



PUBLIC WORKS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

London N. Breed, Mayor

Correspondence Log

October 29 through November 7, 2022

| Date Received | From | Subject |
|----------------------|--------------|--|
| November 7, 2022 | David Pilpel | Public Works Commission Draft Rules of Order |
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David Pilpel
2151 27th Ave
San Francisco CA 94116-1730

Lauren Post, Acting Chair, and Commission Members
Department of Public Works
49 S Van Ness Ave Fl 16
San Francisco CA 94103-3786

November 7, 2022

Re: Public Comments on Draft Public Works Commission Rules of Order

Dear Acting Chair Post and Commission Members,

I write to provide my edited version of the Draft Public Works Commission Rules of Order, based on the version dated October 27, 2022 [saved 10-28-22] discussed at the November 4, 2022 DPW Commission meeting. The attachment is in PDF showing tracked changes; I can also provide a copy in Word if that is more helpful. I did not explain the edits provided here, but I can give a summary explanation and address any questions at the next DPW Commission meeting on November 14, 2022. Thank you for your time and consideration of my comments.

Sincerely,

/s/
David Pilpel

Attachment

cc: Bob Fuller, Commission Secretary
Carla Short, Interim Director of Public Works
Christopher Tom, Deputy City Attorney

CITY AND COUNTY OF SAN FRANCISCO
RULES OF ORDER
SAN FRANCISCO-PUBLIC WORKS COMMISSION
RULES OF ORDER

Article I. Name and Authority.

Section 1. Name.

The name of this ~~body~~ Commission shall be the Public Works Commission ("Commission").

Section 2. Purpose and Authority.

The Commission shall set policy, give direction, ~~directives~~ and provide oversight for the Department of Public Works ("Department") pursuant to in accordance with Charter Section 4.141, as amended from time to time, which was added by pursuant to the approval of the Proposition B ~~Charter Amendment of (11/3/2020).~~

Section 3. Membership and Quorum.

The Commission shall consist of five members ~~appointed according to.~~ (Charter Section 4.141 (b):

) A quorum for the transaction of Commission official business shall ~~be consist of~~ a majority of Commission members designated by the law; ~~(three members of the Commission constitutes a quorum).~~ (Charter Section 4.104 (b):)

Section 4. Commission Member ~~Commissioner~~ Conduct.

Each ~~member of the~~ Commission member shall act in the manner a matter as prescribed by the Charter and applicable law-laws. To promote a high standard of conduct, following the administration of the oath of office each Commission member ~~Commissioner~~ shall receive training following administration of the oath of office on the following topics, as well as any other training required by applicable law:

- San Francisco Charter;
- California Political Reform Act, San Francisco Campaign and Governmental Government Conduct Code, California Fair Political Practices Act, and Statement of Economic Interests disclosure requirements ~~Interest Obligations;~~
- The Ralph M. Brown Act, California Public Records Brown Act, and ~~the~~ San Francisco Sunshine Ordinance; and
- Commission Policies, as amended from time to time.

Section 5. Conflicts of Interest and Recusals.

When a ~~member of the~~ Commission ~~member~~ has a conflict of interest under ~~either~~ the California Political Reform Act, Government Code Section 1090, Government Code Section 84308, or Campaign and Governmental Conduct Code Section 3.207, the Commission member shall recuse ~~Commissioner must abstain~~ from the decision-making process on that item. At any Commission public meeting when a ~~where the~~ Commission ~~member~~ discusses an item for which ~~Commissioner~~ has a conflict of interest, immediately prior to consideration of ~~that the~~ item, the Commission member shall: ~~that Commissioner must:~~ (1) publicly identify the each type of financial interest or other reason held by the Commissioner that requires recusal; and (2) leave the room until after the discussion, vote, or and any other disposition of the item has matter is concluded, ~~unless the matter is on the Commission's consent calendar~~. (Campaign and Governmental Conduct & Government Code Section §3.209 (a)-)

