



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

July 23, 2020

John Arntz, Director of Elections Department of Elections 1 Dr. Carlton B. Goodlett Place, Room 48 San Francisco, CA 94102 HAND DELIVERED

Dear Mr. Arntz:

Please find attached four (4) certified copies each of the following Charter Amendment for the November 3, 2020, Ballot as follows:

File No. 200510 Charter Amendment - Department of Sanitation and Streets, Sanitation and Streets Commission, and Public Works Commission

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco to create the Department of Sanitation and Streets to succeed to specific duties currently performed by the Department of Public Works; to create a Sanitation and Streets Commission to oversee the Department of Sanitation and Streets; to create a Public Works Commission to oversee the Department of Public Works; and to require an annual performance audit and cost and waste analysis for both departments; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 3, 2020.

The Board of Supervisors Order Submitted the above listed Charter Amendment on July 21, 2020.

The electronic version of this Charter Amendment is being e-mailed to your office at publications@sfgov.org.

Sincerely,

Angela Calvillo Clerk of the Board

(Attachments)

#### **DEPARTMENT OF ELECTIONS**

City and County of San Francisco

1) 🕅 Board of Supervisors



JOHN ARNTZ
Director

# 26 JUL 24 FM 1:45

# ACKNOWLEDGEMENT OF RECEIPT

# Submission of Measure: Charter Amendment

Charter Amendment - Department of Sanitation and Streets, Sanitation and Streets Commission, and Public Works Commission (Unofficial Title of Measure)

· ·	—	_						
2)	Tails							
3)	🔀 Legisl	lative Dig	gest					
4)	_		OPY OF TEXT					
5)	Contac	ct Person	:Victor Young	5				
	Addres		_1 Dr. Carlton BSan Franicsco, Ca (415) 554-7723		Place, Ro	oom 244		
	Date:	itted By:	07/23/2020 _Victor Young		_ (print)	Victor-i	Young	(sign)
6)	COPIES	forward		n two wor	king days			
	X	Office-						



# City and County of San Francisco

### **Certified Copy**

#### **Charter Amendment**

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

Charter Amendment

200510

[ Charter Amendment - Department of Sanitation and Streets, Sanitation and Streets Commission, and Public Works Commission]

Sponsors: Haney; Walton, Preston, Ronen, Mar and Safai

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco to create the Department of Sanitation and Streets to succeed to specific duties currently performed by the Department of Public Works; to create a Sanitation and Streets Commission to oversee the Department of Sanitation and Streets; to create a Public Works Commission to oversee the Department of Public Works; and to require an annual performance audit and cost and waste analysis for both departments; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 3, 2020.

7/14/2020 Board of Supervisors - CONTINUED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

7/21/2020 Board of Supervisors - ORDERED SUBMITTED

Ayes: 7 - Haney, Mar, Peskin, Preston, Ronen, Safai and Walton

Noes: 4 - Fewer, Mandelman, Stefani and Yee

STATE OF CALIFORNIA CITY AND COUNTY OF SAN FRANCISCO

**CLERK'S CERTIFICATE** 

I do hereby certify that the foregoing Charter Amendment is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the offical seal of the City and County of San Francisco.

July 23, 2020

Date

Angela Calvillo

Clerk of the Board

1	[Charter Amendment - Department of Sanitation and Streets, Sanitation and Streets Commission
2	and Public Works Commission]
3	Describing and setting forth a proposal to the voters at an election to be held on November
4	3, 2020, to amend the Charter of the City and County of San Francisco to create the
5	Department of Sanitation and Streets to succeed to specific duties currently performed by
6	the Department of Public Works; to create a Sanitation and Streets Commission to oversee
7	the Department of Sanitation and Streets; to create a Public Works Commission to oversee
8	the Department of Public Works; and to require an annual performance audit and cost
. 9	and waste analysis for both departments; and affirming the Planning Department's
10	determination under the California Environmental Quality Act.
11	
12	Section 1. The Planning Department has determined that the actions contemplated in this
13	proposed Charter Amendment comply with the California Environmental Quality Act (California
14	Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of
15	the Board of Supervisors in File No. 200510 and is incorporated herein by reference. The Board
16	affirms this determination.
17	
18	Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
19	and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of
20	the City and County by revising Sections 3.104, 16.129, and F1.102, adding Sections 4.138,
21	4.139, and 4.141, and revising and renumbering Section 4.130 as Section 4.140, to read as
22	follows:
23	NOTE: Unchanged Charter text and uncodified text are in plain font.
24	Additions are <u>single-underline italics Times New Roman font</u> .  Deletions are <u>strike-through italics Times New Roman font</u> .
25	<b>Asterisks</b> (* * * *) indicate the omission of unchanged Charter subsections.

