and petitions for court orders in such manner as may be prescribed by law.

#### **SEC. 4.108. FIRE COMMISSION.**

The Fire 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.~~ In addition to any other powers set forth in this Charter, the Fire Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under this section.

#### **SEC. 4.109. POLICE COMMISSION.**

The Police Commission shall consist of seven members appointed pursuant to this section. The Mayor shall nominate four members to the commission, at least one of whom shall be a retired judge or an attorney with trial experience. The Rules Committee of the Board of Supervisors, or any successor committee thereto, shall nominate three other members to the commission. Each nomination shall be subject to confirmation by the Board of Supervisors, and the Mayor's nominations shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors rejects the Mayor's nomination to fill the seat designated for a retired judge or attorney with trial experience, the Mayor shall nominate a different person with such qualifications. If the Board of Supervisors fails to act on a mayoral nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed. Appointments to fill a vacancy on the commission shall become operative on the date the Board of Supervisors adopts a motion confirming the nomination, or on the 61st day following the date a mayoral nomination is transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to vote on the nomination prior to such date. Confirmations of nominations to fill a

vacancy that will be created upon the expiration of a sitting member's term shall become operative upon the expiration of the sitting member's term, or, if the Board of Supervisors fails to act on a mayoral nomination to fill such anticipated vacancy, on the 61st day following the date the nomination was transmitted to the Clerk of the Board of Supervisors or on the expiration of the sitting member's term, whichever occurs later. The terms and tenures of all members sitting on the commission as of the effective date of the amendments to this section approved at the November 2003 election shall terminate at 12 noon on April 30, 2004. To stagger the terms of the seven members thereafter, of the first four members nominated by the Mayor, two members shall serve terms of two years and two members shall serve terms of four years, and of the three members nominated by the Rules Committee, one member shall serve a term of one year, one member shall serve a term of two years, and one member shall serve a term of three years. The Clerk of the Board of Supervisors shall designate such initial terms by lot. All subsequent appointments to the commission shall be for four-year terms.

The tenure of each member shall terminate upon the expiration of the member's term. The Mayor shall transmit a nomination or renomination to the Clerk of the Board of Supervisors no later than 60 days prior to the expiration of the term of a member nominated by the Mayor. For vacancies occurring for reasons other than the expiration of a member's term, within 60 days following the creation of such vacancy, the Mayor shall nominate a member to fill such vacancy if the vacancy is for a seat filled by nomination of the Mayor.

The District Attorney, Sheriff and Public Defender may recommend persons to the Mayor and Board of Supervisors for nomination or appointment to the Police Commission.

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

~~Notwithstanding any other provision of the Charter, the Chief of Police may be removed by the Commission or the Mayor, acting jointly or separately of each other.~~ In addition to any other powers set forth in this Charter, the Police Commission is empowered to prescribe and enforce any

reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under this section.

#### **SEC. 4.110. HEALTH COMMISSION.**

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

The Commission and the Department shall manage and control the City and County hospitals, emergency medical services, and in general provide for the preservation, promotion and protection of the physical and mental health of the inhabitants of the City and County, except where the Charter grants such authority to another officer or department. The Commission and the Department may also determine the nature and character of public nuisances and provide for their abatement.

#### **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.~~

#### **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 15.105.~~

(b) 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. 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. 4.113. RECREATION AND PARK COMMISSION.**

The Recreation and Park 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 only pursuant to Section 15.105.~~

Pursuant to the policies and directives set by the Commission and under the direction and supervision of the General Manager, the Recreation and Park Department shall manage and direct all parks, playgrounds, recreation centers and all other recreation facilities, avenues and grounds under the Commission's control or placed under its jurisdiction thereafter, unless otherwise specifically provided in this Charter.

The Department shall promote and foster a program providing for organized public recreation of the highest standard.

The Department shall issue permits for the use of all property under the Commission's control, pursuant to the policies established by the Commission.

As directed by the Commission, the Department shall administer the Park, Recreation and Open Space Fund pursuant to Section 16.107 of this Charter.

The Department shall have the power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, square, avenues and grounds, except as follows:

1. No building or structure, except for nurseries, equipment storage facilities and comfort stations, shall be erected, enlarged or expanded in Golden Gate Park or Union Square Park unless such action has been approved by a vote of two-thirds of the Board of Supervisors;

2. No park land may be sold or leased for non-recreational purposes, nor shall any structure on park property be built, maintained or used for non-recreational purposes, unless approved by a vote of the electors. However, with permission of the Commission and approval by the Board of Supervisors, subsurface space under any public park, square or playground may be used for the operation of a public automobile parking station under the authority of the Department of Parking and Traffic, provided that the Commission determines that such a use would not be, in any material respect or degree, detrimental to the original purpose for which a park, square or playground was dedicated or in contravention of the conditions of any grant under which a park, square or playground might have been received. The revenues derived from any such use, less the expenses incurred by the Department of Parking and Traffic in operating these facilities, shall be credited to Recreation and Park Department funds.

