

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

3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **8, 2022, to amend the Charter of the City and County of San Francisco to eliminate the**
5 **Department of Sanitation and Streets and transfer its responsibilities to the Department of**
6 **Public Works; to remove special qualifications for members of the Sanitation and Streets**
7 **Commission and Public Works Commission and for the Director of Public Works; to limit**
8 **the duties of the Sanitation and Streets Commission to holding hearings, reviewing data,**
9 **and setting policies for the Department of Public Works regarding sanitation standards**
10 **and protocols and maintenance of the public right of way; and to provide that the Public**
11 **Works Commission shall oversee all other aspects of the Department of Public Works.**

12
13 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and
14 County, at an election to be held on November 8, 2022, a proposal to amend the Charter of the
15 City and County by deleting Section 4.138, and revising Sections 4.139, 4.140, 4.141, 16.129,
16 and F1.102, to read as follows:

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

22 **~~SEC. 4.138. DEPARTMENT OF SANITATION AND STREETS.~~**

23 ~~(a) **Establishment.** There shall be a Department of Sanitation and Streets, which shall~~
24 ~~come into existence three months after the Transition Date for the Sanitation and Streets~~
25 ~~Commission in Section 4.139(d). The Department shall be headed by the Director of Sanitation~~
~~and Streets, who shall be qualified by either technical training or management experience in~~

1 ~~environmental services or the maintenance, sanitation, or cleaning of public spaces; and shall~~
2 ~~have a demonstrated knowledge of best practices regarding cleaning and maintenance of high-~~
3 ~~traffic or publicly accessible areas. The Department shall assume all responsibilities previously~~
4 ~~under the jurisdiction of the Department of Public Works that pertain to the duties specified in~~
5 ~~subsection (b).~~

6 ~~(b) **Duties.** Except as otherwise provided in the Charter or pursuant to Section 4.132, in~~
7 ~~addition to any other duties assigned by ordinance, the Department shall have the following~~
8 ~~duties:~~

9 ~~—— (1) efficient and systematic street sweeping, sidewalk cleaning, and litter~~
10 ~~abatement;~~

11 ~~—— (2) maintenance and cleaning of public restrooms in the public right of way;~~

12 ~~—— (3) provision and maintenance of city trash receptacles;~~

13 ~~—— (4) removal of illegal dumping and graffiti in the public right of way;~~

14 ~~—— (5) maintenance of public medians, and of street trees in the public right of way~~
15 ~~pursuant to section 16.129;~~

16 ~~—— (6) maintenance of City streets and sidewalks;~~

17 ~~—— (7) construction, repair, remodeling, and management services for City-owned~~
18 ~~buildings and facilities; and~~

19 ~~—— (8) control of pests on City streets and sidewalks.~~

20 ~~The Board of Supervisors may limit, modify, or eliminate the duties set forth in~~
21 ~~subsections (1) through (8), and may transfer any of those duties to the Department of Public~~
22 ~~Works or other City departments, by ordinance approved by two-thirds of the Board. Nothing in~~
23 ~~this Section 4.138 shall relieve property owners of the legal responsibilities set by local or State~~
24 ~~law, including as those laws may be amended in the future.~~

1 ~~(c) **Refuse Collection and Disposal Ordinance.** The Director of Sanitation and Streets~~
2 ~~shall perform the responsibilities assigned to the Director of Public Works by the Refuse~~
3 ~~Collection and Disposal Ordinance of November 8, 1932, as it may be amended from time to~~
4 ~~time.~~

5 ~~(d) **Administrative Support.** By no later than the Transition Date in Section 4.139(d),~~
6 ~~the Board of Supervisors shall by ordinance require the City Administrator, the Department of~~
7 ~~Public Works, and/or any other City department to provide administrative support for the~~
8 ~~Department, which shall include but need not be limited to human resources, performance~~
9 ~~management, finance, budgeting, technology, emergency planning, training, and employee safety~~
10 ~~services. At any time more than two years and three months after the Transition Date, the Board~~
11 ~~of Supervisors may adopt ordinances requiring the Department of Sanitation and Streets to~~
12 ~~assume responsibility for some or all of that administrative support.~~

13 ~~(e) **Transition.** No later than the Transition Date in Section 4.139(d), the City~~
14 ~~Administrator shall submit to the Board of Supervisors a proposed ordinance amending the~~
15 ~~Municipal Code, including but not limited to the Public Works Code, to conform to Sections~~
16 ~~3.104, 4.139, 4.140, 4.141, 16.129, F1.102, and this Section 4.138, as adopted or amended by~~
17 ~~the voters at the November 3, 2020 election.~~