1	(2) maintenance and cleaning of public restrooms in the public right of way;
2	(3) provision and maintenance of city trash receptacles;
3	(4) removal of illegal dumping and graffiti in the public right of way;
4	(5) maintenance of public medians, and of street trees in the public right of
5	way pursuant to section 16.129;
6	(6) maintenance of City streets and sidewalks;
7	(7) construction, repair, remodeling, and management services for City-
8	owned buildings and facilities; and
9	(8) control of pests on City streets and sidewalks.
10	The Board of Supervisors may limit, modify, or eliminate the duties set forth in
11	subsections (1) through (8), and may transfer any of those duties to the Department of Public
12	Works or other City departments, by ordinance approved by two-thirds of the Board. Nothing in
13	this Section 4.138 shall relieve property owners of the legal responsibilities set by local or State
14	law, including as those laws may be amended in the future.
15	(c) Refuse Collection and Disposal Ordinance. The Director of Sanitation and Streets
16	shall perform the responsibilities assigned to the Director of Public Works by the Refuse
17	Collection and Disposal Ordinance of November 8, 1932, as it may be amended from time to
18	<u>time.</u>
19	(d) Administrative Support. By no later than the Transition Date in Section 4.139(d),
20	the Board of Supervisors shall by ordinance require the City Administrator, the Department of
21	Public Works, and/or any other City department to provide administrative support for the
22	Department, which shall include but need not be limited to human resources, performance
23	management, finance, budgeting, technology, emergency planning, training, and employee safety
24	services. At any time more than two years and three months after the Transition Date, the Board

1	of Supervisors may adopt ordinances requiring the Department of Sanitation and Streets to
2	assume responsibility for some or all of that administrative support.
3	(e) Transition.
4	No later than the Transition Date in Section 4.139(d), the City Administrator shall submit
5	to the Board of Supervisors a proposed ordinance amending the Municipal Code, including but
6	not limited to the Public Works Code, to conform to Sections 3.104, 4.139, 4.140, 4.141, 16.129,
7	F1.102, and this Section 4.138, as adopted or amended by the voters at the November 3, 2020
8	election.
9	
10	SEC. 4.139. SANITATION AND STREETS COMMISSION.
11	(a) Purpose. There is hereby established a Sanitation and Streets Commission. The
12	Commission shall set policy directives and provide oversight for the Department of Sanitation
13	and Streets.
14	(b) Membership and Terms of Office.
15	(1) The Commission shall consist of five members, appointed as follows:
16	Seats 1 and 2 shall be appointed by the Mayor subject to confirmation by the
17	Board of Supervisors. Each nomination shall be the subject of a public hearing and vote within
18	60 days. If the Board of Supervisors fails to act on a nomination within 60 days of the date the
19	nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed
20	confirmed. Seat 1 shall be held by a person who is a small business owner. Seat 2 shall be held
21	by a person with experience in project management.
22	Seat 3 shall be appointed by the Controller subject to confirmation by the Board
23	of Supervisors. The nomination shall be the subject of a public hearing and vote within 60 days.
24	If the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination

1	is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.
2	Seat 3 shall be held by a person who has a background in finance and audits.
3	Seats 4 and 5 shall be appointed by the Board of Supervisors. Seat 4 shall be held
4	by a person who has a background in either urban forestry, urban design, or environmental
5	services. Seat 5 shall be held by a person with significant experience in cleaning and
6	maintaining public spaces.
7	(2) Members of the Commission shall serve four-year terms; provided,
8	however, the term of the initial appointees in Seats 1 and 4 shall be two years.
9	(3) Members may be removed at will by their respective appointing officer.
10	(c) Duties. With regard to the Department of Sanitation and Streets, beginning three
11	months after the Transition Date in subsection (d), the Commission shall exercise all the powers
12	and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, and may
13	take other actions as prescribed by ordinance. In addition, the Commission shall:
14	(1) review and evaluate data regarding street and sidewalk conditions,
15	including but not limited to data collected by the Department, and annual reports generated by
16	the Controller;
17	(2) establish minimum standards of cleanliness for the public right of way,
18	and set baselines for services to be administered by the Department;
19	(3) approve all contracts proposed to be entered into by the Department,
20	provided that the Commission may delegate this responsibility to the Director of the Department
21	or the Director's designee;
22	(4) perform an annual cost analysis evaluating whether there are
23	inefficiencies or waste in the Department's administration and operations; and
24	(5) perform an annual review on the designation and filling of Department
25	positions, as exempt, temporary, provisional, part-time, seasonal or permanent status, the