Commission members ~~Commissioners~~ who file a Statement of Economic Interests Form 700s electronically with the Ethics Commission shall also ~~must~~ file a notice with the Ethics Commission each time the Commission member commissioner recuses from a matter due to ~~because of~~ a conflict of interest under the Political Reform Act, Government Code Section 1090, Government Code Section 84308, or Campaign and Governmental Conduct Code Section 3.207. (Campaign and Governmental Conduct & Government Code Section §3.209 (b)-). The Commission member shall ~~Commissioner must~~ file the recusal notice notification within 15 days after the meeting at which the recusal occurred, even if the Commission member recused ~~Commissioner~~ was absent not present at the meeting that would have involved the conflict of interest.

Section 6. Commission Member Email Use.

Commission members shall use a City email address assigned by the Department for email related to Commission business and shall comply with City policies related to email use. Email related to Commission business received by a Commission member through a non-City email address shall be forwarded to the City email address assigned to the Commission member. Email received by or intended for a majority of Commission members shall be forwarded to the Commission Secretary for inclusion in the Communications Log.

Section 7. Parental Leave Policy.

Commission members shall be eligible for parental leave pursuant to Administrative Code Section 67B.1 (c). Commission members meeting the eligibility requirements of Administrative Code Section 67B.1 (c) shall be allowed to take parental leave pursuant to Administrative Code Section 67B.1 (b) (1), and shall be excused from attending and participating in meetings of the Commission or its committees while on parental leave, but may attend and participate in public meetings of the Commission or its committees by teleconferencing while on parental leave, pursuant to Administrative Code Section 67B.1 (e). (Administrative Code Section 67B.1)

Article II. Commission Officers, and Commission Secretary, and Director of Public Works.

Section 1. Election Appointment and Terms Duties of Commission Officers.

At the first regular ~~meeting of the~~ Commission meeting in January of on or after the first day of December each year, or at a subsequent meeting, the date of which shall be fixed by the Commission, the members of the Commission shall elect from among their number a Commission Chair and a Vice Chair ~~of the Commission~~, each to serve for a one-year term; or until their successors are elected.

If the position role of ~~the~~ Chair becomes vacant before expiration of the term, ~~the following shall occur:~~ (1) the Vice Chair shall automatically assume the position office of Chair and serve for out the remainder of the prior Chair's term, and (2) at the next regular meeting of the Commission meeting after the vacancy occurs, the members of the Commission shall elect a new Vice Chair to who shall serve for out the remainder of the prior Vice Chair's term.

If the position role of ~~the~~ Vice Chair becomes vacant before expiration of the term, at the next regular meeting of the Commission ~~after the vacancy occurs~~, the members of the Commission shall elect a new Vice Chair to who shall serve for out the remainder of the prior Vice Chair's term.

~~Members are limited to no more than two consecutive terms as either Chair or Vice Chair, and no more than two total terms in that office during a six-year period.~~

Section 2. Powers and Duties of ~~the~~ Commission Officers.

The Chair shall preside at ~~all meetings of the~~ Commission meetings; shall preserve order and decorum; shall decide ~~all~~ questions of order, subject to appeal to the Commission by any member; shall appoint any committee of the Commission; shall direct the work of the Commission Secretary; and shall perform any all other duties necessary or incidental to the office. The Chair shall appoint or replace, subject to the approval of the Commission, members of the Commission as its representative to various organizations or agencies. The Chair shall have the right to participate in the proceedings of the Commission, including the right to make and second any resolutions or other motions, and may speak to points of order in preference to the other members. In the absence of the Chair, the Vice Chair shall preside, and in the absence of both the Chair and the Vice Chair, the senior member of the Commission in length of service on the Commission shall preside.

Section 3. ~~Role of~~ Commission Secretary.

