

# SAN FRANCISCO FIRE COMMISSION

## Fire Commission Regular Meeting Wednesday, May 25, 2016 - 5:00 p.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400 ■ San Francisco ■ California ■ 94102

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### AGENDA

*Item No.*

#### 1. ROLL CALL

President	Francee Covington
Vice President	Ken Cleaveland
Commissioner	Stephen A. Nakajo
Commissioner	Michael Hardeman
Chief of Department	Joanne Hayes-White

#### 2. PUBLIC COMMENT

Members of the public may address the Commission for up to three minutes on any matter within the Commission's jurisdiction and does not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Commissioners are not to enter into debate or discussion with a speaker. The lack of a response by the Commissioners or Department personnel does not necessarily constitute agreement with or support of statements made during public comment.

#### 3. APPROVAL OF THE MINUTES *[Discussion and possible action]*

Discussion and possible action to approve meeting minutes.

- Minutes from Regular Meeting on April 13, 2016
- Minutes from Regular Meeting on April 27, 2016
- Minutes from Special Meeting on May 13, 2016

#### 4. CERTIFICATES AND ACKNOWLEDGEMENT OF APPRECIATION

Certificates and acknowledgement of appreciation to members of the San Francisco Municipal Transportation Agency's Proof of Payment Division who took swift and decisive action on a member of the public who was experiencing a medical emergency.

#### 5. PROPOSED LEGISLATION FROM THE BOARD OF SUPERVISORS' PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE *[Discussion and possible action]*

File No.: 160422 Ordinance amending the Fire Code and the Housing Code to require building owners provide tenants with an annual written notice of smoke alarm requirements and require building owners file a statement of compliance with annual fire alarm testing and inspection requirements every two years; amending the Fire Code and Building Code to require building owners to upgrade existing fire alarm systems by July 1, 2021, or upon completion of \$50,000 or more of construction work, whichever occurs earlier; amending the Building Code to require owners of Apartment Houses damaged by fire to submit an Action Plan to the City within 30 days of the fire and requiring owners of buildings in Group R occupancies with six or more units to install fire blocks in open accessible attics when performing \$50,000 or more of construction work; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California

Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage as required by State law.

**6 CHIEF OF DEPARTMENT'S REPORT *[Discussion]***

**REPORT FROM CHIEF OF DEPARTMENT**

Report on current issues, activities and events within the Department since the Fire Commission meeting of May 11, 2016, including Fiscal Year 2015-2016 budget, academies, Strategic Planning, 150<sup>th</sup> Anniversary update, special events, communications and outreach to other government agencies and the public.

**REPORT FROM ADMINISTRATION**

Report on the Administrative Divisions, Fleet and Facility status, Finance, Support Services, Homeland Security and Training within the Department.

**7. AGENDA FOR NEXT FIRE COMMISSION MEETING *[Discussion]***

Discussion regarding agenda for the June 8, 2016 regular meeting.

**8. ADJOURNMENT**

MINUTES FOR ADOPTION

SAN FRANCISCO FIRE COMMISSION

DRAFT FIRE COMMISSION REGULAR MEETING  
MINUTES

Wednesday, April 13, 2016 - 9:00 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, California, 94102

The Video can be viewed by clicking this link:

[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=180&clip\\_id=25124](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=180&clip_id=25124)

President Covington called the meeting to order at 9:01 AM.

**1. ROLL CALL**

Commission President	Francee Covington	Present
Commission Vice President	Ken Cleaveland	Excused
Commissioner	Stephen Nakajo	Present
Commissioner	Michael Hardeman	Present
Chief of Department	Joanne Hayes-White	Present
Raemona Williams	Deputy Chief - Administration	
Ken Lombardi	Support Services	
Shane Francisco	Homeland Security	
Dan DeCossio	Bureau of Fire Prevention	
Richard Brown	Bureau of Fire Prevention	
Jeff Columbini	Division of Training	
Tony Molloy	EMS	
Assistant Chiefs		
Victor Wyrseh	Division 2	
Kirk Richardson	Division 3	
Staff		
Mark Corso	CFO	
Clement Yeh	Medical Director	

**2. PUBLIC COMMENT**

No Public Comment

**3. ANNOUNCEMENTS [Discussion and Change of Venue]**

The April 27, 2016 Fire Commission meeting will be held at 5:00 p.m. at Mission Neighborhood Centers, Inc., 362 Capp Street, San Francisco, CA 94110. Included on the Agenda will be a discussion item presented by Fire Marshal Dan DeCossio and members of his staff, pertaining to recent fires, including status of investigations which will have a start certain time of 6:00 p.m.

Commission Secretary Conefrey read the above announcement.

There was no public comment.

**3. APPROVAL OF THE MINUTES [Discussion and possible action]**

Discussion and possible action to approve meeting minutes.

- Minutes from Regular Meeting on March 9, 2016

Commissioner Hardeman Moved to approve the March 9, 2016 regular meeting Minutes. Commissioner Nakajo Seconded. Motion to approve above Minutes as amended was unanimous.

There was no public comment on this item.

**5. LEAVE OF ABSENCE [Discussion and possible action]**

Discussion and possible action to approve Chief of Department's request for leave of absence with pay for four days, from April 26-29, 2016, to attend the International Fire Chiefs Association's Western Fire Chiefs Divisions Visioning Summit. The invitation-only summit will be held in Newport, Oregon. Travel and lodging will be paid for by Western Fire Chiefs Division. Deputy Chief Mark Gonzales will serve as acting Chief of Department during Chief Hayes-White's absence.

Chief Hayes-White explained that a select group of about 12 or 15 of Chiefs have been invited to participate in the inaugural summit to discuss fire service trends, the future of the fire service, as well as overall look at strategies and tactics for operating in the current environment. She will also be talking about some of the successes and challenges of serving as Chief in this Department.

Commissioner Hardeman Moved to approve the Chief's Leave of Absence from April 26-29, 2016. Commissioner Nakajo Seconded. Motion to approve the Chief's Leave of Absence was unanimous.

There was no public comment on this item.

**6. CHIEF OF DEPARTMENT'S REPORT [Discussion]**

**REPORT FROM CHIEF OF DEPARTMENT**

Report on current issues, activities and events within the Department since the Fire Commission meeting of March 23, 2016, including academies, strategic planning, 150<sup>th</sup> Anniversary update, special events, communications and outreach to other government agencies and the public.

Chief Hayes-White started by acknowledging and welcoming Battalion Chief Victor Wyrsh who was sitting in as Division 2. She continued with her report which covered events since the last meeting of March 23, 2016. Related to the academies she acknowledged that the 119th academy are in approximately their 12th week and graduation is anticipated for the afternoon of June 9, 2016. She added that there are currently 52 members in that academy, although they started with 54. She continued that they are planning to have the 120th academy begin on June 20, 2016 which will be comprised of 54 recruits. She also mentioned that on April 4, 2016 they started a "bump up" academy, which is an opportunity for those that were hired as H-3 Level 1 EMTs and have their paramedic licenses, to ascend to an H-3 Level 2 status. She added that they currently have 20 members that are going through that academy, which is approximately three weeks and she hopes to do the same at the end of May with another 24 or so members of the Department who want to take advantage of that promotional opportunity. On April 25, 2016, she anticipates making conditional offers to 32 new hires to come in as H-3 Level 1 EMTs. She acknowledged Assistant Deputy Chief Myers who has done a very good job at screening the candidates, as well as HR Director, Jesusa Bushong, and the physician's office for processing all of those candidates. She touched briefly on the upcoming H-8 process.

In regards to the Strategic Plan, Chief Hayes-White mentioned that there was a meeting on March 28, 2016 of the entire committee where they reviewed the draft that was put together by staff member, Jessica Kennedy and collectively decided that there should be a subcommittee put

together to further refine the layout and format of the document as all components have been covered but it's a matter of synthesizing the information and making it look consistent in a presentable format. That subcommittee has met twice and soon there will be a draft review for the Commission and the members to review.

Chief Hayes-White announced the kick off of the 150<sup>th</sup> Anniversary that will take place on Monday, April 18, 2016 at 9:00 a.m. at Union Square which will have guest speakers including the Mayor and will consist of hosting antique apparatus and demonstrating the 65 foot wooden ladder raise along with a host of other events taking place that morning. She invited everyone to join the festivities.

In regards to other special events, Chief Hayes-White touched on the NERT drill that will take place at the Marina Green and Marina Middle School on Sunday April 17, 2016 as well as the Cherry Blossom Festival. She also announced that there will be a Captain's exam in June.

Chief Hayes-White stated that there was a meeting on March 25, 2016 with the Mayor's interim budget director, to talk about the Department's priorities and enhancements that the committee feels is needed for the Department's budget, including the fleet and equipment plan. Chief Hayes-White also mentioned that she and staff met with President Breed and gave her an update and status on Station 5 and they met with Supervisor Peskin and talked about his concerns with the possible sale of AWSS spare parts. She acknowledged that they also met with DPW to discuss the ongoing projects related to the close out of ESER 10 and projects associated with the bond.

Chief Hayes-White went on to acknowledged Deputy Chief Raemona Williams, Jesusa Bushong and Commissioner Nakajo who worked on providing information to the Department of Labor, relating to the Department being selected as one of five departments, first responder agencies in the country to participate in a study related to recruitment, retention and training in a diverse workforce.

Chief Hayes-White stated that she participated in the Walk to Work Day, met with the Budget Committee, along with Commissioner Hardeman, President Covington and Tom O'Connor of Local 798 to talk again about unification and the unified message moving forward on the Department's budget needs. She touched on the Department of Technology and that they have decided to have quarterly meetings to make sure they're on the right track with the projects they are working on.

Public Comment: Ray Crawford, who is currently assigned to Station 49 as Senior Captain wanted to address an inaccurate statement that was made at the last meeting that referred to the EMS officers in loggerhead with the administration. He stated that that is not accurate, that in order to be at a loggerhead there has to be no resolution and there is a resolution about getting RC-4 placed back in the field, as well as Station 49 receiving the fourth captain. The positions have been funded but not activated. He stated that they are obligated to file a sentinel event with the County EMSA Authority as well as meet with the three Board of Supervisors in which RC-4 responds to and start discussing this issue with them. He concluded by asking for the Commissions help in getting these items restored.