18
19 **SEC. 4.139. SANITATION AND STREETS COMMISSION.**

20 (a) **Purpose.** There is hereby established a Sanitation and Streets Commission. ~~The~~
21 ~~Commission shall set policy directives and provide oversight for the Department of Sanitation~~
22 ~~and Streets.~~

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

24 (1) The Commission shall consist of five members, appointed as follows:
25 Seats 1 and 2 shall be appointed by the Board of Supervisors. Seat 3 shall be appointed by the

1 Controller subject to confirmation by the Board of Supervisors. Seats 4 and 5 shall be appointed
2 by the Mayor subject to confirmation by the Board of Supervisors.

3 Each nomination of the Mayor and the Controller shall be subject to approval by the
4 Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days of the
5 date the Clerk of the Board receives notice of the nomination from the Mayor or Controller. If
6 the Board fails to act on the nomination within those 60 days, the nominee shall be deemed
7 approved. The appointment shall become effective on the date the Board adopts a motion
8 approving the nomination or on the 61st day after the Clerk of the Board receives notice of the
9 nomination, whichever is earlier.

10 Qualifications for commissioners that are desirable, but not required, include a
11 background or experience in cleaning and maintaining public spaces, urban forestry, urban
12 design, construction, skilled crafts and trades, finance and audits, architecture, landscape
13 architecture, engineering, or performance measurement and management.

14 ~~—— (1) The Commission shall consist of five members, appointed as follows:~~
15 ~~Seats 1 and 2 shall be appointed by the Mayor subject to confirmation by the Board of~~
16 ~~Supervisors. Each nomination shall be the subject of a public hearing and vote within 60 days. If~~
17 ~~the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is~~
18 ~~transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.~~
19 ~~Seat 1 shall be held by a person who is a small business owner. Seat 2 shall be held by a person~~
20 ~~with experience in project management.~~

21 ~~Seat 3 shall be appointed by the Controller subject to confirmation by the Board of~~
22 ~~Supervisors. The nomination shall be the subject of a public hearing and vote within 60 days. If~~
23 ~~the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is~~
24 ~~transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.~~
25 ~~Seat 3 shall be held by a person who has a background in finance and audits.~~

1 ~~Seats 4 and 5 shall be appointed by the Board of Supervisors. Seat 4 shall be held by a~~
2 ~~person who has a background in either urban forestry, urban design, or environmental services.~~
3 ~~Seat 5 shall be held by a person with significant experience in cleaning and maintaining public~~
4 ~~spaces.~~

5 (2) Members of the Commission shall serve four-year terms; provided, however,
6 the term of the initial appointees in Seats 1 and 4 shall be two years.

7 (3) Members may be removed at will by their respective appointing officer.

8 (c) **Duties.** ~~With regard to the Department of Sanitation and Streets, beginning three~~
9 ~~months after the Transition Date in subsection (d), the Commission shall exercise all the powers~~
10 ~~and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, and may~~
11 ~~take other actions as prescribed by ordinance. The Commission shall hold public hearings and~~
12 ~~set policies for the Department of Public Works (the “Department”) regarding sanitation~~
13 ~~standards and protocols, and maintenance of the public right of way.~~ In addition, the
14 Commission shall:

15 (1) review and evaluate data regarding ~~the street and sidewalk~~ conditions of the
16 public right of way, including but not limited to data collected by the Department; and annual
17 reports generated by the Controller; and

18 (2) establish minimum standards of cleanliness for the public right of way, and
19 set baselines for services to be administered by the Department to maintain cleanliness of the
20 public right of way.÷

21 Notwithstanding Sections 4.102, 4.103, and 4.104 of this Charter, the Commission shall
22 exercise only the powers set forth in this subsection (c), and the Public Works Commission shall
23 exercise the oversight authority described in those sections over the Department of Public
24 Works, as set forth in Section 4.141.

1 ~~—— (3) approve all contracts proposed to be entered into by the Department,~~
2 ~~provided that the Commission may delegate this responsibility to the Director of the Department,~~
3 ~~or the Director's designee;~~

4 ~~—— (4) perform an annual cost analysis evaluating whether there are inefficiencies~~
5 ~~or waste in the Department's administration and operations; and~~

6 ~~—— (5) perform an annual review on the designation and filling of Department~~
7 ~~positions, as exempt, temporary, provisional, part time, seasonal or permanent status, the~~
8 ~~number of positions that are vacant, and at the Commission's discretion, other data regarding~~
9 ~~the Department's workforce. This function shall not in any way limit the roles of the Civil~~
10 ~~Service Commission or the Department of Human Resources under the Charter.~~

11 **(d) Transition provisions following November 8, 2022 election.**

12 The tenures and terms of members of the Commission on November 8, 2022 shall
13 continue as provided in this Section 4.139.