The Commission Secretary shall manage, who may also be referred to as the "Commission Affairs Manager," manages the business affairs and operations of the Commission and any committees of the Commission ~~Committees~~. Under the direction of the Chair, the Commission Secretary shall work works closely with the ~~Department~~ Director of Public Works to set meeting agendas, communicate the work of the Commission to the public, facilitate communications between the Commission and the Department, respond to requests for information, and respond to the public. The Commission shall evaluate the performance of the Commission Secretary at least once annually.

Section 4. Director of Public Works.

The Director of Public Works ("Director") shall be appointed pursuant to applicable provisions of the Charter, shall be the Department Head, and shall perform the functions required by that position. Commission members shall deal with administrative matters solely through the Director or his or her designees and may not interfere in the operation of the Department. (Charter Section 4.102) The Commission shall evaluate the performance of the Director at least once annually.

Article III. Commission Procedure and Meetings.

Section 1. Adoption of Rules of Order, and Amendments; Suspension.

The adoption or amendment of ~~these, the~~ Rules of Order, shall be by motion and shall require an affirmative recorded vote of a majority of ~~the~~ members of the Commission following a duly noticed public hearing ~~as required under.~~ (Charter Section 4.104 (a) (1)-

) When adopted and in effect, ~~these such~~ Rules of Order shall govern Commission meeting procedures unless suspended as provided herein in these Rules of Order.

The Commission, by affirmative vote of the majority of the members of the Commission, may suspend any of ~~these the~~ Rules of Order except for any provision that is required by Charter, Ordinance, Resolution, or other applicable law.

Any such suspension of these Rules of Order shall be entered upon the minutes of the Commission.

Section 2. Vote Required.

The affirmative vote of a majority of the ~~number of~~ members of the Commission designated by law shall be required for the approval of any matter, except that the Commission may act by the affirmative vote of a majority of the members present for matters of procedure.

Each member present at a Commission regular or special meeting shall vote "yes" or "no" when a question is put to a vote, unless excused from voting by a motion adopted by a majority of the members present. (Charter Section 4.104 (b)-)

Section 3. Regular ~~Meetings of the~~ Commission Meetings.

The Commission shall hold a regular meeting in City Hall at 10:00 a.m., every 1st and 3rd Friday, unless otherwise noted. (Government Code Section 54954 (a); Administrative Code Section 67.6 (a)) At the first regular meeting of the Commission in October on or after the first day of December of each year, the ~~members of the~~ Commission shall adopt ~~the calendar of regular meetings.~~ The Commission will adopt a calendar of regular meetings meeting dates for July 2023 through December 2023 in December 2022. ~~Afterwards the following regular calendar will be adopted for a full twelve-month calendar~~ year. The calendar of regular meetings

shall be posted on the Commission's website and updated promptly if amended by the Commission.

Scheduling regular meetings ~~shall should~~ prioritize public access and participation, balanced with the availability of Commission members-commissioners, staff, and meeting rooms. ~~The calendar of regular meetings will be posted on the Commission's website and amended promptly if changed by the Commission.~~

~~The Commission shall hold a regular meeting at the chambers of the Public Works Commission in City Hall at 10:00 a.m., every 1st and 3rd Friday, unless otherwise noted. (Government Code Section 54954(a); Administrative Code Section 67.6(a).)~~

The matters to be included on an agenda for a Commission meeting shall be determined by collaboration between the Commission Chair and the ~~Public Works~~ Director, or by a motion of a Commissioner adopted by an affirmative vote of a majority of ~~all~~ the members of the Commission.

Section 4. Special ~~Meetings of the~~ Commission Meetings.

Special meetings of the Commission may be called at any time by the Chair or by a majority of the members of the Commission. Notice of the time and place of every Special Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such meetings, and shall be given by posting and otherwise, as required. ~~(by San Francisco Administrative Code Section 67.6(f) and~~ California Government Code Section 54956; Administrative Code Section 67.6 (f).

Written notice may be dispensed with for any member who, at or prior to the time the meeting convenes, files with the Chair or the ~~Secretary of the~~ Commission Secretary a written waiver of notice, which may be given by electronic written notice.