Commission Nakajo asked for further update on the Diversity Research project the Department was invited to participate in. Chief Hayes-White explained that it's her understanding that they took down a lot of information from several members of the Department that met with them over the course of two days. She added that four other agencies were also invited to participate and the information provided to them will be captured in a report and sent to the Department of Labor who will eventually summarize the findings and share something in writing to share with the Department. Commissioner Nakajo concluded by requesting a ride along with an EMS Captain.

Commissioner Hardeman acknowledged the success of the H-8 program and the agreement reached with Local 798. Chief Hayes-White announced that the goal is to get a pool of upwards of about 100 people in the H-8 classification.

President Covington asked for additional information on the issue of the RC-4 position. Chief Hayes-White explained that currently it is a 24 hour shift position and there are three Captains that work in the field at various stations. As a temporary solution, they moved RC-4, which was typically assigned to the southeastern section of the City, to oversee the staffing and administrative work at Station 49. The medics and EMT's at Station 49 are on 12 hour shifts, and the administration strongly feels, that the safest and most efficient work model is to have the RC-4, supervisorial position, mirror that of the subordinates that they are supervising. President Covington expressed her concerns of having those positions unfilled.

#### REPORT FROM OPERATIONS

Report on overall field operations, including greater alarm fires, Emergency Medical Services, the Bureau of Fire Prevention & Investigation, and the Airport Division.

Chief Gonzales' Operations report covered the month of March. He explained the third alarm fire at 3222 22<sup>nd</sup> Street on March 13, 2016. The cause of that fire is still under investigation. The incident commander was acting Assistant Chief Kirk Richardson, who did a good job. He touched on the March 26<sup>th</sup> incident where Rescue Boat 1 capsized during a training exercise near Land's End. He added that all members were pulled out of the water safely. He mentioned the first alarm fire on March 7, 2016 at 1350 Mason Street, which was contained to the basement, the March 14, 2016 warehouse fire on Treasure Island, and on March 18, 2016 the first alarm fire at 623 Clement Street.

Chief Gonzales described the Coastal Community outreach event at Ocean Beach for high surf hazard safety. He announced the trip that San Francisco Los Bomberos employee group took to Nicaragua to teach rescue workers from that Country the essential firefighting, medical and rescue skills. He also announced that the SFFD Veterans employee group has volunteered to work with the US Air Force in training its members to take over the Department's Color Guard duties. He touched on the developments of the social media policy, the H-3 Level 1 EMT interviews, H-8 interviews and the pre-academy prep class for members at Station 49 that wish to join the suppression force in the H-2 academy and the agreement that was reached with Local 798. He suggested that the Commissioners go to Station 49 and see the great work that has been done on EMS logistics. He touched on the rumblings from some members pertaining to the 12 hour vs. 24 hour shift for RC-4 and that the administrations' standpoint from the Chief, himself, Assistant Deputy Chief Myers and Acting Section Chief Molloy are in support of the 12 hour shift.

Chief Gonzales stated there has been progress made on Treasure Island, Yerba Buena Island, in that 95 percent of the infrastructure plan is under review by SFFD and YBI plans for demolition of 29 buildings has been approved. In regards to the Bureau of Fire Prevention, he mentioned they are drafting a letter to send to R-2 property owners notifying them that their buildings are scheduled to be inspected by the SFFD and it will give them better details on what to expect and give them information sheets regarding smoke and carbon monoxide alarms. He added that the Fire Marshal's office is working with Department of Building Inspection and Housing Inspection Services to establish an administrative hearing process for fire code violations and proposed ordinance changes that will mandate issuances of notice of violations for all fire code violations, although the Fire Department does not think this is a good idea, it will require more personnel to conduct these violation hearings. The Fire Marshal's office strongly recommends notice of violations should be issued for all priority violations. With regards to Bureau of Fire Investigations, he mentioned that the number of open and active fire investigation reports through the month of March is 177, which reflects a reduction of 26 open reports from the previous month.



Commissioner Nakajo thanked Chief Gonzales for his report and gave a shout out to his assistant Ginny Franklin who does a tremendous job in preparing this monthly report. He also suggested that the Department acknowledge the Coast Guard for their help in the rescue of the capsized rescue boat. Commissioner Nakajo also clarified that the shift issue with the RC-4 position must be agreed upon with the MOU and is currently in negotiations. He also acknowledged Chief Gonzales' detailed report, the Chief's Quarterly Bulletin and all the hard work being done by HR Manager Jesusa Bushong in terms of all the work that's occurring preparing for the upcoming academy classes. Chief Hayes-White thanked Commissioner Nakajo and also acknowledged her assistant Kelly Alves and Jessica Kennedy for their work on the Quarterly Bulletin.

Commissioner Hardeman reiterated the dangers of the job, and it's an impossibility to eliminate all the job related catastrophes that happen, but he knows the Administration is good about putting notices and policies out to prevent injuries to the members.

President Covington thanked Chief Gonzales for his report and asked him to introduce Acting Assistant Chief Richardson and that she appreciated his writing skills when describing the fire at 3222 22<sup>nd</sup> Street.

Public Comment: Shawn Bufford stated that President of Local 798, Tom O'Connor is out of town so he was speaking on his behalf. In terms of the RC-4 position he said money was put in the budget and it has been their position that RC-4 would be put back in the field so they can reduce the workload of the three other RC Captains and continue to work together on moving forward on Station 49. He explained that the two items are not exclusively tied together and they should put the RC-4 back into the field and work later on moving forward with Station 49. He also suggested that it's their position that the Department continue to beef up water rescue training.

Ray Crawford, representing the EMS Officers Association expressed his concerns over RC-4 not being returned to the field. He added that RC-4 and Station 49 are two separate entities and that RC-4 is a unit that is out in the field to provide emergency services and oversight for the people of the southern half of San Francisco and Station 49 is the ambulance deployment center. He hopes that they can move forward before the May 11, 2016 Fire Commission Meeting to getting this issue to a resolution.

Dion Mark, currently on the eligibility list for the H-2 position asked if there would be per diem EMT positions available in the coming years.

**7. DRAFT OPERATING BUDGET – FISCAL YEARS 2016-2017/ 2017-2018 [Discussion]**

CFO Mark Corso to provide an update on the Draft Operating Budget for Fiscal Years 2016-2017/2017-2018 since last update on February 10, 2016.

Mark Corso stated that the Department submitted its operating budget request to the Mayor's office in late February. The Department was requested to submit budget reductions along with its proposal to the tune of about 1 1/2 percent of general fund support, but given the needs of the Department, the Department did not submit any reductions requested of them. He added that the Department has reconvened its SFFD Budget Committee and has met twice since the Department submitted its budget in February and also met with the Mayor's office and acting Budget Director for the Mayor, Ms. Melissa Whitehouse and she gave an update on the overall overview of the City's finances. After that, the committee had the opportunity to discuss the needs and priorities of the Fire Department and it was clear from both the administration side, as well as from the committee side, the top priority was the need for the Department to have a vehicle and equipment replacement plan that's funded continually in the budget. Mr. Corso added that at the suggestion of the Budget Committee, they also met with President of Local 798, Tom O'Connor, President Covington and Commissioner Hardeman to try and prioritize the needs of the Department and request a joint meeting with the Mayor and his Chief of Staff to discuss and advocate for the Department's needs going forward in the budget process.



Public Comment: Shawn Bufford, speaking on behalf of President O'Connor stated that 798 is supporting the efforts that the Department is moving forward to increase the budget and once it's submitted, 798 is going to push for all the additional add-ons.

Commissioner Nakajo thanked Mr. Corso for his comprehensive report and acknowledged President Covington and Commissioner Hardeman for attending the Budget Committee meeting as well as Local 798 for their support of the budget. He added that unification of principals and force clearly is going to be very important to show the decision makers that the Department is standing together on the budget issues. President Covington agreed and mentioned that it is crucial for the Department to get the monies needed to keep the citizens and visitors of the City safe and a united front is going to help do that. Chief Lombardi gave a brief description on the history and deployment of the City's ambulances

#### **8. 2016 HEALTH BOND [Discussion]**

Update from Assistant Deputy Chief Ken Lombardi outlining the scope of the 2016 Health Bond.

Chief Lombardi explained that the bond is a \$350,000,000 bond that has five projects on it. They are to seismically improve General Hospital for 222 million, expand the Southeast Health Center for 30 million, Community Health Services for 20 million, Homeless Service Sites for 20 million and 58 million set aside for the Fire Department. He stated that of the 58 million dollars, 44 million will go for a new ambulance deployment center for the Fire Department and 14 million will go towards the combined needs, including modernizing the Department's 50 facilities. He added that the current Station 49 was set up as a temporary facility in 2006 and is not a safe seismic facility, there is inefficient vehicle space, inefficient storage and inefficient training space. He mentioned that the proposed location for a new Station 49, if the bond passes would be on Jerrold Avenue directly behind Station 9 and there would be four restocking bays for ambulances inside which would allow for a rapid restock and that is important because the faster we can restock and turn ambulances around, the more that will be accessible on the street.

Public Comment: Shawn Bufford, on behalf of Local 798, stated that in regards to Proposition A, the Union strongly advocated for a new facility since the start of Station 49 and that the rumor that they didn't support it is not true. He stated that President O'Connor was leery about putting their name onto a ballot argument prior to seeing the strategy, or plan of action so they can review it, make comments and give input before signing the name of Local 798 that represent the membership.

Commissioner Nakajo commented that he always enjoys the presentations from Chief Lombardi. Chief Lombardi credited staff member Jessica Kennedy for putting together the presentation.