3. The Commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

#### **SEC. 4.114. PORT COMMISSION.**

The Port Commission shall consist of five members who shall be 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. They shall be subject to recall, ~~suspension and removal~~ in the same manner as an elected official.

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 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. 4.115. AIRPORT COMMISSION.**

The Airport 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.~~

The Commission shall provide the Mayor with at least three qualified candidates for Director of Airports, related on the basis of executive, administrative and technical qualifications.

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all property, as well as the real, personal and financial assets which are under the Commission's jurisdiction.

Subject to the approval, amendment or rejection of the Board of Supervisors of each issue, the Commission shall have exclusive authority to plan and issue revenue bonds for airport-related purposes.

#### **SEC. 4.117. ENTERTAINMENT COMMISSION.**

The San Francisco Entertainment Commission shall consist of seven members nominated and appointed pursuant to this section. The Mayor shall nominate four members to the commission, and the Board of Supervisors shall appoint, by motion, three other members to the commission. 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. If the Board of Supervisors fails to act on a mayoral 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. Appointments to the commission shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or on the 61st day following the date the mayoral nomination was transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act upon the nomination prior to such date.

Of the four members nominated by the Mayor, the Mayor shall nominate one member to represent the interests of City neighborhood associations or groups, one member to represent the interests of entertainment associations or groups, one member to represent the interests of the urban planning community, and one member to represent the interests of the law enforcement community. Of the three members of the commission appointed by the Board of Supervisors, one member shall represent the interests of City neighborhood associations or groups, one member shall represent the interests of entertainment associations or groups, and one member shall represent the interests of the public health community.

To stagger the terms of the members, the initial appointments to the commission shall be as follows: the Mayor shall nominate two members to serve terms of four years, one member to serve a term of three years, and one member to serve a term of two years. Of the three remaining members of the commission, the Board of Supervisors shall appoint one member to serve a term of four years, one member to serve a term of three years, and one member to serve a term of two years. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of four years.

~~Members of the commission nominated by the Mayor may be suspended by the Mayor and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the~~

~~commission appointed directly by the Board of Supervisors may be suspended by a motion of the Board of Supervisors approved by six votes and may be removed by the Board of Supervisors only as set forth in Section 15.105.~~

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

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

The Commission on the Environment 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 Department of the Environment shall regularly produce an assessment of San Francisco's environmental condition. It shall also produce and regularly update plans for the long-term environmental sustainability of San Francisco.

Pursuant to the policies and directives set by the Commission, and under the supervision and direction of the department head, the Department shall manage the environmental programs, duties and functions assigned to it pursuant to Section 4.132 or by ordinance.

The Commission shall have the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, except for those regarding building and land use.

The Commission may investigate and make recommendations to all City agencies related to operations and functions, such as:

1. Solid waste management;
2. Recycling;
3. Energy conservation;
4. Natural resource conservation;
5. Environmental inspections;
6. Toxics;
7. Urban forestry and natural resources;

8. Habitat restoration; and
9. Hazardous materials.

The Commission shall conduct public education and outreach to the community on environmental issues, including, but not limited to each of the categories listed above.

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

The Commission on the Status of Women shall consist of seven members. Commission members shall be 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.~~ The Commission shall develop and recommend policies and practices for the City and County to reduce the particular impacts on women and girls of problems such as domestic violence, sexual harassment, employment and health care inequity, and homelessness, as well as advocate on behalf of women and girls in such areas. The Commission may be assigned additional duties and functions by ordinance or pursuant to Section 4.132.

#### **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.

#### **SEC. 4.121. BUILDING INSPECTION COMMISSION.**

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.

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.~~

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, Mechanical, Electrical,

and Plumbing Codes, except where this Charter specifically grants that power to another department.

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

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, 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.

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, Electrical Code, Housing Code, Plumbing Code, and Mechanical Code.

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.

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.

#### **SEC. 4.126. DEPARTMENTS – GENERAL PROVISIONS.**

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

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

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

No person serving on a board or commission created by state law to discharge a state function specifically within the City and County may be employed as a paid staff member to a board or commission created by this Charter.

#### **SEC. 4.132. EXECUTIVE BRANCH REORGANIZATION.**

(a) The Mayor, by issuing a notice to the Board of Supervisors, may reorganize duties and functions between ~~or among~~ departments and other units of government within the executive branch ("executive branch departments") as specified in subsection (d), in order to promote the effectiveness and efficiency of the executive branch and taking into account the special expertise and roles of said departments. A ~~Such~~ reorganization shall become effective 30 days after ~~its issuance-~~ the Clerk of the Board of Supervisors receives the Mayor's notice unless disapproved by the Board of Supervisors during that time. In the event an implementing ordinance is necessary to update the

Municipal Code in accordance with the proposed reorganization, the Mayor may introduce said ordinance with the notice, and the notice and ordinance shall both be deemed approved by the Board of Supervisors unless the Board disapproves within 60 days.

