1 [Implementation Ordinance]

2 AMENDING PART II, CHAPTER VI OF THE SAN FRANCISCO MUNICIPAL CODE (PARK
3 CODE) BY ADDING ARTICLE 13, WHICH IMPLEMENTS NEW CHARTER SECTION 16.107
4 BY CREATING A NEW OPEN SPACE ADVISORY COMMITTEE, SETTING THE
5 MEMBERSHIP CRITERIA FOR THE COMMITTEE AND DUTIES AND TERMS OF
6 COMMITTEE MEMBERS, DIRECTING THE RECREATION AND PARK DEPARTMENT TO
7 CONSIDER USING AN INDEPENDENT CONSULTANT TO DEVELOP ITS STRATEGIC
8 PLAN, ESTABLISHING CRITERIA FOR THE DEPARTMENT TO CONSIDER IN DECIDING
9 WHICH PROPERTIES TO ACQUIRE, PROVIDING GUIDELINES FOR THE DEPARTMENT
10 TO USE IN DEVELOPING PERFORMANCE STANDARDS AND ENVIRONMENTAL AND
11 DESIGN STANDARDS, PROVIDING GUIDANCE TO THE DEPARTMENT OF PUBLIC
12 WORKS AND THE RECREATION AND PARK DEPARTMENT IN PREPARING THEIR
13 PROGRAM FOR IMPLEMENTATION OF THE RECREATION AND PARK DEPARTMENT'S
14 CAPITAL PLAN, AND ALLOWING THE RECREATION AND PARK COMMISSION TO
15 DEFINE TERMS CONTAINED IN THIS ORDINANCE; AMENDING CHAPTER V OF PART I
16 OF THE MUNICIPAL CODE (ADMINISTRATIVE CODE) BY DELETING THE PROVISIONS
17 RELEVANT TO THE OLD OPEN SPACE ADVISORY COMMITTEE; AMENDING SECTIONS
18 2A.111, 2A.190 AND 6.2 OF THE ADMINISTRATIVE CODE TO CLARIFY THAT THE
19 RECREATION AND PARK COMMISSION, RATHER THAN THE DEPARTMENT OF PUBLIC
20 WORKS, HAS AUTHORITY TO AWARD, EXECUTE AND MANAGE CONTRACTS FOR
21 CAPITAL PROJECTS ON PARK LAND.

22 Note: Additions are underlined; deletions are in ((double parenthesis)).

23 Be it ordained by the People of the City and County of San Francisco:

24

25 SUPERVISOR NEWSOM, AMMIANO, BIERMAN, LENO, BECERRIL, BROWN
BOARD OF SUPERVISORS
Section 1. Part II, Chapter VI of the San Francisco Municipal Code (Park Code) is hereby amended by adding Article 13 as follows:

**Article 13 Implementation of Charter Section 16.107**

**SEC. 13.01. Citizens' Advisory Committee.**

(a) **Membership.** There is hereby established a Park, Recreation and Open Space Advisory Committee ("Committee") comprised of twenty-three members. Twenty-two members shall be appointed by the members of the Board of Supervisors and approved by the full Board, with one member appointed by each Supervisor from his or her supervisorial district and one member appointed by each Supervisor from a list, maintained by the Recreation and Park Commission ("Commission"), of individuals nominated by organizations having as a primary focus park, environmental, recreational, cultural, sports, youth or senior citizen issues. Four of the members chosen from the list maintained by the Commission shall be individuals nominated by an environmental organization. If the system of district elections set forth in Charter Section 13.110 is discontinued, each Supervisor shall appoint one member of the Committee from the list maintained by the Commission and one member without restriction. One member of the Committee shall be appointed by the Mayor.

(b) **Terms.** The Committee members shall serve for terms of two years, at the will of the appointing authority, except that at the first meeting of the Committee the General Manager of the Recreation and Park Department ("Department") shall, by lot, designate twelve members to serve terms of one year. Thereafter, all members shall be appointed to two-year terms and no member shall serve more than four consecutive terms.

(c) **Transition Period.** From the effective date of Proposition C, which appeared on the March 7, 2000 ballot, and until January 31, 2001, the Open Space Advisory Committee created by former Charter Section 16.107 shall serve as the Committee created in section (a), above. During this transition period the Open Space Advisory Committee shall take all steps
necessary to ensure a smooth transition to the new Committee. The Mayor and the members of the Board of Supervisors may fill vacancies on the Committee that occur during this transition period according to the requirements of former Administrative Code section 590(a).