14 ~~—— (1) The Commission shall come into existence on the Transition Date, which~~
15 ~~shall be established by the Board of Supervisors by written motion adopted by a majority vote of~~
16 ~~its members, provided that the Transition Date shall be no earlier than July 1, 2022. The Board~~
17 ~~of Supervisors shall vote on a written motion to establish the Transition Date no later than~~
18 ~~January 1, 2022. If the Board of Supervisors fails to adopt such a motion by January 1, 2022, the~~
19 ~~Clerk of the Board of Supervisors shall place such a motion on the agenda of a Board of~~
20 ~~Supervisors meeting at least once every three months thereafter until such time as the Board of~~
21 ~~Supervisors adopts a motion establishing the Transition Date. The Mayor, Board of Supervisors,~~
22 ~~and Controller shall make initial appointments to the Commission by no later than three months~~
23 ~~before the Transition Date. The terms of all five members shall commence at noon on the~~
24 ~~Transition Date.~~

1 ~~——— (2) The Commission shall have its inaugural meeting by no later than 30 days~~
2 ~~after three members of the Commission have assumed office.~~

3 ~~——— (3) The Director of Public Works or person serving in an acting capacity as~~
4 ~~Director of Public Works, at the time the Commission comes into existence, shall perform the~~
5 ~~duties of the Director of the Department of Sanitation and Streets in an acting capacity until the~~
6 ~~Commission appoints a new Director in accordance with the Charter provisions governing~~
7 ~~appointment of a department head serving under a commission.~~

8
9 **SEC. 4.140. DEPARTMENT OF PUBLIC WORKS.**

10 ~~Except as otherwise specified in the Charter, including in Section 4.138(b)(7), the~~
11 ~~Department of Public Works shall design, build, and improve the City's infrastructure and~~
12 ~~public right of way, and assume any other duties assigned by ordinance or pursuant to Section~~
13 ~~4.132. The Department shall be headed by the Director of Public Works, who shall be qualified~~
14 ~~by either technical training or management experience in engineering or architecture.~~

15 (a) **Responsibilities of Department.** There shall be a Department of Public Works
16 (the "Department"). On January 1, 2023, the Department shall assume the responsibilities of
17 the Department of Sanitation and Streets as they existed on December 31, 2022, and shall retain
18 the existing responsibilities of the Department of Public Works. The Department shall be headed
19 by a Director of Public Works appointed by the Mayor as provided in Sections 3.100(19) and
20 4.102(5).

21 Except as otherwise provided in the Charter or pursuant to Section 4.132, in addition to
22 any other duties assigned by ordinance, the Department shall have the following duties: the
23 design, building, repair, and improvement of the City's infrastructure, including City-owned
24 buildings and facilities and the public right of way; maintenance of the public right of way,
25 including street sweeping, and litter abatement; the provision and maintenance of City trash

1 receptacles and removal of illegal dumping and graffiti in the public right of way; and planting
2 and maintenance of street trees pursuant to Section 16.129.

3 (b) Nothing in this Section 4.140 shall relieve property owners of their legal
4 responsibilities set by City or State law, including as those laws may be amended in the future.

5 (c) **Transition.**

6 (1) Notwithstanding subsection (a), the Director of Public Works or person
7 -serving in an acting capacity as Director of Public Works on December 31, 2022, shall continue
8 to serve in that capacity beginning on January 1, 2023. If at that time there is a person in an
9 acting capacity serving as the Director of Public Works, or if at any time the position of Director
10 of Public Works is vacant for any reason, the position shall be filled in accordance with the
11 Charter provisions governing appointment of a department head. This subsection (c)(1) does not
12 modify the powers vested in the Public Works Commission to remove the Director of Public
13 Works in accordance with Section 4.102(6).