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

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

—(2)— Any unexpended balances of appropriations and other funds available for use in connection with any office, agency, department, or function affected by the reorganization; any unexpended balance so transferred shall be used only for the purpose for which the appropriation was originally made, except as this Charter otherwise permits.

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

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

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

(3) If a reorganization will consolidate an entire department into a receiving department, then the head of the former department shall cease to be a department head, and the head of the receiving department shall succeed to the powers, functions, and duties of the head of the former department; and if the Charter or federal or state law impose legal qualifications on the head

of the former department or other person performing the transferred powers, functions, or duties, then the head of the receiving department either shall meet those qualifications or shall designate a qualified person to perform and oversee the specific transferred powers, functions, or duties.

(d) This Section 4.132 shall apply to all executive branch departments created by ordinance (including voter-adopted ordinances); and to those that are specifically designated as within the executive branch under Articles III, IV, V, VII or VIII of the Charter. However, this Section 4.132 does not authorize the Mayor to transfer the duties and functions set forth in the Charter of the City Administrator, the Controller, the Board of Appeals, the Port, the Airport, the Asian Art Museum, and the Fine Art Museums. Consistent with Charter Sections 4.136 and 4.137, the Charter duties of the Department of Police Accountability shall not transfer to the Police Department, and the Charter duties of the Office of Sheriff's Inspector General shall not transfer to the Sheriff.

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

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

(1) Seats 1, 2, 3, and 4 shall be appointed by the Mayor 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) 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, except Section

4.102(5), 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. 4.134. SMALL BUSINESS COMMISSION.**

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

(b) At least five of the individuals appointed to the Commission shall be owners, operators, or officers of San Francisco small businesses. One of the individuals appointed to the Commission may be either a current or former owner, operator, or officer of a San Francisco small business. One member of the Commission may be an officer or representative of a neighborhood economic development organization or an expert in small business finance.

Pursuant to Government Code Section 87103, individuals appointed to the Commission under this Section are intended to represent and further the interest of the particular industries, trades, or professions specified herein. Accordingly, it is found that for purposes of persons who hold such office, the specified industries, trades, or professions are tantamount to and constitute the public generally within the meaning of Government Code Section 87103.

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

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

#### **SEC. 4.135. HISTORIC PRESERVATION COMMISSION.**

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

The term and tenure of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of the original appointments to the Historic Preservation Commission, four shall be for a four-year term and three for a two-year term as follows; the odd-numbered seats shall be for four-year terms and the even-numbered seats shall be for two-year terms. After the expiration of the original terms, all appointments shall be for four-year terms, provided however, that a member

may holdover until a successor has been nominated by the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of terms a member may serve.

The original nominations shall be made no later than 31 days after the date of the election creating this section. If the Mayor fails to nominate an original appointment within said period, the nomination for the original appointment may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors.

Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a qualified person to fill the vacant seat for the term, or the remainder of the term, subject to approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

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

QUALIFICATIONS. In addition to the specific requirements set forth below, members of the Historic Preservation Commission shall be persons specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City. Six of the members of the Historic Preservation Commission shall be specifically qualified in the following fields:

1. Seats 1 and 2: licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;
2. Seat 3: an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;

3. Seat 4: an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;

4. Seat 5: an historic preservation professional or professional in a field such as law, land use, community planning or urban design with specialized training and/or demonstrable experience in historic preservation or historic preservation planning.

5. Seat 6 shall be specially qualified in one of the following fields or in one of the fields set forth for Seats 1, 2, or 3;

a. A professional archeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archeology;

b. A real estate professional or contractor who has demonstrated a special interest, competence, experience, and knowledge in historic preservation;

c. A licensed structural engineer with at least four years of experience in seismic and structural engineering principals applied to historic structures; or

d. A person with training and professional experience with materials conservation.

Seat 7 shall be an at large seat subject to the minimum qualifications set forth above.

**LANDMARK AND HISTORIC DISTRICT DESIGNATIONS.** The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of landmark designations and historic district designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding landmarks designations to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding historic district designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a landmark or historic district shall be final unless appealed to the Board of Supervisors.

**CERTIFICATES OF APPROPRIATENESS.** The Historic Preservation Commission shall approve, disapprove, or modify certificates of appropriateness for work to designated landmarks or within historic districts. For minor alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any Certificate of Appropriateness before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission or Planning Commission's decision on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

**SIGNIFICANT OR CONTRIBUTORY BUILDING AND CONSERVATION DISTRICT DESIGNATIONS IN THE C-3 DISTRICTS.** The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of Significant or Contributory building and Conservation District designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding Significant or Contributory Buildings to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer

recommendations regarding Conservation District designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a Significant or Contributory building or Conservation District shall be final unless appealed to the Board of Supervisors.

**ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS IN THE C-3 DISTRICTS.** The Historic Preservation Commission shall have the authority to determine if a proposed alteration is a Major Alteration or a Minor Alteration. The Historic Preservation Commission shall have the authority to approve, disapprove, or modify applications for permits to alter or demolish designated Significant or Contributory buildings or buildings within Conservation Districts. For Minor Alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any permit to alter before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and II) or Contributory (Category III only) building, the Planning Commission may modify any decision on a permit to alter by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission's or Planning Commission's decision on a permit to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to

the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

**MILLS ACT CONTRACTS.** The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors, without referral or recommendation of the Planning Commission.

**PRESERVATION ELEMENT OF THE GENERAL PLAN.** The Historic Preservation Commission shall recommend to the Planning Commission a Preservation Element of the General Plan and shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan. Other objectives, policies, and provisions of the General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but that concern historic preservation shall be referred to the Historic Preservation Commission for its comment and recommendations prior to action by the Planning Commission. When the Planning Commission recommends to the Board of Supervisors for approval or rejection proposed amendments to the General Plan that concern historic preservation, any recommendation or comments of the Historic Preservation Commission on such proposed amendments shall be forwarded to the Board of Supervisors for its information.

**REFERRAL OF CERTAIN MATTERS.** The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Historic Preservation Commission regarding effects upon historic or cultural resources: ordinances and resolutions concerning historic preservation issues and historic resources; redevelopment project plans; waterfront land use and project plans; and such other matters as may be prescribed by ordinance. If the Planning Commission is required to take action on the matter, the Historic Preservation Commission shall submit any report to the Planning Commission as well as to the Board of Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the Board of Supervisors.

**OTHER DUTIES.** For proposed projects that may have an impact on historic or cultural resources, the Historic Preservation Commission shall have the authority to review and comment

upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act. The Historic Preservation Commission shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National Historic Preservation Act. The Historic Preservation Commission shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement. The Historic Preservation Commission shall have the authority to oversee and direct the survey and inventory of historic properties.

Once a quorum of members of the Historic Preservation Commission has been originally appointed and approved, the Historic Preservation Commission shall assume any powers and duties assigned to the Landmarks Preservation Advisory Board until the Municipal Code has been amended to reflect the creation of the Historic Preservation Commission.

BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter subsections 4.102(3), 4.102(4), and 4.102(5), ~~and 4.102(6)~~ 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 shall appoint 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 employee of the Police Department. ~~The~~As the department head, 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. Whenever the ratio of investigators to police officers specified by this section 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 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 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 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 command, 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.

(h) DPA shall prepare in accordance with rules of the Commission monthly summaries of the complaints received and shall prepare recommendations quarterly concerning policies or practices of the Police Department which could be changed or amended to avoid unnecessary tension with the public or a definable segment of the public while insuring effective police services.

(i) DPA shall prepare a report for the President of the Board of Supervisors each quarter. This report shall include, but not be limited to, the number and type of complaints filed, the outcome of the complaints, and a review of the disciplinary action taken. The President of the Board of Supervisors shall refer this report to the appropriate committee of the Board of Supervisors charged with public safety responsibilities. Said committee may issue recommendations as needed.

(j) In carrying out its objectives, including the preparation of recommendations concerning departmental policies or practices referenced above, the investigations referenced above, and the audits noted below, DPA shall receive prompt and full cooperation and assistance from all departments, officers, and employees of the City and County, which shall, unless prohibited by state or federal law, promptly produce all records and information requested by DPA, including but not limited to (1) records relevant to Police Department policies or practices, (2) personnel and disciplinary records of Police Department employees, (3) criminal investigative and prosecution files, and (4) all records to which the Police Commission has access, regardless of whether those records pertain to a particular complaint. The DPA shall maintain the confidentiality of any records and information it receives to the extent required by state or federal law governing such records or information. The Director may also request and the Chief of Police shall require the testimony or attendance of any member of the Police Department to carry out the responsibilities of DPA. Nothing in this Section 4.136 is intended or shall be construed to interfere with the duties of the Sheriff or the District Attorney under state law, including their constitutional and statutory powers and duties under Government Code Section 25303, as amended from time to time or any successor provisions thereto, or other applicable state law or judicial decision.

(k) Every two years, DPA shall conduct a performance audit or review of police officer use of force and how the Police Department has handled claims of officer misconduct. DPA shall also have the authority to conduct performance audits or reviews of whether Police Department personnel and management have complied with federal and state law, City ordinances and policies, and Police Department policies. The Director shall have the discretion to determine the frequency, topics, and scope of such performance audits or reviews. To the extent permitted by law, DPA shall also allow public access to information on the progress and disposition of claims of misconduct or use of force, and the results of the performance audits and reviews conducted by DPA.

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

#### **SEC. 4.137. SHERIFF'S DEPARTMENT OVERSIGHT.**

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

(1) The Sheriff's Department Oversight Board ("SDOB") is hereby established. The SDOB shall consist of seven members. The Board of Supervisors shall appoint four members (to Seats 1, 2, 3, and 4), and the Mayor shall appoint three members (to Seats 5, 6, and 7). Seat 4 shall be held by a person with experience in labor representation.