By July 1, 2000, the Commission shall prepare, and the Board of Supervisors shall approve or modify, a list of organizations qualified to nominate individuals for Committee membership. Changes to the list shall be made by the Commission and approved or modified by the Board of Supervisors annually. The Board of Supervisors and the Mayor shall make their first appointments to the Committee by February 1, 2001.

(d) Duties. The Committee shall have the following duties:

(1) The Committee shall submit written comments to the Department on its proposed Strategic, Capital and Operational Plans, and all updates to such plans. The Committee shall submit comments on each such plan within 30 days after the plan is delivered to the Committee.

(2) The Committee shall assist the Department in conducting at least two public hearings on evenings or on weekends to permit the public to comment on the Department's full budget and programming allocations prior to adoption by the Commission.

(3) Members of the Committee appointed from supervisorial districts shall serve as liaisons between the Commission and the residents, neighborhood groups and organizations dedicated to park and recreational issues in their districts. Members may also serve as liaisons to the public at large and to citywide organizations that are concerned with park and recreational issues, and may assist the Department to arrange meetings with neighborhood groups, citywide organizations and the public at large to discuss such issues.
(4) The Committee shall select a representative of the Committee to make the Committee's quarterly report to the Commission on all significant park and recreational issues that have come to the attention of the Committee or its members.

(5) The Committee shall hold meetings at least once a month and shall adopt its own rules of procedure.

(6) In addition to the duties described in Charter section 16.107 and set forth below, the Committee shall have such duties as may be fixed by the Commission or the Board of Supervisors.

SEC. 13.02 Planning and Accountability.

(a) Strategic Plan. By December 1, 2000, with input from the Committee, the Department shall prepare, for Commission consideration and approval, a five-year Strategic Plan, to be updated annually, that establishes or reaffirms the mission, vision, goals and objectives for the Department. The Department shall consider using an independent planning consultant to assist with preparation of the Strategic Plan.

(b) Capital Plan. By December 1, 2000, with input from the Committee, the Department shall prepare, for Commission consideration and approval, a five-year Capital Plan, to be updated annually, for the development, renovation, replacement and maintenance of capital assets, and the acquisition of real property. In its Capital Plan the Department shall propose specific properties to be acquired for open space, recreation facilities, significant natural areas, and other recreational purposes and shall prioritize capital and maintenance improvements and provide budgets associated with such improvements. In identifying properties for acquisition under the Capital Plan the Department shall consider, among other things, the following criteria, in this order:
(1) Acquisition of open space, facilities and other real property in neighborhoods designated as "high need areas" in the "Recreation and Open Space Element" of the City's General Plan;

(2) Acquisition of open space, facilities, and other real property in neighborhoods that are experiencing a significant increase in residential population and that have few open space or recreational resources; and

(3) Acquisition of significant natural areas that are not otherwise protected from degradation or development.

Commencing on July 1, 2000, the Department shall make a monthly report to the Commission on the status of all capital projects.

(c) Operational Plan. By December 1, 2001, with input from the Committee, the Department shall prepare, for Commission consideration and approval, a five-year Operational Plan, to be updated annually, detailing proposed improvements to the Department's services and responsiveness to customer needs. The annual Operational Plan will serve as a tool for improving the operational efficiency of the Department and will include measurable performance standards for the Department. In developing its performance standards the Department shall consider, among other matters, the following issues:

(1) Public safety, which shall include the reduction of environmental and other hazards, safe equipment operations and safe pesticide use;

(2) Detailed maintenance work plans for each facility, including preventative maintenance;

(3) Arboreal maintenance and reforestation of all parks;

(4) Facility and landscape cleanliness, including timely graffiti removal;

(5) Availability and cleanliness of restrooms; and

(6) Maintenance of park and facility signage, furniture and amenities.
(d) **Environmental and Design Guidelines.** The Commission shall adopt written environmental and design guidelines for new facilities, parks, and open spaces and the renovation or rehabilitation of existing facilities, parks, and open spaces. In developing its guidelines, the Commission shall consider measures that will accomplish, the following goals, among others:

1. **Maximizing the visual appeal and natural values of the landscape as appropriate;**

2. **Utilizing low-maintenance, long-lived, water-conserving plant materials where possible without compromising the aesthetic values of sound landscape design and public preferences;**

3. **Encouraging the use of ecologically-appropriate landscape materials to expand and enhance habitat for wildlife;**

4. **Providing consistent, attractive and durable furniture, signage, and park amenities; and**