1	number of positions that are vacant, and at the Commission's discretion, other data regarding
2	the Department's workforce. This function shall not in any way limit the roles of the Civil
3	Service Commission or the Department of Human Resources under the Charter.
4	(d) Transition provisions.
5	(1) The Commission shall come into existence on the Transition Date, which
6	shall be established by the Board of Supervisors by written motion adopted by a majority vote of
7	its members, provided that the Transition Date shall be no earlier than July 1, 2022. The Board
8	of Supervisors shall vote on a written motion to establish the Transition Date no later than
9	January 1, 2022. If the Board of Supervisors fails to adopt such a motion by January 1, 2022,
10	the Clerk of the Board of Supervisors shall place such a motion on the agenda of a Board of
11	Supervisors meeting at least once every three months thereafter until such time as the Board of
12	Supervisors adopts a motion establishing the Transition Date. The Mayor, Board of
13	Supervisors, and Controller shall make initial appointments to the Commission by no later than
14	three months before the Transition Date. The terms of all five members shall commence at noor
15	on the Transition Date.
16	(2) The Commission shall have its inaugural meeting by no later than 30 days
17	after three members of the Commission have assumed office.
18	(3) The Director of Public Works or person serving in an acting capacity as
19	Director of Public Works, at the time the Commission comes into existence, shall perform the
20	duties of the Director of the Department of Sanitation and Streets in an acting capacity until the
21	Commission appoints a new Director in accordance with the Charter provisions governing
22	appointment of a department head serving under a commission.
23	
24	
25	

1	SEC. 4.1404.130. DEPARTMENT OF PUBLIC WORKS.
2	Except as otherwise specified in the Charter, including in Section 4.138(b)(7), The duties
3	and functions of the Department of Public Works shall design, build, and improve the City's
4	infrastructure and public right of way, and assume any other duties be assigned by the City
5	Administrator, by ordinance or pursuant to Section 4.132. The Department shall be headed by
6	the Director of Public Works, who shall be qualified by either technical training or management
7	experience in engineering or architecture.
8	
9	SEC. 4.141. PUBLIC WORKS COMMISSION.
10	(a) Purpose. There is hereby established a Public Works Commission. The
11	Commission shall set policy directives and provide oversight for the Department of Public
12	<u>Works.</u>
13	(b) Membership and Terms of Office.
14	(1) The Commission shall consist of five members, appointed as follows:
15	Seats 1 and 5 shall be appointed by the Board of Supervisors. Seat 1 shall be held
16	by a registered professional engineer licensed in the State of California, with a background in
17	civil, mechanical, or environmental engineering, and Seat 5 shall be an at-large position.
18	Seats 2 and 4 shall be appointed by the Mayor subject to confirmation by the
19	Board of Supervisors. Each nomination shall be the subject of a public hearing and vote within
20	60 days. If the Board of Supervisors fails to act on a nomination within 60 days of the date the
21	nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed
22	confirmed. Seat 2 shall be held by a registered architect licensed in the State of California, and
23	Seat 4 shall be an at-large position.
24	Seat 3 shall be held by a person with a background in finance with at least 5
25	years in auditing experience, appointed by the Controller subject to confirmation by the Board o

1	Supervisors. The nomination shall be the subject of a public hearing and vote within 60 days. If	ŗ
2	the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination	<u>is</u>
3	transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.	
4	(2) Members of the Commission shall serve four-year terms; provided,	
5	however, the term of the initial appointees in Seats 1, 3, and 5 shall be two years.	
6	(3) Commissioners may be removed from office at will by their respective	
7	appointing authority.	
8	(c) Powers and Duties.	
9	(1) With regard to the Department of Public Works, beginning on September	
10	1, 2022, the Commission shall exercise all the powers and duties of boards and commissions set	<u>t</u>
11	forth in Sections 4.102, 4.103, and 4.104, and may take other actions as prescribed by	
12	ordinance.	
13	(2) The Commission shall oversee the Department's performance, including	
14	evaluation of data collected by the Department, the Controller, and other City agencies.	
15	(3) The Commission shall approve all contracts proposed to be entered into	
16	by the Department, provided that the Commission may delegate this responsibility to the	
17	Director of Public Works, or the Director's designee.	
18	(4) The Commission shall require the Director of Public Works, or the	
19	Director's designee, to provide the Commission with proof of adequate performance of any	
20	contract entered into by the Department for public works involving the City's infrastructure or	
21	public right of way, based on written documentation including documentation that the building	
22	official has issued a building or site permit and a final certificate of occupancy.	
23	(5) The Commission shall perform an annual review on the designation and	
24	filling of Department positions, as exempt, temporary, provisional, part-time, seasonal or	
25	permanent status, the number of positions that are vacant, and at the Commission's discretion,	