(2) Members shall serve four-year terms, beginning at noon on March 1, 2021; provided, however, the term of the initial appointees to Seats 1, 3, and 5 shall expire at noon on March 1, 2023, whereas the term of the initial appointees to Seats 2, 4, 6, and 7 shall expire at noon on March 1, 2025.

(3) No person may serve more than three successive terms as a member. No person having served three successive terms may serve as a member until at least four years after the expiration of the third successive term. Service for a part of a term that is more than half the period of the term shall count as a full term; further, this subsection (a)(3) makes no distinction between the two-year terms referenced in subsection (a)(2) and four-year terms.

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

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

(b) **SDOB Powers and Duties.** The SDOB shall:

(1) Appoint, and may remove, the Sheriff's Inspector General in the Office of Sheriff's Inspector General ("OSIG"), established in subsection (d).

(2) Evaluate the work of the OSIG, and may review the Sheriff's Inspector General's individual work performance.

(3) Compile, evaluate, and recommend law enforcement custodial and patrol best practices.

(4) Conduct community outreach and receive community input regarding SFSD operations and jail conditions, by holding public meetings and soliciting input from persons incarcerated in the City and County.

(5) Prepare and submit a quarterly report to the Sheriff and Board of Supervisors regarding the SDOB evaluations and outreach, and OSIG reports submitted to SDOB.

(6) By March 1 of each year, prepare and present to the Board of Supervisors or a committee designated by the President of the Board, an annual report that includes a summary of SDOB evaluations and outreach, and OSIG reports submitted to SDOB, for the prior calendar year.

(c) In performing its duties, the SDOB may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony.

(d) **Establishment of Office of Sheriff's Inspector General.** There is hereby established the Office of Sheriff's Inspector General ("OSIG"), which shall be a department under the SDOB, and separate from the Sheriff's Department. The OSIG shall be headed by the Sheriff's Inspector General, appointed by the SDOB as set forth in subsection (b)(1). The Sheriff's Inspector General shall be exempt from civil service selection, appointment, and removal procedures.

(e) **OSIG Powers and Duties.** The OSIG shall:

(1) Receive, review, and investigate complaints against SFSD employees and SFSD contractors; provided, however, that the OSIG shall refer complaints alleging criminal misconduct to the District Attorney, and refer complaints alleging violations of ethics laws to the Ethics Commission.

(2) Investigate the death of any individual in the custody of the SFSD. The OSIG shall refer evidence of criminal misconduct regarding any death in custody to the District Attorney. Notwithstanding such a referral, the OSIG may continue to investigate a death in custody unless OSIG's investigation will interfere with a criminal investigation conducted by the District Attorney, or any law enforcement agency to which the District Attorney may refer the evidence of criminal misconduct.

(3) Recommend disciplinary action to the Sheriff where, following an investigation pursuant to subsection (e)(1) or (e)(2), the OSIG determines that an employee's actions or omissions violated law or SFSD policy; provide notice of and a copy of the recommendation, the reasons for the recommendation, and supporting records, to the extent permitted by State or federal law, to the employee; and make available to the public any records and information regarding OSIG's disciplinary recommendations to the extent permitted by State or federal law.

(4) Develop and recommend to the Sheriff an SFSD use of force policy and a comprehensive internal review process for all use of force and critical incidents.

(5) Prepare and submit a quarterly report to the Sheriff and the SDOB regarding OSIG investigations that includes the number and type of complaints under subsection (e)(1) filed; trend analysis; the outcome of the complaints; any determination that the acts or omissions of an employee or contractor, in connection with the subject matter of a complaint under subsection (e)(1), or a death in custody under subsection (e)(2), violated law or SFSD policy; the OSIG's recommendations, if any, for discipline; the outcome of any discipline recommendations; and the OSIG's policy recommendations under subsection (e)(4).

(6) Monitor SFSD operations, including the provision of services to incarcerated individuals, through audits and investigations, to ensure compliance with applicable laws and policies.

(f) In performing its duties, the OSIG may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony. The OSIG also may request and the Sheriff shall require the testimony or attendance of any employee of the SFSD.

**(g) Cooperation and Assistance from City Departments.** In carrying out their duties, the SDOB and OSIG shall receive prompt and full cooperation and assistance from all City departments, officers, and employees, including the Sheriff and SFSD and its employees, which shall, unless prohibited by State or federal law, promptly produce all records and information requested by the SDOB or OSIG, including but not limited to (1) personnel and disciplinary records of SFSD employees, (2) SFSD criminal investigative files, (3) health information pertaining to incarcerated individuals, and (4) all records and databases to which the SFSD has access, regardless of whether those records pertain to a particular complaint or incident. The Sheriff also shall, unless prohibited by State or federal law, allow the OSIG unrestricted and unescorted access to all facilities, including the jails. The SDOB and OSIG shall maintain the

confidentiality of any records and information it receives or accesses to the extent required by local, State, or federal law governing such records or information.