Commissioner Hardeman asked if the Bond needed a two-thirds or majority vote to pass. Chief Lombardi asked Mr. Brian Strong, Director of Capital Planning to come and address the Commission on these issue. Mr. Strong answered that it is a two-thirds vote. He added that from the City's perspective, they are excited to be able to include the ambulance deployment facility in the Bond as well as the additional 14 million dollars for fire station upgrades. Commissioner Hardman asked Mr. Strong how much money is available that could be tapped into in the near future. Mr. Strong answered that he gets that question a lot, and the City has pretty much absorbed all of the capacity under the current constraint in the capital plan, so the capital plan says that they are only going to issue new bonds as they retire old ones. Commissioner Hardeman added that there has been a lot of disenchantment within the rank and file because there are so many needs that haven't been met and since the collapse in 2008, the Department has been falling further and further behind and there are a hundred other needs so the members on the front line can properly do their job. He added that he was excited to hear that all the bond money is used up because the general fund doesn't seem to have the resources to handle the needs of the Fire Department. Mr. Strong replied that is was important to keep in mind, that General Obligation bonds can only go to infrastructure, it cannot go to items like fleet or portable water system. He stated that the Capital Planning Committee is very aware of the needs of the Fire Department.

Commissioner Nakajo thanked Mr. Strong and the Capital Planning Department for the support they have given to the Fire Department and that he appreciated the information that was provided in terms of the history of the bond issues and he requested that they keep the Department in mind in terms of our needs when we lose Treasure Island as a training facility as well as the developments still to occur in Bayview Hunter's Point.

**9. AGENDA FOR NEXT FIRE COMMISSION MEETING *[Discussion]***

Discussion regarding agenda for the April 27, 2016 regular meeting.

- Presentation from Fire Marshal and staff members at the remote location at 362 Capp Street, Mission Neighborhood Inc.,

**10. ADJOURNMENT**

President Covington adjourned the meeting at 10:42 a.m.

DRAFT

**Minutes from Fire Commission Regular Meeting  
Wednesday, April 27, 2016 - 5:00 p.m.**

Mission Neighborhood Centers, Inc., 362 Capp Street, ■ San Francisco ■ California ■ 94110

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The video recording is attached:

[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=180&clip\\_id=25268](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=180&clip_id=25268)

President Covington called the meeting to order at 5:03 PM.

*Item No.*

**1. ANNOUNCEMENTS**

Commission Secretary Conefrey read the following announcements: This is a reminder that under administrative code section 67(a).1, the ringing and use of cell phones, pagers and similar sound-producing electronic devices is prohibited during Fire Commission meetings. Set all pagers, cellphones and other devices to vibrate or silent mode, or turn the device completely off now. This is also a reminder that food is not allowed during Fire Commission Meetings. The May 11, 2016 Regular Fire Commission meeting will resume back at City Hall in Room 416 at 9:00 a.m.

**2. ROLL CALL**

Commission President	Francee Covington	Present
Commission Vice President	Ken Cleaveland	Present
Commissioner	Stephen Nakajo	Present
Commissioner	Michael Hardeman	Present
Chief of Department	Joanne Hayes-White	Excused
Mark Gonzales	Deputy Chief - Operations	
Raemona Williams	Deputy Chief - Administration	
Dan DeCossio	Bureau of Fire Prevention	
Jeff Columbini	Division of Training	
Shane Francisco	Homeland Security	
Rudy Castellanos	Airport Division	
Assistant Chiefs		
Kevin Burke	Division 2	
Tom Siragusa	Division 3	
Staff		
Mark Corso	CFO	
Jesusa Bushong	Personnel Officer	
Olivia Scanlon	Communication and Outreach Coordinator	

**3. PUBLIC COMMENT**

John Whooley, President of the San Francisco EMS Officers Association stated it was appropriate the meeting is being held in the southern part of the city, so he can bring to the public's attention the limited amount of paramedic supervision that is occurring. He added that they have one supervisor

for roughly half the city and a second one was budgeted but has not been assigned because of an unwillingness by the administration to decouple staffing at Station 49 with the paramedic supervisor who should ideally be stationed out of Station 43. He also thanked Commissioner Nakajo who rode along with him on Monday night and invited any other Commissioner to do the same.

**4. APPROVAL OF THE MINUTES [Discussion and possible action]**

Discussion and possible action to approve meeting minutes.

- Minutes from Regular Meeting on March 23, 2016

Vice President Cleaveland Moved to approve the March 23, 2016 regular meeting Minutes. Commissioner Hardeman Seconded. Motion to approve above Minutes was unanimous.

There was no public comment:

**5. LEAVE OF ABSENCE [Discussion and possible action]**

Discussion and possible action to approve Chief of Department's request for leave of absence with pay for two (2) days, May 16 and May 17, 2016 to attend a portion of the 2016 Metropolitan Fire Chiefs Conference sponsored by the International Association of Fire Chiefs' in Long Beach, CA. The source of funds for this trip is provided for in the Fire Department 2015-2016 approved budget.

Commissioner Hardeman Moved to approve the Chief's Leave of Absence for (2) days, May 16 and May 17, 2016. Vice President Cleaveland Seconded. Motion to approve the Chief's Leave of Absence was unanimous.

There was no public comment on this item.

**6 CHIEF OF DEPARTMENT'S REPORT [Discussion]**

**REPORT FROM CHIEF OF DEPARTMENT**

Report on current issues, activities and events within the Department since the Fire Commission meeting of April 13 2016, including Fiscal Year 2015-2016 budget, academies, Strategic Planning, 150<sup>th</sup> Anniversary update, special events, communications and outreach to other government agencies and the public.

Chief Hayes-White was excused from the meeting and Chief Gonzales provided her report since the previous meeting on April 13, 2016. He explained that the conference the Chief was attending, they will be working with the National Fire Protection Association with Jim Pauly; Diversity and Promotional and Entry Level Selections, Fire Based EMS.

With regards to the budget he announced that the Budget Committee met on April 19<sup>th</sup> with Supervisor Farrell and on April 20<sup>th</sup>, they presented before the Budget and Finance Committee and provided a general overview and highlighted funding needs with prioritization given to fleet and equipment. He thanked Commissioner Hardeman for attending.

Chief Gonzales mentioned that the 119<sup>th</sup> academy is in there 14<sup>th</sup> week and 50 recruits remain. The graduation is scheduled for June 9, 2016 at Riordan High School. He announced that interviews are being conducted for the 120<sup>th</sup> academy class. He touched on the H-8 per diems, and that 31 offers have been made to members who currently completed their online training with a classroom component to begin on May 9<sup>th</sup> 2016. The goal is to have 100 H-8's by the end of the year.

He stated that the Strategic Planning subcommittees met several times during the month to format the document and will reconvene on Monday, May 2, 2016.

Chief Gonzales touched on the 150<sup>th</sup> Anniversary events, and thanked the Commissioners that attended the kick off at Union Square that included the 65-foot ladder raise and Firefighter Bomani climbing to the top which he thought was very impressive. He added that there are many events scheduled from now through December 3, 2016 including the upcoming Chief Engineers Speaker's Panel at the Main Library on May 4, 2016. He stated that the NERT drill that was held at the Marina Greens and Marina Middle School was very well attended and thanked Lt. Erica Arteseros. He also thanked Commissioner Nakajo for marching with him at the Cherry Blossom parade that took place on April 17, 2016. He asked that the meeting be adjourned in the memory of Firefighter Denise Elarms, who was a devoted member of the SFFD from 2002 to 2014; as well as Firefighter Steen Rascon who served the Department from 1977 to 2012.

Commissioner Nakajo and Commissioner Hardeman thanked Chief Gonzales for his comprehensive report.

President Covington also thanked Chief Gonzales for his report and asked if in regards to the article she read in the Chronicle about the City receiving reimbursement funds for Super Bowl 50, if any of those monies would be forthcoming to the Department. According to CFO Mark Corso, the Department is not anticipating reimbursement from those funds.

#### REPORT FROM ADMINISTRATION

Report on the Administrative Divisions, Fleet and Facility status, Finance, Support Services, Homeland Security and Training within the Department.

Chief Raemona Williams reported for the month of April. She started with the Division of Training, under Assistant Deputy Chief Jeff Columbine by stating last week the Recruitment and Outreach Committee held a meeting and there was a large attendance.

Chief Williams mentioned they are continuing the below grade training on Yerba Buena Island with positive feedback from the members. They are working with SFPD and are in the planning process for the Active Shooter Training Module and are nearing completion on the construction of the BART station prop.

She announced they have concluded the H-3 Level 2 bump up academy and began the H-3 Level 1 EMT academy. She mentioned that EMS training staff continues to provide online and in service training to all Department members and that NERT, under Lt. Arteseros, continued to provide emergency preparedness training and advanced command operations to members of the NERT committee members' along with neighborhood outreach presentations.

Chief Williams stated that Captain Sheila Hunter of Investigative Service Bureau has been busy with numerous background and testing of potential candidates, as well as the random tests that took place throughout the reporting period and all test results have been negative. She stated that under IT, upgrades of various equipment and products throughout the Department are in progress with some upgrades that have been completed.

Chief Williams touched on the countless meetings and workgroups Chief Francisco has attended in preparation for training exercises and planning for upcoming events including the Bay to Breakers Race, several triathlons, Alcatraz swim and Fleet Week. She also mentioned that the Department now has four K-9 handlers certified with FEMA USAR.

Chief Williams stated that Chief Lombardi of Staff Services has also been busy attending numerous meetings and workgroups and he has also been working with the Port on Pier 26 for relocation of the fireboats during construction of Station 35, as well as the ESER

projects. In regards to Fleet Management, she mentioned that engine specifications are being finalized and include additional enhanced safety and profile reducing features and additional sedans have been ordered for the staff of Bureau of Fire Prevention as well as nine new ambulances have been ordered.

Vice President Cleaveland asked what the Fire Department is doing to get the June Health Bond issued. Chief Lombardi explained they have been doing several things including meeting with the editorial board of the Chronicle and Examiner and that the Chief and Olivia Scanlon have been working very hard on the issue, including attending community meetings with the battalion chief's to answer any questions the community might have. They cannot campaign for this Bond in uniform or on duty but they can answer questions. He added that BMW Consultants are handling the campaign.

Commissioner Nakajo asked what the formal name of the Health Bond will be listed in the June Ballot. Chief Lombardi answered it will be listed as Proposition A – Public Health and Safety Bond.