5. **Incorporating environmentally-efficient building design materials, operation, and maintenance for all new construction and building renovation.**

**SEC. 13.03 Capital Implementation Program.**

(a) **Preparation of the Program.** Annually and prior to the submission of their fiscal year budgets, the Department of Public Works ("DPW") and the Recreation and Park Department ("Department") will convene a committee ("Capital Implementation Committee") to prepare and/or revise a written, Capital Implementation Program. The Capital Implementation Committee, which will include a representative of the Open Space Advisory Committee, will determine the best method of project delivery for capital projects and the roles and responsibilities of each department and its staff. To make that determination, the Capital Implementation Committee will consider the following factors, among others:
The Department's Strategic Plan and the scope, schedule and cost of
projects included in the Department's Capital Plan;

(2) The staffing levels in each department, the workload of staff in each
department, and the ability of that staff to ensure that long-term projects are fully
constructed within five years of the budget allocation for design and construction and
that all other projects are fully constructed within three years of such allocation;

(3) The work or projects to be performed in-house by each department's
maintenance or repair staff;

(4) The availability of other resources, including, but not limited to, existing
as-needed professional service or construction contracts; and

(5) Any project or group of projects that would be best delivered by
contracting with consultants or contractors in accordance with City contracting
requirements and policies.

(b) Modifications to the Program. DPW shall consult with the Department quarterly
to review the operation of the Capital Implementation Program and to recommend to the
Commission any necessary modifications or adjustments to the Program.

SEC. 13.04 Definitions. After review and comment by the Advisory Committee, the
Commission shall adopt such definitions of word and phrases as the Commission deems
necessary for the consistent implementation of these provisions.

Section 2. Chapter V of Part I of the San Francisco Municipal Code (Administrative
Code) is hereby amended by amending Section 2A.111 as follows:

SEC. 2A.111. Recreation and Park; New Facilities.
The Recreation and Park Department shall have power to construct new parks,
playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and
maintain buildings and structures on parks, playgrounds, squares, avenues and grounds.
Pursuant to Charter Section 16.107, the Recreation and Park Commission shall have the
authority to prepare and approve the plans, specifications and estimates for all contracts and
orders, and to award, execute and manage all contracts and orders for capital projects on real
property under its jurisdiction or management. ((, provided that all plans, specifications and
estimates in connection therewith shall be prepared by the Department of Public Works.
All contracts or orders for the work to be performed under such plans and
specifications shall be awarded and executed by the Director of Public Works with the
approval of the General Manager of the Recreation and Park Department and shall be
administered by the Director of Public Works.
It shall be the duty of the Recreation and Park Department to make provision for the
funds required for the operation and continuance of the duties herein assigned to the
Department of Public Works.))
Section 3. The Administrative Code is hereby amended by amending Section 2A.190
as follows:

SEC. 2A.190. Department of Public Works.
(a) The Department of Public Works shall administer all capital improvement and
construction projects, except projects solely under the Airport, Port, Public Utilities, Recreation
and Park and Public Transportation Commissions.
(b) All examinations, plans, estimates and construction administration services
required by the City and County in connection with any public improvements, exclusive of
those made by the Airport, Port, Public Utilities, Recreation and Park and Public
Transportation Commissions, shall be made by the Director of Public Works, and the Director
shall, when requested to do so, furnish information and data for the use of the Board of
Supervisors.
(c) The Director of Public Works shall designate a deputy or other employee as City
Engineer. The City Engineer shall possess the same power in the City and County in making
surveys, plats and certificates as is or may from time to time be given by law to city engineers
and to county surveyors, and the official acts and all plats, surveys and certificates of the City
Engineer shall have the same validity and be of the same force and effect as are or may be
given by law to those of city engineers and county surveyors.

Section 4. The Administrative Code is hereby amended by repealing Sections 5.90 and
5.91 as follows:

(SEC. 5.90. Establishment; Composition; Appointment; Qualifications; Terms;
Selection Of Staff.

(a) There is hereby established a committee to be known as the Park and Open Space
Advisory Committee (hereinafter referred to as Advisory Committee), which shall assist the
City Planning Commission and Recreation and Park Commission in the implementation of
Section 16.107 of the Charter of the City and County of San Francisco. The Advisory
Committee shall consist of 23 members. Each member shall be appointed to a two-year term,
as follows:

(1) One member shall be appointed by each Supervisor and approved by the
Board of Supervisors.

(2) A second member shall be appointed by each Supervisor and approved by
the Board of Supervisors from the list maintained pursuant to paragraph (b) below.