In carrying out their duties, the SDOB and OSIG shall cooperate and collaborate with organizations that contract with SFSD to provide legal services to incarcerated individuals.

(h) **Budget and Staffing.** Subject to the fiscal, budgetary, and civil service provisions of the Charter, the OSIG staff shall include no fewer than one investigator for every 100 sworn SFSD employees. No SDOB or OSIG staff, including the Sheriff's Inspector General, shall have been employed previously by a law enforcement agency or a labor organization representing law enforcement employees.

(i) Nothing in this Section 4.137 shall prohibit, limit, or otherwise restrict the Sheriff or the Sheriff's designee from investigating the conduct of an employee or contractor of the SFSD, or taking disciplinary or corrective action permitted by City or State law.

(j) Nothing in this Section 4.137, including but not limited to subsections (f) and (g), is intended to or shall be interpreted to abrogate, interfere with, or obstruct the independent and constitutionally and statutorily designated duties of the Sheriff, including the Sheriff's duty to investigate citizens' complaints against SFSD personnel and the duty to operate and manage the jails, the California Attorney General's constitutional and statutory responsibility to oversee the Sheriff, or other applicable State law. In carrying out their duties, the SDOB and OSIG shall cooperate and coordinate with the Sheriff so that the Sheriff, the SDOB, and the OSIG may properly discharge their respective responsibilities.

#### **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 Sections 3.100(19) and 4.102(5). Notwithstanding Section 4.102(5) of this Charter, the Mayor shall appoint and may remove the Director of Public Works, who shall serve as the department head of the Department.~~

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 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 Section 4.102(5) and 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. 5.102. CITY MUSEUMS.**

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

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

The governing boards of the museums shall adopt by-laws providing for the conduct of their affairs, including the appointment of an executive committee which shall have authority to act in such matters as are specified by the governing board.

The governing boards of the museums shall appoint and may remove a director and such other executive and administrative positions as may be necessary. Appointees to such positions need not be residents of the City and County. Notwithstanding any other provision of this Charter, the governing boards may accept and utilize contributions to supplement or pay for the salaries and

benefits of these appointees in order to establish competitive compensation, provided that only compensation established pursuant to the salary provisions of this Charter shall be considered for Retirement System purposes.

The governing boards of the museums may insure any loaned exhibit and agree to indemnification and binding arbitration provisions necessary to insuring exhibitions without action of the Board of Supervisors so long as such agreement entails no expense to the City and County beyond ordinary insurance expense. The Recreation and Park Department shall maintain and care for the grounds of the Museums.

#### **SEC. 5.103. ARTS COMMISSION.**

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

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

In furtherance of the foregoing the Arts Commission shall:

1. Approve the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, set-backs or usable open spaces which are an integral part of any such structures;

2. Approve the design and location of all works of art before they are acquired, transferred or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County;

3. Promote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, assure that the City and County-owned community cultural centers remain open, accessible and vital contributors to the cultural life of the City and County, establish liaison between community groups and develop support for neighborhood artists and arts organizations; and

4. Supervise and control the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts.

Nothing in this section shall be construed to limit or abridge the powers or exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences or the Library Commission over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care.

#### **SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.**

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

## **SEC. 7.102. JUVENILE PROBATION.**

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

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

Any member may serve concurrently as a member of the Juvenile Justice Commission created by state law and as a member of the Juvenile Probation Commission herein created.

The Chief Juvenile Probation Officer, assistants and deputies shall have the powers and duties conferred upon such Chief Juvenile Probation Officers, assistants and deputies by state law; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

## **SEC. 8.102. PUBLIC LIBRARIES.**

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

The 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.~~

## **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:

1. Have exclusive authority over the acquisition, construction, management, supervision, maintenance, extension, operation, use, and control of all property, as well as the real, personal, and financial assets of the Agency; and have exclusive authority over contracting, leasing, and purchasing by the Agency, provided that any Agency contract for outside services shall be subject to Charter Sections 10.104(12) and 10.104(15) and that the Agency may not transfer ownership of any of the real property of the City and County without approval from the Board of Directors and the Board of Supervisors;
2. Have exclusive authority to enter into such arrangements and agreements for the joint, coordinated, or common use with any other public entity owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, and transit electrical power facilities;

3. Have exclusive authority to make such arrangements as it deems proper to provide for the exchange of transfer privileges, and through-ticketing arrangements, and such arrangements shall not constitute a fare change subject to the requirements of Sections 8A.106 and 8A.108;

4. Notwithstanding any restrictions on contracting authority set forth in the Administrative Code, have exclusive authority to enter into agreements for the distribution of transit fare media and media for the use of parking meters or other individual parking services;

5. Have exclusive authority to arrange with other transit agencies for bulk fare purchases, provided that if passenger fares increase as a result of such purchases, the increase shall be subject to review by the Board of Supervisors pursuant to Sections 8A.106 and 8A.108;

6. Notwithstanding Section 2.109, and except as provided in Sections 8A.106 and 8A.108, have exclusive authority to fix the fares charged by the Municipal Railway, rates for off-street and on-street parking, and all other, rates, fees, fines, penalties and charges for services provided or functions performed by the Agency;

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.