President Covington asked for more information concerning the exhaust extractors now that they are installed in all station. Chief Lombardi explained that the new exhaust extractor systems that have been installed is activated with a remote that's on the vehicle and as soon as the ignition is triggered, the exhaust system automatically kick in so it's much more efficient and effective and they are hoping it will help in the health and safety of the members so they don't get more diesel exhaust inside the firehouses.

There was no public comment.

President Covington announced that in anticipation of the meeting in the Mission, she was very happy to be there and thought it was a good idea to show the community some other aspects of the Department and invited them to visit the Neighborhood Emergency Response Team table, with Lt. Arteseros, the Recruitment table with Firefighter Keith Baraka and the Los Bomberos Employee Group.

**Recess was taken at 5:45 p.m.**

Agenda Item 6 began at 6:00 p.m.

President Covington again announced that it was the Commissions pleasure to be in the Mission and thanked the Mission Neighborhood Center and Mr. Sam Ruiz, the Executive Director. She acknowledged being invited to the Mission by Supervisor Campos and stated that she and Vice President Cleaveland had suggested that they have a more casual meeting so that everyone could get together and talk without limited time, but that Supervisor Campos preferred a more formal meeting with all the Commissioners which precludes by law and statute to having a dialogue with people that give public comment.

#### **7. PRESENTATION FROM BUREAU OF FIRE INVESTIGATION [Discussion]**

Presentation from Fire Marshal Daniel DeCossio, Captain Lou Russell and Captain Attica Bowden on recent fires, including 22<sup>nd</sup> and Mission, 16<sup>th</sup> and South Van Ness and 24<sup>th</sup> and Treat and the status of investigations except where prohibited by law.

Fire Marshal DeCossio started by reading the Departments' Mission Statement and acknowledged that the Division of Fire Prevention the Mission is to prevent fires and focus on code enforcement and community outreach through public education and the Bureau of fire Investigation is to investigate fires. He presented the attached PowerPoint presentation: [http://sf-fire.org/sites/default/files/COMMISSION/Fire%20Commission%20Support%20Documents%202015/Mission\\_Review%20of%20Working%20Fires-Structure%20Fires\\_042516.pptx](http://sf-fire.org/sites/default/files/COMMISSION/Fire%20Commission%20Support%20Documents%202015/Mission_Review%20of%20Working%20Fires-Structure%20Fires_042516.pptx)

Captain Bowden spoke about the role of the Bureau of Fire Investigation within the Fire Department. She added that Fire Investigators are required to have specialized training before they are assigned to the Bureau and once assigned, they are required to have continued educational training and they are also qualified as armed peace officers with arrest capabilities. They are required to respond to all second alarm and larger fires as well as fire fatalities, suspected arson fires, bombings, explosives, fires in Government Buildings, places of worship, domestic violence, family planning centers and when requested by the San Francisco Police Department. She went on to describe the recent fires in the Mission District.

- 3222 22<sup>nd</sup> Street, on January 28, 2016 there was a fourth alarm and that fire was determined to be an accidental fire due to an electrical fault or failure.
- 3044 24<sup>th</sup> Street, on March 11, 2016 there was a second alarm and it was determined to be an accidental fire due to an electrical fault or failure of a power strip.
- 2860 16<sup>th</sup> Street on November 11, 2016 there was a third alarm and that fire was determined to be an accidental fire due to either unspecified electrical fault or failure or improperly disposed smoking materials.
- 2874 16<sup>th</sup> Street, on February 26, 2016 there was a single alarm that was deemed undetermined with accidental electrical ruled out as all power supply had been disconnected after the previous fire at the adjacent tire shop with evidence of trespassers and improper use of open flame warming or cooking devices.
- 3222 22<sup>nd</sup> Street, on March 13, 2016 a third alarm fire that was determined to be trespassers using open flame warming or cooking devices improperly within a vacant structure.
- 3515 17<sup>th</sup> Street, a third alarm fire that was determined to be accidental due to improperly discarded smoking items in the rear yard.
- 141 Poplar Avenue on April 22, 2016 there was a second alarm that was determined to be an accidental fire due to a dryer fire.
- 2592 Mission there was a single alarm which was found to be undetermined due to the extreme fire damage from the previous two fires at 3222 22<sup>nd</sup> Street.

She concluded by stating that it is not without the assistance of interviews and useful information from the public that they would be able to come to the determination of the causes of the fires they investigate and encouraged everyone "if you know something say something" and she provided the SFFD anonymous tip hotline (415) 575-4444.

Captain Russell, from Fire Prevention gave a brief review on preventive measures and how the public can together work to keep their homes safe. She encouraged everyone to leave with the fire safety information sheets both in Spanish and English that she brought to the meeting. She went over some very important safety tips that included having working smoke alarms that should be located inside and outside every bedroom and every level of the home including the basement. She encouraged members of the public to take the smoke alarms that were being given away at the meeting. She talked about the importance of electrical safety and that major appliances should be plugged directly into the wall outlet, not extension cords. She also advised against overloading power strips and if you're not using them, unplug them. She also suggested that anyone having electrical work done on their home should use a qualified electrician. She also provided safety tips when using heating equipment by keeping anything that can burn at least three feet away from any heating equipment like a furnace, fireplace, wood burning stove or portable space heaters.

Fire Marshal DeCossio concluded by stating their goal is to reach out to all communities in San Francisco and present fire safety talks and take feedback from the community and discuss the concerns. He described the efforts being done to strengthen the fire codes and improve fire safety including working with Supervisors Campos on fire alarm maintenance



requirements legislation, working with Supervisor Weiner on code enforcement legislation and Supervisor Tang on posting fire safety information at all apartment buildings and common areas. He thanked everyone for the opportunity to present in the Mission District.

President Covington combined item 8, below with item 7. She called Supervisor David Campos forward and thanked him for being at the meeting and helping with the meeting.

**8. THE FIRE COMMISSION WILL INVITE SUPERVISOR DAVID CAMPOS TO ADDRESS THE COMMISSION (10 Minutes)**

Supervisor Campos thanked Commission Secretary Conefrey for helping with the logistics in putting the meeting together as well as the staff of SFGOV. He acknowledged the heroic work from the men and women of the Fire Department. He expressed his disappointment in the Fire Commission for taking so long to come and meet in the Mission District and would strongly urge legislation be drafted to require the Fire Commission to meet in various communities once a month. He also mentioned that he thought there was disconnect between members of the community and the Fire Commission. He spoke briefly about the legislation he introduced to address the very real crisis for the Mission Neighborhood and concluded by saying he was looking forward to hearing from the Community.

Public Comment: Unidentified female expressed her concerns regarding fires in the Mission compared to other places. She mentioned that she went to the Planning Department and found out that they have a different standard before they put their stamp on approval of plans for senior and low income housing. She gave examples of different things she was concerned with.

Tommi Mecca, with Housing Rights Committee spoke in regards to recommendations they would like the Commission to approve and urged the Department to adopt them. Those recommendations included having the Department perform adequate fire code enforcement in San Francisco's apartments and SRO hotels to include buildings with nine units or less, issue citations and notices of violations consistently, set up a complaint system similar to DBI and create a system that will keep track of any and all violations of housing code without dismissing some complaints as standard, train inspectors to know the fire code and write up violations and follow up on them, and to integrate a penalty process.

Deanna Flores continued with the list of recommendations which included transparent criteria and policy, not discretion. She added that there has been recent introduction of legislation that supports the San Francisco Fire Department to determine what a priority and what is a standard complaint is and they want all complaints to be investigated, and any violations cited to be put through the process that Tommi outlined above. She suggested that all tenants be kept informed of what is happening with their buildings, and should be given information regarding any fire within 24 hours. She concluded by stating it was a shame in the way it took hurdles in order for the Commission to meet in the Mission and that there was an interest for the Commission to be accountable to her community and they are definitely going to continue to show up.

Leticia, tenant counselor and organizer with Causa Justa stated it needs to be acknowledged that there are a lot of old building in the Mission, with rooms that have only one or two outlets and many of the units don't have adequate and functioning heating system and she wants to make sure blame is not being placed on the tenants, because at the end of the day it's the property owner's responsibility to ensure that the unit and the building is up to code. She also stated that she was concerned to see how many of the fires have been deemed accidental.

Gabriel Medina, policy manager for Mission Economic Development Agency shared a PowerPoint and spoke on behalf of a coalition called United to Save the Mission. She talked about how their agency was personally involved in helping tenants and business get services after devastating fires. She mentioned that they are disturbed by the data presented because the data can lie. She explained her set of data prepared by the community, the Ani-Eviction Mapping Project. She concluded by asking the Commission to work on the recommendations with the Committee and Supervisor Campos.

Aaron Bustamante, also with United to Save the Mission shared information taken from data in a visual form. He described what his data meant and reiterated recommendations they would like to see implemented.

Spike Kahn, Good Samaritan who is a small landlord and is housing fire victims that were displaced in the Mission last November because there is no other housing to support the people who are getting displaced because of these fires. She went on to acknowledge the violations that were reported during inspections at the 22<sup>nd</sup> and Mission fire with no corrective action, citations issued or penalties and thought the Commission should be ashamed of that..

Joshua Arce, community liaison for Labors Union Local 261 spoke about the problem of irresponsible property owners/landlords. He gave an example of the 22<sup>nd</sup> and Mission Street fire when they found out that a very irreputable contractor was brought in to do work, and they think may have even possibly contributed to the most recent fire because of poor labor standards and certifications involved. He suggested it's time to send a message to this landlord and they have requested Mayor Lee and Department of Building Inspection require the owner to sell the building and put it in the community's hands and asks that the Commission and Department join in this request.

James Ahn thanked the Commission, the public, Supervisor Campos and the Fire Department's first responders. He explained his experiences with the fires at 22<sup>nd</sup> and Mission and dealing with the Fire Department and said nobody is taking overall comprehensive holistic approach to providing information to him. He wanted to know who in the Department is leading with a vision, a plan and accountability and he hopes that they can come up with a mutual plan because nobody wants these fires.