(3) One member shall be appointed by the Mayor.

(b) The Board of Supervisors shall maintain a list of individuals representing citizens'
organizations which have as a major goal the preservation and enhancement of San
Francisco's parks, open space and natural environment. Persons on this list shall be
nominated only by a qualifying organization.
(c) Compliance with this Section shall be accomplished as promptly as possible without
early termination of the term of any member of the Committee.

(d) The Committee shall choose its own chair, and establish its own rules of order. A
quorum shall be a majority of the members of the Committee.

(e) The Committee shall hold regularly scheduled meetings. The Committee shall send
a schedule of all Committee meetings for the calendar year to any person who so requests in
writing.

SEC. 5.91. Powers And Duties.

The Advisory Committee created pursuant to Charter Section 16.107(g) shall assist
and advise the General Manager of the Recreation and Park Department and the Director of
City Planning Department in establishing priorities for renovation, acquisition, development
and maintenance of properties in accordance with the "Recreation and Open Space
Programs" to implement the recreation and open space element of the Master Plan.

(a) The Advisory Committee shall hold at least one public hearing annually concerning
the establishment of priorities for properties to be acquired or renovated. Minutes of the
meetings and hearings shall be made by the secretary and approved at a subsequent
meeting.

(b) The General Manager of the Recreation and Park Department and the Director of
the City Planning Department shall consider the testimony presented at the hearings before
the Advisory Committee, and shall include a summary and analysis of the Advisory
Committee's recommendations in their reports to the Recreation and Park Commission and
City Planning Commission.

(c) Notice of hearings before the Advisory Committee shall be given by at least one
publication in the official newspaper of the City and County of San Francisco not less than 15
days prior to the date of such hearing. When acquisition of a particular parcel(s) is scheduled
for consideration at a hearing, notice of that fact and of the hearing shall be mailed at least 15
days prior to the hearing to the owner(s) of record of the property at the address listed on the
Assessor's published rolls and to the City's Director of Property. The Advisory Committee may
also give notice to any person or organization that it may deem appropriate.}

Section 5. The Administrative Code is hereby amended by amending Section 6.2 as
follows:

SEC. 6.2. Departments Or Commissions Empowered To Contract For Public
Works Or Related Professional Services.

Except as otherwise provided, the departments or commissions empowered on behalf
of the City and County of San Francisco to contract for public works or improvements or
professional services related to a public work or improvement are the Department of Public
Works, and the Airport, Port, Public Utilities, Recreation and Park and Public Transportation
Commissions. All other departments or commissions must procure construction or related
professional services through the Department of Public Works.

Section 6. Severability.

If any part or provision of this Ordinance, or the application thereof to any person or
circumstance, is held invalid, the remainder of the Ordinance, including the application of such
part or provision to other persons or circumstances, shall not be affected thereby and shall
continue in full force and effect. To this end, provisions of this Ordinance are severable.

LOUSIE H. RENNE, City Attorney

By: Mariam M. Morley
Deputy City Attorney

SUPERVISOR NEWSOM
BOARD OF SUPERVISORS
Ordinance amending Part 11, Chapter VI of the San Francisco Municipal (Park Code) by adding Article 13, which implements new Charter Section 16.107 by creating a new Open Space Advisory Committee, setting the membership criteria for the committee and duties and terms of committee members, directing the Recreation and Park Department to consider using an independent consultant to develop its strategic plan, establishing criteria for the department to consider in deciding which properties to acquire, providing guidelines for the department to use in developing performance standards and environmental and design standards, providing guidance to the Department of Public Works and the Recreation and Park Department in preparing their program for implementation of the Recreation and Park Department's capital plan, and allowing the Recreation and Park Commission to define terms contained in this ordinance; amending Chapter V of Part I of the Municipal Code (Administrative Code) by deleting the provisions relevant to the old Open Space Advisory Committee; amending Sections 2A.111, 2A.190 and 6.2 of the Administrative Code to clarify that the Recreation and Park Commission, rather than the Department of Public Works, has authority to award, execute and manage contracts for capital projects on park land.

May 1, 2000 Board of Supervisors — SUBSTITUTED

May 15, 2000 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 15, 2000 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 22, 2000 Board of Supervisors — FINALLY PASSED
Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Teng, Yaki, Yee
Absent: 2 - Katz, Newsom
I hereby certify that the foregoing Ordinance was FINALLY PASSED on May 22, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

JUN - 2 2000
Date Approved

Mayor Willie L. Brown Jr.