1	other data regarding the Department's workforce. This function shall not in any way limit the
2	roles of the Civil Service Commission or the Department of Human Resources under the
3	Charter.
4	(d) Transition provisions.
5	(1) The Mayor, Board of Supervisors, and Controller shall make initial
6	appointments to the Commission by no later than the Appointment Deadline, which shall be
7	either noon on June 1, 2022, or an earlier date established by the Board of Supervisors by
8	written motion adopted no later than January 1, 2022 by a majority vote of its members. The
9	Commission shall come into existence either at noon on the 31st day after the Appointment
10	Deadline, or at noon on the date that three members of the Commission have assumed office,
11	whichever is later. The terms of all five members shall commence at noon on the 31st day after
12	the Appointment Deadline, regardless of when the Commission comes into existence.
13	(2) The Commission shall have its inaugural meeting by no later than three
14	months after the terms of the initial members begin.
15	(3) The Director of Public Works at the time the Commission comes into
16	existence shall remain in that position unless removed from it in accordance with the Charter
17	provisions governing removal of a department head serving under a commission. If a person is
18	serving in an acting capacity as Director at the time the Commission comes into existence, the
19	preceding sentence applies, except that the position shall also be considered vacant for purposes
20	of the next sentence. If the position of Director is vacant for any reason, including removal of
21	the incumbent Director, the position shall be filled in accordance with the Charter provisions
22	governing appointment of a department head serving under a commission. In that event, a
23	person removed from the position under the first sentence of this subsection may be considered

for appointment to the position.

24

#### SEC. 16.129. STREET TREE MAINTENANCE.

(a) Definitions. For purposes of this Section 16.129:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

23

24

25

"Maintenance" (and its root "Maintain") shall mean those actions necessary to promote the life, growth, health, or beauty of a Tree. Maintenance includes both routine maintenance and major maintenance. Routine maintenance includes adequate watering to ensure the Tree's growth and sustainability; weed control; removal of Tree-well trash; staking; fertilizing; routine adjustment and timely removal of stakes, ties, Tree guards, and Tree grates; bracing; and Sidewalk repairs related to the Tree's growth or root system. Major maintenance includes structural pruning as necessary to maintain public safety and to sustain the health, safety, and natural growth habit of the Tree; pest and disease-management procedures as needed and in a manner consistent with public health and ecological diversity; and replacement of dead or damaged Trees. Pruning practices shall be in compliance with International Society of Arboriculture Best Management Practices and ANSI Pruning Standards, whichever is more protective of Tree preservation, or any equivalent standard or standards selected by the Director of the Department of <u>Sanitation and StreetsPublic Works</u>.

\* \* \* \*

"Street Tree" shall mean any Tree growing within the public right-of-way, including unimproved public streets and Sidewalks, and any Tree growing on land under the jurisdiction of the Department of Public Works or the Department of Sanitation and Streets. "Street Tree" does not include any other forms of landscaping.

22

(g) Beginning in fiscal year 2018-2019, the City may suspend growth in the City's \$19 million contribution to the Fund under subsection (f) of this Section 16.129 if the City's projected budget deficit for the upcoming fiscal year at the time of the Joint Report or Update to