Robert Hernandez, representing Our Mission No Eviction gave an explanation on how he thinks these fires play into evictions. He went on to say they are angry and concerned. He expressed his frustration in working with the Fire Department, getting a meeting with the Commission in the Mission and that the Chief was not in attendance.

Calisto Robles spoke about the fire in his apartment last year and thanked the firefighters who put the fire out. He also suggested that the City has to put pressure on the landlords to fix the problems causing the fires.

Iris Pbilowitz has lived in the Mission for 40 years and is a nurse and concerned about the health and safety of tenants in San Francisco, both because of all the evictions and fires. She talked about violations and asked how landlords are held accountable and the Departments investigations into the fires are.

Unidentified female (translated from Spanish to English) thanked the Commission and Supervisor Campos for meeting in the Mission. She stated that they have seen a lot a failure in the investigation of what's been happening and the response and didn't like hearing that if they had working smoke alarms it would helped save people when really that responsibility falls on the property owners that are profiting from what they pay them in rent. She added

that they can't keep pretending to be blind or deaf to the suffering that is happening in the community and suggested sanctions be served on the property owners.

Adam Wood, Executive Board of the Firefighters Union and worked for many years at Station 7 stated he does not dispute any of the figures in the Fire Marshal's report, but he doesn't think they paint the whole picture of the impact these fire have had on the community over the past two years. He stated he was concerned that the report is causing the loss of opportunity to make a partnership with the community between the Department and they need more inspectors with more authority to keep these fire from happening. He concluded by stating the message to the community should not be that their concerns are unfounded or exaggerated, but instead that we share their concerns and we should join forces, work together to made a better fire department and a safer Mission District.

Mr. Romero stated he thought the report was boring and expressed his concerns regarding the recent fire in the Mission and he doesn't see a plan from the Department doing more inspections, educating people and making landlords accountable for the things that they have to have in their buildings.

Steve Engler, Fire Investigator stated he's never been to investigate the cause of a fire fatality that had active and working smoke detectors. He encouraged the community to install and inspect their smoke detectors and do not use non GFI protected plug strips.

Vice President Cleaveland thanked Supervisor Campos for attending and for everyone who came and spoke and gave input on the problems of the fires in the Mission. He said that the Commission takes their job very seriously and the responsibility to the communities very seriously. He encouraged the members of the public to watch the televised Commission meetings so they can see what we are doing, there is nothing to hide, and he added that we have everything to gain by getting the publics input and he appreciates that. He stated that the Commission will take the recommendations that were suggested tonight and see how feasible they may be to implement. He agreed that there needs to be better enforcement and it's a matter of resources.

Commissioner Nakajo thanked the members of the Mission Community, Supervisor Campos, all the members who are part of the community, and Mr. Hernandez for coming and letting the Commission know what the issues are, how he's feeling and what he thinks of the recommendations that were provided during the meeting. He added that he thought it was important for the Commission to be able to hear it firsthand what the communities' feelings are and take those concerns and recommendations back to the Chief and administration and come with answers to some of the concerns that have been raised. He looks forward to continued communication.

Commission Hardeman commented that meeting with the community is good and talked about experiences he had when he lived in the Mission District growing up. He added that after listening to public comment, the Commission will respond accordingly and he thanked the staff and the community leadership that attended the meeting.

President Covington stated that she was extremely glad to be in the Mission Community and to hear the comments and which helps them understand the frustration and tensions the community is experiencing and that she has heard the comments and suggested it might be a good idea to put an internal task force to look at the Mission and what's going on and put our best efforts forward to come up with a response to some of the questions that were posed throughout the evening and come back to the community and have a dialogue about what it is that we have in terms of possible things moving forward. She concluded by stating she looks forward to following up with the community.

**9. SFFD EMPLOYEE GROUP LOS BOMBEROS [Discussion]**

Update from SFFD Employee Group Los Bomberos

Department members Mariano Elias and Lester Lesavoy gave a presentation on the history of their group and their recent trip to Nicaragua with training ideas and equipment.

The Presentation is attached:

[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=180&clip\\_id=25268](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=180&clip_id=25268)

There was no public Comment.

All the Commissioners thanked them for their presentation and let them know how proud they were of all the work that Los Bomberos does.

**10. AGENDA FOR NEXT FIRE COMMISSION MEETING [Discussion]**

Discussion regarding agenda for the May 11, 2016 regular meeting.

- Bond update
- Meeting in the various Neighborhoods
- Update on developments at the Airport

There was no Public Comment.

**11. ADJOURNMENT**

President Covington adjourned the meeting at 8:10 p.m.

# SAN FRANCISCO FIRE COMMISSION

## MINUTES OF THE FIRE COMMISSION SPECIAL MEETING

May 13, 2016 – 9:30 AM

698 Second Street, Room 221, San Francisco, CA 94107

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*President Covington called the meeting to order at 9:30 AM.*

Item No.

### 1. ROLL CALL

Commission Vice President Ken Cleaveland, Hearing Officer  
Commission President Francee Covington  
Commissioner Stephen Nakajo  
Commissioner Michael Hardeman

Also Present:

Brad Russi, Deputy City Attorney, Government Team – Counsel to the Commission  
Maureen Conefrey, Commission Secretary

### 2. **CASE NO. 2015-06: CONTINUATION OF DELIBERATIONS ON VERIFIED COMPLAINT FILED WITH THE COMMISSION BY CHIEF OF DEPARTMENT** *[Discussion and possible action]*

On December 9, 2015, Chief of Department Joanne Hayes-White filed a verified complaint with the Commission against member for a non-punitive medical separation.

The Commission conducted an evidentiary hearing in the above case on March 1, 2016. At the conclusion of the evidentiary hearing, the Commission began deliberations but did not reach a decision and will now continue deliberating.

This case may be heard in Closed Session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b).

#### **A. Public Comment on Special Meeting Agenda Item; Possible Closed Session**

Members of the public may comment on all matters pertaining to Agenda Item No. 2 and whether to consider the matter in Closed Session [Government Code §54954.3(a), Administrative Code §67.15(b)]

*President Covington called for public comment. No member of the public came forward and President Covington closed public comment.*

#### **B. Vote on Closed Session**

1. *If there has been a motion or request to go into Closed Session:* Vote on whether to hold Closed Session *[Action]*

*Vice President Cleaveland made a motion to hold deliberations in Closed Session. Commissioner Hardeman seconded, and the motion was unanimously approved. (4-0; Cleaveland, Covington, Nakajo, Hardeman.)*

### **C. Deliberations/Possible Action, Open or Closed Session**

*The Commission held deliberations in Closed Session at 9:32 a.m.*

1. Deliberations, and possible action on Verified Complaint (in open or Closed Session, per the Commission's vote) [**Discussion and Possible Action**]

### **D. If Closed Session is held, reconvene in Open Session**

1. Report on any action taken in Closed Session as specified in California Government Code Section 54957.1(a)(5) and San Francisco Administrative Code section 67.12(b)(4).

*The Commission reconvened in Open Session to report action taken at 10:04 a.m.*

*By a unanimous vote of Commissioners present (4-0: Commissioners Covington, Cleaveland, Nakajo, Hardeman), the Commission accepted the Chief of Department's recommendation of a non-punitive medical separation of the member from the department..*

2. Vote to elect whether to disclose any or all discussions held in Closed Session, as specified in San Francisco Administrative Code Section 67.12(a). [**Action Item**]

*Commissioner Nakajo made a motion not to disclose discussion held in Closed Session. Vice President Cleaveland seconded, and the motion was unanimously approved. (4-0; Covington, Cleaveland, Nakajo, Hardeman,)*

### **3. ADJOURNMENT**

*President Covington adjourned the meeting at 10:05 a.m.*

PROPOSED LEGISLATION



## **Conefrey, Maureen (FIR)**

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**From:** Major, Erica (BOS)  
**Sent:** Monday, May 02, 2016 4:07 PM  
**To:** Conefrey, Maureen (FIR)  
**Subject:** REFERRAL Fire Commission (160422) Fire, Housing, Building Codes - Fire Safety Requirements for Existing Buildings  
**Attachments:** 160422 Fire Comm.pdf

Greetings,

This matter is being forwarded to the Fire Commission for public hearing and consideration. It is pending before the Public Safety and Neighborhood Services Committee and will be scheduled for hearing upon receipt of your response. Please forward the Commission's response as soon as it is available.

Best,

**Erica Major**  
**Assistant Committee Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102  
Phone: (415) 554-4441 | Fax: (415) 554-5163  
[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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BOARD of SUPERVISORS



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. 554-5227

## MEMORANDUM

TO: Maureen Conefrey, Fire Commission

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: May 2, 2016

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation introduced by Supervisor Campos on April 26, 2016:

**File No. 160422**

**Ordinance amending the Fire Code and the Housing Code to require building owners provide tenants with an annual written notice of smoke alarm requirements and require building owners file a statement of compliance with annual fire alarm testing and inspection requirements every two years; amending the Fire Code and Building Code to require building owners to upgrade existing fire alarm systems by July 1, 2021, or upon completion of \$50,000 or more of construction work, whichever occurs earlier; amending the Building Code to require owners of Apartment Houses damaged by fire to submit an Action Plan to the City within 30 days of the fire and requiring owners of buildings in Group R occupancies with six or more units to install fire blocks in open accessible attics when performing \$50,000 or more of construction work; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage as required by State law.**

The proposed ordinance is being transmitted pursuant to the attached legislation, Board of Supervisors File No. 160422, for public hearing and consideration. It is pending before the Public Safety and Neighborhood Services Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

1 [Fire, Housing, Building Codes - Fire Safety Requirements for Existing Buildings]

2  
3 Ordinance amending the Fire Code and the Housing Code to require building owners  
4 provide tenants with an annual written notice of smoke alarm requirements and require  
5 building owners file a statement of compliance with annual fire alarm testing and  
6 inspection requirements every two years; amending the Fire Code and Building Code  
7 to require building owners to upgrade existing fire alarm systems by July 1, 2021, or  
8 upon completion of \$50,000 or more of construction work, whichever occurs earlier;  
9 amending the Building Code to require owners of Apartment Houses damaged by fire  
10 to submit an Action Plan to the City within 30 days of the fire and requiring owners of  
11 buildings in Group R occupancies with six or more units to install fire blocks in open  
12 accessible attics when performing \$50,000 or more of construction work; affirming the  
13 Planning Department's determination under the California Environmental Quality Act;  
14 making findings under the California Health and Safety Code; and directing the Clerk of  
15 the Board of Supervisors to forward this ordinance to the California Building Standards  
16 Commission upon final passage as required by State law.