(iii) Nothing in subsection 7 shall modify the power of the Board of Supervisors to establish civil offenses, infractions and misdemeanors.

(iv) 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, 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.

8. Have exclusive authority to adopt regulations limiting parking, stopping, standing or loading as provided by state law and to establish parking privileges and locations subject to such privileges for categories of people or vehicles as provided by state law; to establish parking meter zones, to set parking rates, and to select, install, locate and maintain systems and equipment for payment of parking fees, provided that:

(i) Notwithstanding the authority established in subsection 8, 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 creation or elimination of any preferential parking zone, the creation or elimination of any parking meter zone, the adoption of any limitation on the time period for which a vehicle may be parked, or reservation of any parking space for persons with a disability that qualifies for parking privileges under state law. In any review of a decision of the Agency pursuant to this section, 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 subsection 8 shall modify the power of the Board of Supervisors to establish civil offenses, infractions and misdemeanors.

(iii) Notwithstanding the authority established in subsection 8, to the extent state law contemplates that any Agency action authorized by subsection 8 be effectuated by ordinance, such action shall be effectuated by resolution of the Board of Directors and, if a referendum petition contains the requisite number of signatures, shall be subject to referendum in accordance with Article 14, and the Board of Supervisors shall have the power to reconsider or repeal the action as provided in Article 14.

9. Have exclusive authority to establish policies regarding and procure goods and services for the enforcement of regulations limiting parking, stopping, standing or loading and the collection of parking-related revenues and, along with the Police Department, have authority to enforce parking, stopping, standing or loading regulations;

10. Be responsible for chairing the Interdepartmental Staff Committee 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 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. 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 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) under which a portion of the Director's compensation is based on achievement of service standards adopted by the Board of Directors.~~

21. 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.

32. 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 be selected and appointed following the process in Section 4.102(5), may be removed by the Mayor under Section 3.100, and shall be employed pursuant to an individual contract approved by the Mayor. 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 Mayor, after an independent survey, determines most closely resemble the Agency in size, mission, and complexity. In addition, the contract may provide an incentive

compensation plan consistent with the requirements of Section 8A.104(m) under which a portion of the Director's compensation is based on achievement of service standards adopted by the Mayor.

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 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 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 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 designees may approve contracts.

(h) Except provided in this Article, 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, 16.100, and A8.346. Sections 4.102,

4.126, and 4.132 shall not be applicable to the Agency, except as expressly provided in this Article VIII.

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

(a) The General Manager shall be ~~selected under the provisions of Charter sections 3.100 and 4.102. The General Manager~~ selected and appointed following the process in Section 4.102(5), may be removed by the Mayor under Section 3.100, and may be employed under an individual contract approved by the Mayor. 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~~ Mayor, after an independent survey, determines most closely resemble the Public Utilities Commission in size, mission, and complexity. In addition, the ~~Public Utilities Commission~~ contract may provide an incentive compensation bonus plan for the General Manager based on performance goals established by the ~~Commission~~ Mayor.

(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 under subsections (a) and (b) of this Section 8B.126, the ~~Public Utilities Commission~~ Mayor and the Public Utilities Commission, respectively, 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 ~~e~~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 Public Utilities Commission may contribute toward defraying the cost of the employee's health premiums and retirement pick-up.

#### **SEC. 10.100. CIVIL SERVICE COMMISSION.**

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

The Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for six-year terms. Not less than two members of the Commission shall be women.

The persons so appointed shall, before taking office, make under oath and file in the office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of Civil Service Commissioner in the spirit of this declaration."

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

The regular meetings of the Commission shall be open to the public and held at such a time as will give the general public and employees of the City and County adequate time within which to appear before the Commission after the regular daily working hours of 8:00 a.m. to 5:00 p.m. Such person or persons shall be given an opportunity to be heard by the Commission before final action is taken in any case involving such person or persons.

#### **SEC. 13.103.5. ELECTIONS COMMISSION.**

An Elections Commission shall be established to oversee all public federal, state, district and municipal elections in the City and County. The Commission shall set general policies for the Department of Elections and shall be responsible for the proper administration of the general practices of the Department, subject to the budgetary and fiscal provisions of this Charter. These duties shall include but not be limited to approving written plans prior to each election, submitted by the Director of Elections, detailing the policies, procedures, and personnel that will be used to conduct the election as well as an assessment of how well the plan succeeded in carrying out a free, fair and functional election.

The Commission shall consist of seven members who shall serve five-year terms. No person appointed as a Commission member may serve as such for more than two successive five-year terms. Any person appointed as a Commission member to complete more than two and one-half years of a five-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive five-year terms may serve as a Commission member until at least five years after the expiration of the second successive term in office. Any Commission member who resigns with less than two and one-half years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full five-year term.