1	the five-year financial plan as prepared jointly by the Controller, the Mayor's Budget Director,
2	and the Board of Supervisors' Budget Analyst exceeds \$200 million adjusted annually by
3	changes in aggregate discretionary revenues as defined in subsection (f) of this Section 16.129.
4	(h) Administration and Use of the Fund. The Department of <u>Sanitation and</u>
5	Streets Public Works shall administer the Fund. Monies in the Fund shall only be used for the
6	following purposes:
7	(1) Maintenance and Removal of Street Trees;
8	(2) Necessary costs of administering the Fund; and
9	(3) Making grants totaling up to \$500,000 annually to the San Francisco Unified
10	School District exclusively to fund Maintenance and Removal of Trees on School District
11	property.
12	* * * *
13	(i) Annual Reports. Commencing with a report filed no later than January 1, 2019,
14	covering the fiscal year ending June 30, 2018, the Department of <u>Sanitation and Streets</u> <u>Public</u>
15	Works shall file annually with the Board of Supervisors, by January 1 of each year, a report
16	containing the amount of monies collected in and expended from the Fund during the prior fiscal
17	year, and such other information as the Director of the Department of Sanitation and
18	Streets Public Works, in the Director's sole discretion, shall deem relevant to the operation of this
19	Section 16.129.
20	* * * *
21	
22	F1.102. STREET, SIDEWALK, AND PARK CLEANING AND MAINTENANCE.
23	(a) The Services Audit Unit shall conduct annually a performance audit of the City's
24	street, sidewalk, and public park maintenance and cleaning operations. The annual audit shall:

1	(1) Include quantifiable, measurable, objective standards for street, sidewalk,
2	and park maintenance, to be developed in cooperation and consultation with the <u>Department of</u>
3	Sanitation and Streets, the Department of Public Works, and the Recreation and Park
4	Department;
5	* * * *
6	(b) The Services Audit Unit shall conduct annually a cost and waste analysis evaluating
7	whether there are inefficiencies or waste in the administration and operations of the Department
8	of Sanitation and Streets, and the Department of Public Works or inefficiencies or waste in the
9	division of labor between the two departments. The annual audit shall make quantifiable,
10	measurable recommendations for the elimination of inefficient operations and functions, and
11	shall include:
12	(1) Consolidation of duplicative and overlapping activities and functions;
13	(2) Integration and standardization of information maintenance systems that
14	promote interdepartmental sharing of information and resources;
15	(3) Departmental accounting for expenditure of resources in terms of effectiveness
16	of the service or product delivered;
17	(4) Departmental deployment and utilization of personnel, the City's personnel
18	procurement system, and reforms to enhance the quality of work performance of public
19	employees; and
20	(5) Methods of operation to reduce consumption and waste of resources.
21	(bc) In addition, all City agencies engaged in street, sidewalk, or park maintenance
22	shall establish regular maintenance schedules for streets, sidewalks, parks and park facilities,
23	which shall be available to the public and on the department's website. Each such department
24	shall monitor compliance with these schedules, and shall publish regularly data showing the
25	extent to which the department has met its published schedules. The City Services Audit Unit

1	shall audit each department's compliance with these requirements annually, and shall furnish
2	recommendations for meaningful ways in which information regarding the timing, amount and
3	kind of services provided may be gathered and furnished to the public.
4	
5	APPROVED AS TO FORM:
6	DENNIS J. HERRERA, City Attorney
7	By:
8	JON GIVNER Deputy City Attorney
9	n:\legana\as2020\2000309\01461711.docx
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	



## City and County of San Francisco Tails

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

#### **Charter Amendment**

File Number:

200510

Date Passed: July 21, 2020

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco to create the Department of Sanitation and Streets to succeed to specific duties currently performed by the Department of Public Works; to create a Sanitation and Streets Commission to oversee the Department of Sanitation and Streets; to create a Public Works Commission to oversee the Department of Public Works; and to require an annual performance audit and cost and waste analysis for both departments; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 3, 2020.

June 22, 2020 Rules Committee - CONTINUED TO CALL OF THE CHAIR

June 29, 2020 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE **BEARING NEW TITLE** 

June 29, 2020 Rules Committee - CONTINUED TO CALL OF THE CHAIR AS AMENDED

July 06, 2020 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 06, 2020 Rules Committee - NOT AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 06, 2020 Rules Committee - CONTINUED TO CALL OF THE CHAIR AS AMENDED

July 09, 2020 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE **BEARING NEW TITLE** 

July 09, 2020 Rules Committee - CONTINUED AS AMENDED

July 13, 2020 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

July 14, 2020 Board of Supervisors - CONTINUED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

July 21, 2020 Board of Supervisors - ORDERED SUBMITTED

Ayes: 7 - Haney, Mar, Peskin, Preston, Ronen, Safai and Walton

Noes: 4 - Fewer, Mandelman, Stefani and Yee

File No. 200510

I hereby certify that the foregoing Charter Amendment was ORDERED SUBMITTED on 7/21/2020 by the Board of Supervisors of the City and County of San Francisco.

> Angela Calvillo Clerk of the Board