17 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
18 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
19 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
20 **Board amendment additions** are in double-underlined Arial font.  
21 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
22 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
23 subsections or parts of tables.

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

25 Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources

1 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
2 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board  
3 affirms this determination.

4 (b) On \_\_\_\_\_, the Building Inspection Commission considered this ordinance  
5 at a duly noticed public hearing pursuant to Charter Section D3.750.5.

6 (c) On \_\_\_\_\_, the Fire Commission considered this ordinance at a duly  
7 noticed public hearing.

8  
9 Section 2. Findings under California Health and Safety Code. The Board of  
10 Supervisors hereby finds that the following local conditions apply to the amendments to the  
11 Fire, Building, and Housing Codes enacted by this ordinance:

12 (1) The City and County of San Francisco is unique among California communities  
13 with respect to the possible causes and effects of fires, including fires in residential multi-unit  
14 buildings. Among other things, San Francisco is located on an active seismic zone; certain  
15 buildings in San Francisco are at an increased risk for earthquake-induced failure and  
16 consequent fire because of local hazardous microzones, slide areas, and local liquefaction  
17 hazards; enhanced fire, structural, and other protections are required due to high building  
18 density and high occupancy in many buildings.

19 (2) San Francisco has narrow and crowded sidewalks due to building and  
20 population density and unusual topography; and San Francisco has numerous high-rise  
21 buildings, including residential buildings with large numbers of people living therein. For these  
22 reasons, fires in San Francisco can be especially devastating, and the need for extra  
23 measures to prepare for and cope with fires is especially pressing, particularly regarding  
24 people who live in multi-unit residential buildings, and who may face fire dangers any day of  
25 the week and any hour of the day or night.

1 (3) California Health and Safety Code Sections 17958 and 17958.5 allow the City to  
2 make changes or modifications in the requirements contained in the provisions published by  
3 the California Building Standards Commission, including the California Fire Code, when those  
4 changes or modifications are reasonably necessary because of local climatic, geological, or  
5 topographical conditions. California Health and Safety Code Section 17958.7 provides that  
6 before making any such changes or modifications, the governing body must make express  
7 findings that such changes or modifications are reasonably necessary because of the  
8 specified local conditions, and those findings shall be filed with the California Building  
9 Standards Commission.

10 (4) Pursuant to the applicable California Health and Safety Code sections, the  
11 Board of Supervisors finds and determines that the conditions described above constitute a  
12 general summary of the most significant local conditions giving rise to the need for variance  
13 from the California Fire and Building Codes and any other applicable provisions published by  
14 the California Building Standards Commission. Further, the Board of Supervisors finds and  
15 determines that the proposed variances are reasonably necessary based on these local  
16 conditions, and that these conditions justify more restrictive standards applicable to the  
17 provision of fire safety information to persons living in multi-unit residential buildings in San  
18 Francisco.

19  
20 Section 3. The Fire Code is hereby amended by adding Sections 907.2.11.6 and  
21 1103.7.6.1, and revising Section 907.8.5, to read as follows:

22 **907.2.11.6. [For SF] Smoke Alarm Information Disclosure.**

23 **(a) Annual Smoke Alarm Information Notice. On or before January 1, 2017, and on or**  
24 **before January 1 of each year thereafter, owners of a dwelling unit intended for human occupancy in**  
25 **which one or more units is rented or leased shall provide each tenant with a written notice regarding**

1 smoke alarm requirements on a form provided by the Fire Department. The Fire Department shall  
2 develop the notice in consultation with the Department of Building Inspection and shall make the notice  
3 available on its website in English, Spanish, and Chinese. The Fire Department shall update the notice  
4 as necessary from time to time to reflect changes in the law, and the owner shall provide the most  
5 recent notice to tenants. The notice shall include, but not be limited to, the following information:

6 (1) information regarding the importance of maintaining smoke alarms in working  
7 condition for life safety;

8 (2) a brief summary of legal requirements for smoke alarms in dwelling units;

9 (3) a statement that the landlord is obligated to provide operable smoke alarms in good  
10 working condition in the dwelling unit in accordance with the Housing Code and Fire Code and the  
11 landlord must promptly repair or replace inoperable smoke alarms upon request; and

12 (4) attached as a separate appendix to the notice, a list, to be prepared by the Rent  
13 Board, of tenants' rights organizations that provide counseling to tenants on issues related to fires, and  
14 contact information for those organizations.

15 (b) Posting Requirement. For all Apartment Houses as defined in the Housing Code, the  
16 building owner shall post the notice referenced in subsection (a) in at least one conspicuous location in  
17 a common area of each floor of the building.

18 \* \* \* \*

19 **907.8.5. [For SF] Maintenance, Inspection, and Testing.**

20 (a) Testing, Inspection and Filing Requirements. The building owner is responsible to  
21 maintain the fire and life safety systems in an operable condition at all times. The building  
22 owner must have the system(s) tested and inspected every year by ~~S~~service personnel ~~shall~~ who meet  
23 the qualification requirements of NFPA 72, as amended from time to time, for maintaining,  
24 inspecting, and testing of the systems. With regard to fire alarm systems, the building owner shall  
25 file a Statement of Compliance with this annual testing and inspection requirement with the

1 Department of Building Inspection, on a form provided by the Department of Building Inspection, in  
2 accordance with the following schedule: (1) for buildings with nine or more units, on or before  
3 January 1, 2017, and thereafter on or before January 1 of each odd-numbered year, and (2) for  
4 buildings with less than nine units, on or before January 1, 2018, and thereafter on or before January 1  
5 of each even-numbered year. The Department of Building Inspection shall consult with the Fire  
6 Department in developing the Statement of Compliance form. The Department of Building Inspection  
7 shall post all Statements of Compliance it receives on a City website maintained by the Department of  
8 Building Inspection no later than 60 days from the date of receipt of the Statement of Compliance as  
9 provided in subsection (c) of Section 908 of the Housing Code. For purposes of enforcement of this  
10 subsection (a), the Department of Building Inspection shall be responsible only for posting the  
11 Statement of Compliance forms on the City website, and the Fire Department and/or the Department of  
12 Building Inspection shall respond to any complaint received by the respective department pertaining to  
13 compliance with this subsection. The Departments may also enforce this subsection pursuant to  
14 periodic health and safety inspections required by code.

15 (b) Recordkeeping. The building owner shall maintain ~~W~~written records of inspection and  
16 testing, as specified in NFPA 72, ~~as amended from time to time, shall be provided to the fire code~~  
17 official upon request. Records shall be maintained until the next test and for ~~one~~ year thereafter.

18 (c) Sticker. The building owner shall place, or shall cause ~~S~~service personnel ~~shall to~~ place,  
19 a sticker on the fire alarm control panel cover that includes the company name, phone  
20 number, and the date of the last inspection or testing.

21 \* \* \* \*

22 1103.7.6.1. [For SF] Sleeping Area Requirements.

23 For all buildings that are required to have a fire alarm system under this Code, the Building  
24 Code, the Housing Code or any other law, the building owner shall upgrade the fire alarm system, if  
25 necessary, to comply with the sound level requirement for sleeping areas set forth in Section 18.4.5.1 of



1 NFPA 72, as amended from time to time, upon either (a) completion of work under a building permit  
2 with a cost of construction of \$50,000 or more or (b) July 1, 2021, whichever occurs first.

3  
4 Section 4. The Building Code is hereby amended by adding Sections 106A.1.14  
5 (including Sections 106A.1.14.1, 106A.1.14.2, 106A.1.14.3, and 106A.1.14.4), 3401.8.2, and  
6 3401.8.3, to read as follows:

7 **106A.1.14. Damaged apartment houses where residential occupants have been displaced;**  
8 **preliminary information and Action Plan required. Whenever an Apartment House, as defined in the**  
9 **Housing Code, has been damaged by fire or other emergency that results in the displacement of**  
10 **residential occupants, the property owner shall submit to the Department's Building Inspection**  
11 **Division, with a copy to the Housing Inspection Division, the following information and an Action Plan**  
12 **within the timeframe specified. The Department shall include a statement in all applicable Notices of**  
13 **Violation issued pursuant to this Section that allowing the residential occupants to retrieve their**  
14 **personal property in a safe manner through a visit supervised by the property owner's engineer,**  
15 **general contractor, or other industry professional for a short duration is not in conflict with the issued**  
16 **Notice of Violation.**

17 **106A.1.14.1. Information submittal. Within 72 hours of the posting of a Notice of**  
18 **Violation on the subject site, the property owner shall provide the following information in writing:**

19 **(a) a description of the steps taken and the methods used to stabilize and secure the subject**  
20 **building and premises, including but not limited to the following, as appropriate: (1) fencing the**  
21 **building perimeter, (2) securely barricading all windows, openings, and other points of entry to the**  
22 **building from the outside, (3) assessing the property at least weekly to ensure that no unauthorized**  
23 **entry is occurring and that any fencing and barricades are secure and remain in place, and (4)**  
24 **providing 24-hour security;**  
25

1           **(b) if the City has determined that the subject building, or portions thereof, is unsafe for**  
2 **occupancy, a description of the steps taken and the methods used to either secure the personal property**  
3 **of the residential occupants or allow them to retrieve their personal property, including but not limited**  
4 **to the following: (1) fencing the building perimeter, barricading all points of entry, or taking the other**  
5 **steps listed in Section 106A.1.14.1(a) above, and (2) obtaining the recommendations of a structural**  
6 **engineer or other appropriate consultant for allowing the residential occupants access to the building**  
7 **or undamaged portions thereof for the purpose of obtaining their personal belongings; and**