Such written notice may also be dispensed with as to any member who is actually present at the meeting when it convenes.

Each special meeting shall be held at the regular meeting place, except that the Commission may designate an alternate meeting place. ~~(consistent with~~ Government Code Section 54956; ~~and~~ Administrative Code Section 67.6 (f).

Section 5. Attendance at Meetings.

Unless excused, ~~all members of the~~ Commission members shall be in their respective seats at the ~~hour~~-appointed time for each ~~meeting of the~~ Commission meeting.

Section 6. Order of Business and Agenda for Regular Commission Meetings.

The normal order of business at ~~each any~~ regular Commission meeting ~~shall may~~ be as follows:

- A. Call to Order, Roll Call, and Agenda Changes
- B. Welcome and Announcements from the by Chair
- C. General Public Comment, not to exceed 15 minutes
- D. Commission Secretary's Report, including Communications Log and Advance Calendar
- E. Communications/Director's Report
- F. New Business and Requests for Information from Commission Members
- G. ~~E-~~ Consent Calendar of Routine Matters, including Adoption of Minutes
- H. ~~F-~~ Regular Calendar Items for Consideration
- G. ~~New Business Initiated by Commissioners~~
- I. General Public Comment, continued from earlier
- J. ~~H-~~ Closed Session and
- I. ~~Announcement Following Closed Session~~
- K. ~~J-~~ Adjournment

Section 7. Call to Order and Roll Call.

The Chair shall call to order each Commission meeting to order at the appointed time-hour. Immediately after the call to order, the ~~Secretary of the~~ Commission Secretary shall call the roll of the members of the Commission and shall record those present and those absent, and record in the minutes the names of those members present at the first roll call as well as the name names and time of appearance of any member ~~those members~~ who arrives arrive after the first roll call.

Section 8. Public Comment at Commission Meetings.

Public comment shall be allowed on each item listed on a meeting agenda. Public comment shall normally be allowed after an item is introduced and presented and may be before or after discussion by the Commission. Public comment shall normally be three minutes per person on each item, but may be limited to less than three minutes by the Chair as circumstances warrant. General public comment shall be allowed at the beginning of each regular Commission meeting, not to exceed 15 minutes, and at the end of each regular Commission meeting, provided that each person shall have the same amount of total speaking time for general public comment.

Section 9. Requests for Information.

Commission members ~~Commissioners~~ who wish to make a request for information at a meeting shall seek recognition from the Chair. Once the request is made and acknowledged by the Chair, the request becomes a request of the Commission, and the Commission shall all Commissioners will receive a response. The Chair, with the concurrence of from the Commission, shall will determine whether a the request is proper.

Section 10. Consent Calendar Procedures.

Consent calendar items are considered routine and shall be acted upon by a single vote. There shall be no separate discussion of these items unless a Commission member or a member of the public so requests, in which case the item shall be removed from the consent calendar and heard separately.

Section 11. Adjournment of Meetings.

The Chair ~~shall may~~ adjourn a meeting when the discussion of ~~the all~~ business on the agenda has concluded. The Commission may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. (Government Code Section 54955)

Section 12-10. Minutes and Recordings of Commission Meetings~~Proceedings~~.

The ~~Secretary of the~~ Commission Secretary shall audio record each ~~regular and special~~ Commission meeting. The recording shall not be erased or destroyed. (Administrative Code Section 67.14_(b)-) The Commission Secretary shall record ~~must document~~ the minutes of each Commission meeting. ~~The and a~~ draft ~~of the~~ minutes shall must be available for inspection and copying no later than ten business days after the meeting.

The officially adopted minutes shall must be available for inspection and copying no later than ten business days after the meeting at which the minutes are adopted. (Administrative Code Section 67.16-) ~~The minutes will summarize public comment.~~

Article IV-V. Amendments.

[Drafting Note: This Article is intended to shall memorialize future amendments.]

[Base document dated 10-27-22; saved 10-28-22; DP proposed edits 11-6-22]