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

17
18 **SEC. 4.141. PUBLIC WORKS COMMISSION.**

19 (a) **Purpose.** There is hereby established a Public Works Commission. ~~The Commission~~
20 ~~shall set policy directives and provide oversight for the Department of Public Works.~~

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

22 (1) The Commission shall consist of five members, appointed as follows:

23 Seats 1 and 5 shall be appointed by the Board of Supervisors. ~~Seat 1 shall be held by a~~
24 ~~registered professional engineer licensed in the State of California, with a background in civil,~~
25 ~~mechanical, or environmental engineering, and Seat 5 shall be an at-large position.~~ Seats 2 and

1 4 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. ~~Each~~
2 ~~nomination shall be the subject of a public hearing and vote within 60 days. If the Board of~~
3 ~~Supervisors fails to act on a nomination within 60 days of the date the nomination is transmitted~~
4 ~~to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed. Seat 2 shall be~~
5 ~~held by a registered architect licensed in the State of California, and Seat 4 shall be an at large~~
6 ~~position.~~ Seat 3 shall be ~~held by a person with a background in finance with at least 5 years in~~
7 ~~auditing experience,~~ appointed by the Controller subject to confirmation by the Board of
8 Supervisors. ~~The nomination shall be the subject of a public hearing and vote within 60 days. If~~
9 ~~the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is~~
10 ~~transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.~~

11 Each nomination of the Mayor and the Controller shall be subject to approval by the
12 Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days of the
13 date the Clerk of the Board receives notice of the nomination from the Mayor or Controller. If
14 the Board fails to act on the nomination within those 60 days, the nominee shall be deemed
15 approved. The appointment shall become effective on the date the Board adopts a motion
16 approving the nomination or on the 61st day after the Clerk of the Board receives notice of the
17 nomination, whichever is earlier.

18 Qualifications for commissioners that are desirable, but not required, include a
19 background or experience in cleaning and maintaining public spaces, urban forestry, urban
20 design, construction, skilled crafts and trades, finance and audits, architecture, landscape
21 architecture, engineering, or performance measurement and management.

22 (2) Members of the Commission shall serve four-year terms; provided, however,
23 the term of the initial appointees in Seats 1, 3, and 5 shall be two years.

24 (3) Commissioners may be removed from office at will by their respective
25 appointing authority.

1 (c) **Powers and Duties.**

2 (1)——With regard to the Department of Public Works, *beginning on September*
3 *1, 2022*, the Commission shall exercise all the powers and duties of boards and commissions set
4 forth in Sections 4.102, 4.103, and 4.104, except for the authority conferred on the Sanitation
5 and Streets Commission in Section 4.139, and may take other actions as prescribed by ordinance.

6 ——(2) ~~The Commission shall oversee the Department's performance, including~~
7 ~~evaluation of data collected by the Department, the Controller, and other City agencies.~~

8 ——(3) ~~The Commission shall approve all contracts proposed to be entered into by~~
9 ~~the Department, provided that the Commission may delegate this responsibility to the Director of~~
10 ~~Public Works, or the Director's designee.~~

11 ——(4) ~~The Commission shall require the Director of Public Works, or the~~
12 ~~Director's designee, to provide the Commission with proof of adequate performance of any~~
13 ~~contract entered into by the Department for public works involving the City's infrastructure or~~
14 ~~public right of way, based on written documentation including documentation that the building~~
15 ~~official has issued a building or site permit and a final certificate of occupancy.~~

16 ——(5) ~~The Commission shall perform an annual review on the designation and~~
17 ~~filling of Department positions, as exempt, temporary, provisional, part-time, seasonal or~~
18 ~~permanent status, the number of positions that are vacant, and at the Commission's discretion,~~
19 ~~other data regarding the Department's workforce. This function shall not in any way limit the~~
20 ~~roles of the Civil Service Commission or the Department of Human Resources under the~~
21 ~~Charter.~~

22 (d) **Transition provisions following November 8, 2022 election.**

23 The tenures and terms of members of the Commission on November 8, 2022 shall
24 continue as provided in this Section 4.141.

1 ~~(1) The Mayor, Board of Supervisors, and Controller shall make initial appointments~~
2 ~~to the Commission by no later than the Appointment Deadline, which shall be either noon on~~
3 ~~June 1, 2022, or an earlier date established by the Board of Supervisors by written motion~~
4 ~~adopted no later than January 1, 2022 by a majority vote of its members. The Commission shall~~
5 ~~come into existence either at noon on the 31st day after the Appointment Deadline, or at noon on~~
6 ~~the date that three members of the Commission have assumed office, whichever is later. The~~
7 ~~terms of all five members shall commence at noon on the 31st day after the Appointment~~
8 ~~Deadline, regardless of when the Commission comes into existence.~~

9 ~~—(2) The Commission shall have its inaugural meeting by no later than three months~~
10 ~~after the terms of the initial members begin.~~