8           **(c) the name and contact information of the owner or an agent of the owner who is able to**  
9 **respond to questions and concerns from the residential occupants and others.**

10           **106A.1.14.2. Action Plan submittal. Within 30 days from release of the scene by the**  
11 **Fire Department and other emergency responders, the property owner shall submit an Action Plan in**  
12 **the form required by the Department that contains the following elements:**

13           **(a) a description of the steps taken and the methods used to stabilize and secure the subject**  
14 **building and premises, including supporting documentation by a structural engineer or other industry**  
15 **professional as specified in the Notice of Violation, including but not limited to the following, as**  
16 **appropriate: (1) fencing the building perimeter, (2) securely barricading all windows, openings, and**  
17 **other points of entry to the building from the outside, (3) assessing the property at least weekly to**  
18 **ensure that no unauthorized entry is occurring and that any fencing and barricades are secure and**  
19 **remain in place, and (4) providing 24-hour security;**

20           **(b) a summary of the extent of fire or water damage to the building, describing with**  
21 **specificity the damage to individual dwelling units that were occupied prior to the damage by fire or**  
22 **other emergency;**

23           **(c) a description of the repairs necessary to bring the building into compliance with any**  
24 **Notices of Violation issued by the Department of Building Inspection, Fire Department, or Health**  
25 **Department;**

1           (d) a general schedule and description of the permits that will be filed to comply with (3)  
2 above;

3           (e) the contact information of the individuals who will perform the work under (3) above,  
4 which information shall be updated as necessary and kept current;

5           (f) an estimated date (month and year) when the displaced residential occupants can  
6 reoccupy the building. The estimated date shall be within a time reasonably necessary to accomplish  
7 the required repairs;

8           (g) proof that the owner has complied with the notice requirements of Section 106A.1.14.3;  
9 and

10           (h) information about prior complaints, notices of violation, and the status of their  
11 abatement or compliance with code requirements.

12           106A.1.14.3. Updating information. Within 90 days from the submission of the Action  
13 Plan to the Department required by Section 106A.1.14.2, and every 90 days thereafter, the property  
14 owner shall provide to the Department any new or corrected information concerning items (a) through  
15 (h) in Section 106A.1.14.2 above, including but not limited to any change to the estimated date by  
16 which the displaced residential occupants can reoccupy the building.

17           106A.1.14.4. Notice of filing of Action Plan. Within 72 hours of the filing of the  
18 required Action Plan with the Department, the property owner shall (a) post a notice of the filing in a  
19 prominent location at the building site and (b) mail or personally deliver a notice of the filing to each  
20 displaced residential occupant at their last known location.

21  
22           3401.8.2. Fire alarm systems. For all buildings that are required to have a fire alarm system  
23 under this Code, the Fire Code, the Housing Code or any other law, the building owner shall upgrade  
24 the fire alarm system, if necessary, to comply with the sound level requirement for sleeping areas set  
25 forth in Section 18.4.5.1 of NFPA 72, as amended from time to time, upon either (a) completion of work

1 under a building permit with a cost of construction of \$50,000 or more, or (b) July 1, 2021, whichever  
2 occurs first.

3  
4 3401.8.3. Open, accessible attics. When performing additions, alterations, or repairs in Group  
5 R occupancies of six units or more under a building permit with a cost of construction of \$50,000 or  
6 more, fire blocks, draftstops, or fire safing insulation (approved noncombustible material used as a fire  
7 barrier) shall be installed in open attics of 30 inches in height or greater that are accessible from other  
8 than an occupied residential unit.

9  
10 Section 5. The Housing Code is hereby amended by revising Sections 908 and 911 to  
11 read as follows:

12 **SEC. 908. MAINTENANCE AND REPAIR.**

13 All safety systems, devices, or equipment provided for in this Chapter 9 or in the Fire  
14 Code shall be maintained in good repair at all times.

15 (a) Fire escapes. Fire escapes shall be kept clear and unobstructed and be readily  
16 accessible at all times. Upon inspection, the property owner, or authorized agent, shall  
17 demonstrate to the Director or designated personnel, that all existing fire escapes are fully  
18 operational and properly maintained. Upon completion of the inspection, all existing fire  
19 escapes shall be secured pursuant to Section 1110.3.1. of the *San Francisco* Fire Code.

20 (b) Fire and life safety systems. The building owner shall maintain the fire and life safety  
21 systems required by this Code, the Building Code, or the Fire Code in an operable condition at all  
22 times. The building owner must meet the requirements of Section 907.8.5 of the Fire Code and have the  
23 system tested and inspected every year by service personnel that meet the qualification requirements of  
24 NFPA 72 for maintaining, inspecting, and testing of the systems. The building owner shall maintain

1 written records of inspection and testing, as specified in NFPA 72, until the next test and for one year  
2 thereafter.

3 (c) Annual statement of compliance with the testing and inspection requirement. With  
4 regard to fire alarm systems, the building owner shall file a Statement of Compliance with this annual  
5 testing and inspection requirement with the Department of Building Inspection, on a form provided by  
6 the Department of Building Inspection, in accordance with the following schedule: (1) for buildings  
7 with nine or more units, on or before January 1, 2017, and thereafter on or before January 1 of each  
8 odd-numbered year, and (2) for buildings with less than nine units, on or before January 1, 2018, and  
9 thereafter on or before January 1 of each even-numbered year. The Department of Building Inspection  
10 shall consult with the Fire Department in developing the Statement of Compliance form. The  
11 Department of Building Inspection shall post all Statements of Compliance it receives on a City website  
12 maintained by the Department of Building Inspection no later than 60 days from the date of receipt of  
13 the Statement of Compliance. For purposes of enforcement of this subsection (c), the Department of  
14 Building Inspection shall be responsible only for posting the Statement of Compliance forms on the City  
15 website, and the Fire Department and/or the Department of Building Inspection shall respond to any  
16 complaint received by the respective department pertaining to compliance with this subsection. The  
17 Departments may also enforce this subsection pursuant to periodic health and safety inspections  
18 required by code.

19 (d) The building owner shall place, or shall cause service personnel to place, a sticker on  
20 the fire alarm control panel cover that includes the company name, phone number, and the date of the  
21 last inspection or testing.

22 \* \* \* \*

23 **SEC. 911. SINGLE-STATION SMOKE DETECTOR WITH ALARM REQUIRED.**

24 \* \* \* \*

25 (d) Smoke Detector Information Disclosure.

1                   (1) Annual Smoke Detector Information Notice. On or before January 1, 2017, and  
2 on or before January 1 of each year thereafter, owners of a dwelling unit intended for human  
3 occupancy in which one or more units is rented or leased shall provide each tenant with a written  
4 notice regarding smoke alarm requirements on a form provided by the Fire Department as described in  
5 Section 907.2.11.6 of the Fire Code.

6                   (2) Posting Requirement. For all Apartment Houses as defined in this Code, the  
7 building owner shall post the notice referenced in subsection (d)(1) in at least one conspicuous location  
8 in a common area of each floor of the building.

9  
10                   Section 6. Effective and Operative Dates.

11                   (a) Effective Date. This ordinance shall become effective 30 days after enactment.  
12 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance  
13 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of  
14 Supervisors overrides the Mayor's veto of the ordinance.


15                   (b) Operative Date. Pursuant to Section 17958.7 of the California Health and Safety  
16 Code, this ordinance is not operative until the Clerk of the Board has filed it with the California  
17 Building Standards Commission, as directed in Section 9.

18  
19                   Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
23 additions, and Board amendment deletions in accordance with the "Note" that appears under  
24 the official title of the ordinance.  
25

1 Section 8. Undertaking for the General Welfare. In enacting and implementing this  
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
4 is liable in money damages to any person who claims that such breach proximately caused  
5 injury.

6  
7 Section 9. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed  
8 to forward a copy of this ordinance to the California Building Standards Commission upon final  
9 passage as required by State law.

10  
11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By:   
14 FRANCESCA GESSNER  
15 Deputy City Attorney

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## **Conefrey, Maureen (FIR)**

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**From:** Major, Erica (BOS)  
**Sent:** Wednesday, May 11, 2016 9:23 AM  
**To:** Halloran, Richard (DBI); McSpadden, Shireen (HSA) (DSS); Jean Caramatti (AIR); Page\_Ritchie, Sharon (ART); Xu, Jay (MYR); Duran, Dawn; Goldstein, Cynthia (PAB); Zee, Howard (DBI); Harris, Sonya (DBI); Kloomok, Laurel (CFC) (CHF) (CFC); Committee, CGOBO (CON); Brown, Michael (CSC); Newman, Elizabeth (WOM); Hewitt, Nadya (REG); Stewart, Crystal (ADM); Valdez, Anthony E (ENV); Pelham, LeeAnn (ETH); Commission, Film (ECN); Gutierrez, Michelle (FAM); Conefrey, Maureen (FIR); Ginsburg, Phil (REC); Morewitz, Mark (DPH); Dodd, Catherine (HSS); Ionin, Jonas (CPC); Sparks, Theresa (HRC); Rainey, Louise (HSA) (DSS); Silva-Re, Pauline (JUV); Blackman, Sue (LIB); Fried, Jason (BOS); Boomer, Roberta (MTA); Ionin, Jonas (CPC); Suhr, Greg (POL); Quesada, Amy (PRT); Kelly, Naomi (ADM); Collins, Robert (RNT); Lane, Maura (CON); Huish, Jay (RET); Evans, Derek; Kelly, Jr, Harlan (PUC); Dick-Endrizzi, Regina (ECN); Young, Victor; Austin, Kate (ADM); Murray, Elizabeth (WAR); Rufo, Todd (ECN)  
**Cc:** <mailto:cgoines@asianart.org>; Badasow, Bridget (DSS) (DSS); Cantara, Gary (PAB); Madland, Sarah (REC); McArthur, Margaret (REC); Fountain, Christine (POL); Kilshaw, Rachael (POL); Mahajan, Menaka (ECN); Norris, Jennifer (WAR)  
**Subject:** REFERRAL FYI (160478) Campaign and Governmental Conduct Code - Requiring Commissioners to File Behested Payment Reports  
**Attachments:** 160478 FYI.pdf