The Mayor, the Board of Supervisors, the City Attorney, the Public Defender, the District Attorney, the Treasurer, and the Board of Education of the San Francisco Unified School District each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in the electoral process. The member appointed by the City Attorney shall have a background in elections law. The member appointed by the Treasurer shall have a background in financial management. The members appointed by the District Attorney, Public Defender, the Board of Education of the San Francisco Unified School District, and the Board of Supervisors shall be broadly representative of the general public. In the event a vacancy occurs, the appointing authority who appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term. All members initially appointed to the Election Commission shall take office on the first day of January, 2002.

The initial terms of Commission members shall expire according to the following guidelines: the term of the members appointed by the Mayor and the Board of Education of the San Francisco Unified School District shall expire on January 1, 2003; the term of the members appointed by the Board of Supervisors and the Treasurer shall expire on January 1 2004; the term of the member appointed by the City Attorney shall expire January 1, 2005; the term of the member appointed by the Public Defender shall expire January 1, 2006; and the term of the member appointed by the District Attorney shall expire January 1, 2007.

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

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

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

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

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

#### **SEC. 15.105. SUSPENSION AND REMOVAL.**

(a) ~~ELECTIVE AND CERTAIN APPOINTED OFFICERS.~~ Any elective officer in Article XIII of this Charter, ~~and any member of the Airport Commission, Asian Art Commission, Civil Service Commission, Commission on the Status of Women, Golden Gate Concourse Authority Board~~

~~of Directors, Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal Transportation Agency Board of Directors, Port Commission, Public Utilities Commission, Recreation and Park Commission, Fine Arts Museums Board of Trustees, War Memorial and Performing Art Center Board of Trustees, Board of Education or Community College Board~~ is subject to suspension and removal for official misconduct as provided in this subsection (a). Such officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. Upon such suspension, the Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their next regular meetings following such suspension, and shall immediately furnish a copy of the same to such officer, who shall have the right to appear with counsel and present a defense before the Ethics Commission ~~in his or her defense~~. The Ethics Commission shall hold a hearing not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall thereby be reinstated.

(b) MEMBERS OF CERTAIN COMMISSIONS~~BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD OF APPEALS, ELECTIONS COMMISSION, ETHICS COMMISSION, SHERIFF'S DEPARTMENT OVERSIGHT BOARD, AND ENTERTAINMENT COMMISSION~~. Members of the ~~Building Inspection Commission, the Planning Commission, the~~ Board of Appeals, Civil Service Commission, and, ~~the Elections Commission, the~~ Ethics Commission, ~~the Sheriff's Department Oversight Board, and the Entertainment Commission~~ may be suspended and removed pursuant to the provisions of subsection (a) of this section except that 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.

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

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

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

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

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

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

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

(2) Other Officers and Employees.

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

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

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

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

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

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

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

(d) DISQUALIFICATION.

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

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

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

(B) Upon the request of any former City officer or employee, the Ethics Commission may, after a public hearing, overturn the application of the disqualification provision of subsection (d)(1)(B) if: (i) the decision that the former officer or employee engaged in official misconduct was not made after a hearing by a court, the Board of Supervisors, the Ethics Commission, an administrative body, an administrative hearing officer, or a labor arbitrator; and (ii) if the officer or employee does not have the right to appeal their ~~his or her~~ restriction on holding future office or employment to the ~~San Francisco~~ Civil Service Commission.

(e) OFFICIAL MISCONDUCT. Official misconduct means any wrongful behavior by a public officer in relation to the duties of their ~~his or her~~ office, willful in its character, including any failure, refusal, or neglect of an officer to perform any duty enjoined on them ~~him or her~~ by law, or conduct that falls below the standard of decency, good faith, and right action impliedly required of

all public officers and including any violation of a specific conflict of interest or governmental ethics law. When any City law provides that a violation of the law constitutes or is deemed official misconduct, the conduct is covered by this definition and may subject the person to discipline and/or removal from office.

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

(a) **Creation.** There shall be a Children, Youth and Their Families Oversight and Advisory Committee ("Oversight and Advisory Committee") 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.

(b) **Responsibilities.**

(1) The Oversight and Advisory Committee 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 shall promote and facilitate transparency in the administration of the Fund.

(2) As provided in Section 16.108, the Oversight and Advisory Committee 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 Charter.

~~(3) The Oversight and Advisory Committee 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.~~

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

~~(54)~~ The Oversight and Advisory Committee shall meet at least six times a year.

(c) **Composition.** The Oversight and Advisory Committee 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.

(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 DCYF 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 children, youth and their families. The Working Group shall be supported by DCYF staff, and 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.

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

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Charter amendment, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Charter amendment. The qualified voters of the City and County of San Francisco hereby declare that they would have voted in favor of this Charter amendment, and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Charter amendment or application thereof would be subsequently declared invalid or unconstitutional.

**Section 7. Liberal Construction**

This measure shall be liberally construed and applied in order to fully promote its underlying purposes.