11 ~~—(3) The Director of Public Works at the time the Commission comes into existence~~
12 ~~shall remain in that position unless removed from it in accordance with the Charter provisions~~
13 ~~governing removal of a department head serving under a commission. If a person is serving in~~
14 ~~an acting capacity as Director at the time the Commission comes into existence, the preceding~~
15 ~~sentence applies, except that the position shall also be considered vacant for purposes of the next~~
16 ~~sentence. If the position of Director is vacant for any reason, including removal of the incumbent~~
17 ~~Director, the position shall be filled in accordance with the Charter provisions governing~~
18 ~~appointment of a department head serving under a commission. In that event, a person removed~~
19 ~~from the position under the first sentence of this subsection may be considered for appointment~~
20 ~~to the position.~~

21
22 **SEC. 16.129. STREET TREE MAINTENANCE.**

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

24 * * * *

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

14 * * * *

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

19 * * * *

20 **(f) Creating the Street Tree Maintenance Fund; Annual City Contributions.**

21 There shall be a Street Tree Maintenance Fund (the “Fund”). * * * *

22 * * * *

23 **(h) Administration and Use of the Fund.** The Department of Public Works~~Sanitation~~
24 ~~and Streets~~ shall administer the Fund. Monies in the Fund shall only be used for the following
25 purposes: * * * *

1 (i) **Annual Reports.** Commencing with a report filed no later than January 1, 2019,
2 covering the fiscal year ending June 30, 2018, the Department of ~~Public Works~~*Sanitation and*
3 ~~Streets~~ shall file annually with the Board of Supervisors, by January 1 of each year, a report
4 containing the amount of monies collected in and expended from the Fund during the prior fiscal
5 year, and such other information as the Director of the Department of ~~Public Works~~*Sanitation*
6 ~~and Streets~~, in the Director's sole discretion, shall deem relevant to the operation of this Section
7 16.129.

8 * * * *

9
10 **F1.102. STREET, SIDEWALK, AND PARK CLEANING AND MAINTENANCE.**

11 (a) The Services Audit Unit shall conduct annually a performance audit of the City's
12 street, sidewalk, and public park maintenance and cleaning operations. The annual audit shall:

13 (1) Include quantifiable, measurable, objective standards for street, sidewalk, and
14 park maintenance, to be developed in cooperation and consultation with ~~the Department of~~
15 ~~Sanitation and Streets~~, the Department of Public Works, and the Recreation and Park
16 Department;

17 (2) Based upon such measures, report on the condition of each geographic portion of
18 the City;

19 (3) To the extent that standards are not met, assess the causes of such failure and
20 make recommendations of actions that will enhance the achievement of those standards in the
21 future;

22 (4) Ensure that all bond funds related to streets, parks and open space are spent in
23 strict accordance with the stated purposes and permissible uses of such bonds, as approved by the
24 voters.

1 Outside of the audit process, the City departments charged with cleaning and
2 maintaining streets, sidewalks, and parks shall remain responsible for addressing individual
3 complaints regarding specific sites, although the Controller may receive and investigate such
4 complaints under Section F1.107.

5 ~~(b) The Services Audit Unit shall conduct annually a cost and waste analysis evaluating
6 whether there are inefficiencies or waste in the administration and operations of the Department
7 of Sanitation and Streets, and the Department of Public Works or inefficiencies or waste in the
8 division of labor between the two departments. The annual audit shall make quantifiable,
9 measurable recommendations for the elimination of inefficient operations and functions, and
10 shall include:~~

11 ~~—(1) Consolidation of duplicative and overlapping activities and functions;~~

12 ~~—(2) Integration and standardization of information maintenance systems that
13 promote interdepartmental sharing of information and resources;~~

14 ~~—(3) Departmental accounting for expenditure of resources in terms of effectiveness
15 of the service or product delivered;~~

16 ~~—(4) Departmental deployment and utilization of personnel, the City's personnel
17 procurement system, and reforms to enhance the quality of work performance of public
18 employees; and~~

19 ~~—(5) Methods of operation to reduce consumption and waste of resources.~~

20 (eb) In addition, all City agencies engaged in street, sidewalk, or park maintenance shall
21 establish regular maintenance schedules for streets, sidewalks, parks and park facilities, which
22 shall be available to the public and on the department's website. Each such department shall
23 monitor compliance with these schedules, and shall publish regularly data showing the extent to
24 which the department has met its published schedules. The City Services Audit Unit shall audit
25 each department's compliance with these requirements annually, and shall furnish