Greetings:

This matter is being forwarded to your department for distribution to your respective Board or Commission listed under the Campaign and Governmental Conduct Code Section 3.1-103 (a)(1) for informational purposes. The Boards and Commissions listed in the Code Section can be found below. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

### Sec. 3.1-103 (a) (1) MEMBERS OF BOARDS AND COMMISSIONS.

(1) Members of the following boards and commissions shall file their Form 700 Statements of Economic Interests, Sunshine Ordinance Declarations, and Certificates of Ethics Training with the Ethics Commission:

- Access Appeals Commission
- Aging and Adult Services Commission
- Airport Commission
- Arts Commission
- Asian Art Museum Commission
- Assessment Appeals Board
- Board of Appeals
- Board of Examiners
- Board of Supervisors
- Building Inspection Commission
- Children and Families First Commission
- Citizen's General Obligation Bond Oversight Committee
- Civil Service Commission
- Commission on the Status of Women
- Elections Commission

Entertainment Commission  
Environment Commission  
Ethics Commission  
Film Commission  
Fine Arts Museums Board of Trustees  
Fire Commission  
Golden Gate Park Concourse Authority Board of Directors  
Health Commission  
Health Service System Board  
Historic Preservation Commission  
Human Rights Commission  
Human Services Commission  
Juvenile Probation Commission  
Library Commission  
Local Agency Formation Commission  
Municipal Transportation Agency Board of Directors  
Parking Authority  
Planning Commission  
Police Commission  
Port Commission  
Produce Market Corporation Board of Directors  
Rate Fairness Board  
Recreation and Park Commission  
Remote Access Network Board  
Residential Rent Stabilization and Arbitration Board  
Residential Users Appeal Board  
Retiree Health Care Trust Fund Board  
Retirement Board  
Revenue Bond Oversight Committee  
San Francisco Public Utilities Commission  
Small Business Commission  
Sunshine Ordinance Task Force  
Treasure Island Development Authority Board of Directors  
War Memorial and Performing Arts Center Board of Trustees  
Workforce Investment Board

Thank you for your attention.

Best,

**Erica Major**

**Assistant Committee Clerk**

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

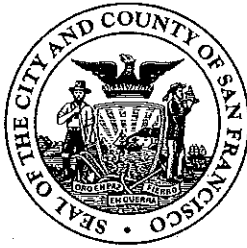


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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



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. 554-5227

## MEMORANDUM

TO: Richard Halloran, Access Appeals Commission  
Shireen McSpadden, Executive Director, Department of Aging and Adult Services  
Jean Caramatti, Airport Commission  
Sharon Page Ritchie, Arts Commission  
Jay Xu, Director, Asian Art Museum  
Dawn Duran, Assessment Appeals Board  
Cynthia Goldstein, Board of Appeals  
Howard Zee, Board of Examiners  
Sonya Harris, Building Inspection Commission  
Laurel Kloomok, Children and Families First Commission  
Citizen's General Obligation Bond Oversight Committee  
Michael Brown, Civil Service Commission  
Elizabeth Newman, Commission on the Status of Women  
Nadya Hewitt, Elections Commission  
Crystal Stewart, Entertainment Commission  
Anthony Valdez, Environment Commission  
LeeAnn Pelham, Executive Director, Ethics Commission  
Film Commission  
Michelle Gutierrez, CFO, Fine Arts Museums  
Maureen Conefrey, Fire Commission  
Phil Ginsburg, General Manager, Recreation and Parks Department  
Mark Morewitz, Health Commission  
Catherine Dodd, Director, Health Service System  
Jonas Ionin, Acting Commission Secretary, Historic Preservation Commission  
Theresa Sparks, Executive Director, Human Rights Commission  
Louise Rainey, Human Services Commission  
Pauline Silva-Re, Juvenile Probation Commission  
Sue Blackman, Library Commission  
Jason Fried, Local Agency Formation Commission  
Roberta Boomer, Municipal Transportation Agency Board of Directors  
Jonas Ionin, Director of Commission Affairs, Planning Commission  
Greg Suhr, Chief, Police Department  
Amy Quésada, Port Commission  
Naomi Kelly, City Administrator, Office of the City Administrator  
Robert Collins, Acting Executive Director, Residential Rent Stabilization and Arbitration Board  
Maura Lane, Retiree Health Care Trust Fund Board  
Jay Huish, Executive Director, Retirement Board

Referral from the Office of the Clerk of the Board  
Government Audit and Oversight Committee  
May 10, 2016  
Page 2

Derek Evans, Revenue Bond and Oversight Committee  
Harlan Kelly, Jr., General Manager, Public Utilities Commission  
Regina Dick-Endrizzi, Director, Small Business Commission  
Victor Young, Sunshine Ordinance Task Force  
Kate Austin, Treasure Island Development Authority Board of Directors  
Elizabeth Murray, Director, War Memorial  
Todd Rufo, Director, Office of Economic and Workforce Development

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight  
Committee, Board of Supervisors

DATE: May 10, 2016

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Peskin on May 3, 2016:

**File No. 160478**

**Ordinance amending the Campaign and Governmental Conduct Code to require members of City boards and commissions to file behested payment reports regarding the solicitation of charitable contributions.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:

Chris Goines, Asian Art Museum  
Bridget Badasow, Department of Aging and Adult  
Services Gary Cantara, Board of Appeals  
Sarah Madland, Recreation and Parks Department  
Margaret McArthur, Recreation and Parks Department  
Christine Fountain, Police Department  
Sergeant Rachael Kilshaw, Police Department  
Menaka Mahajan, Small Business Commission  
Jennifer Norris, War Memorial

1 [Campaign and Governmental Conduct Code - Requiring Commissioners to File Behested  
2 Payment Reports]

3 **Ordinance amending the Campaign and Governmental Conduct Code to require**  
4 **members of City boards and commissions to file behested payment reports regarding**  
5 **the solicitation of charitable contributions.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

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

14 Section 1. The Campaign and Governmental Conduct Code is hereby amended by  
15 adding Chapter 6, Sections 3.600, 3.610, and 3.620, to read as follows:

16 **CHAPTER 6: BEHESTED PAYMENT REPORTING FOR COMMISSIONERS**

17 **SEC. 3.600. DEFINITIONS.**

18 *Whenever in this Chapter 6 the following words or phrases are used, they shall have the*  
19 *following meanings:*

20 *"Behested Payment Report" shall mean the Fair Political Practices Commission Form 803, or*  
21 *any other successor form, required by the Fair Political Practices Commission to fulfill the disclosure*  
22 *requirements imposed by California Government Code Section 82015(b)(2)(B)(iii), as amended from*  
23 *time to time.*

24 *"Charitable Contribution" shall mean any monetary or non-monetary contribution to a*  
25 *government agency, a bona fide public or private educational institution as defined in Section 203 of*

1 the California Revenue and Taxation Code, or a nonprofit organization that is exempt from taxation  
2 under Section 501(c) of the United States Internal Revenue Code.

3 "Commissioner" shall mean any member of a board or commission listed in Campaign and  
4 Governmental Conduct Code Section 3.1-103(a)(1); provided, however, that "Commissioner" shall not  
5 include any member of the Board of Supervisors.

6 **SEC. 3.610. REQUIRED FILING OF BEHESTED PAYMENT REPORTS**

7 (a) Any Commissioner who, directly or indirectly, requests or solicits any Charitable  
8 Contribution, or series of Charitable Contributions, of \$5,000 or more from a single source in a  
9 calendar year must file a Behested Payment Report with the Ethics Commission within 30 days of the  
10 date on which the Charitable Contribution was made, or if there has been a series of contributions,  
11 within 30 days of the date on which a Charitable Contribution causes the total amount of contributions  
12 to total \$5,000 or more in a calendar year.

13 (b) The Ethics Commission shall make available through its website all Behested Payment  
14 Reports it receives from Commissioners.

15 (c) A Commissioner who fails to comply with this Section 3.610 is subject to the administrative  
16 process and penalties set forth in Section 3.242(d).

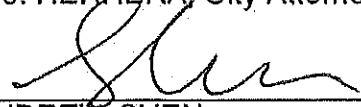
17  
18 **SEC. 3.620. REGULATIONS.**

19 The Ethics Commission shall have the power to adopt rules, regulations, and guidelines for the  
20 implementation of this Chapter 6.

21  
22 Section 2. Effective Date. This ordinance shall become effective 30 days after  
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
25 of Supervisors overrides the Mayor's veto of the ordinance.

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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
ANDREW SHEN  
Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Campaign and Governmental Conduct Code - Requiring Commissioners to File Behested Payment Reports]

**Ordinance amending the Campaign and Governmental Conduct Code to require members of City boards and commissions to file behested payment reports regarding the solicitation of charitable contributions.**

Existing Law

Under state law, when a payment of \$5,000 or more from a single source is made at the "behest" of a local elected official for a governmental or charitable purpose, that official must file a "behested payment report." See Cal. Gov. Code § 82015(b)(2)(B)(iii). This reporting requirement applies when there has been a single payment of \$5,000 or more, or a series of payments over the course of a calendar year, from a single source.

After reaching the \$5,000 threshold, elected officials subject to this requirement must file a behested payment report with their departments within 30 days. Within another 30 days, such reports must be forwarded from those departments to the Ethics Commission.

No "behested payment reporting" requirement applies to members of City boards and commissions, unless they are also elected officials.

Amendments to Current Law

The proposed amendments would require members of City boards and commissions listed in Campaign and Governmental Conduct Code Section 3.1-103(a)(1) to file behested payment reports when they similarly solicit contributions of \$5,000 or more for a governmental or charitable purpose. After such a payment is made, the board or commission member must file a behested payment report within 30 days of the date on which the payment was made, or if there has been a series of payments, within 30 days of the date on which they totaled \$5,000 or more. Members of City boards and commissions would be required to complete the same form that is currently required of elected officials. These reports must be filed with the Ethics Commission, and the Ethics Commission would be required to make them available through their website.

The proposed amendments would also provide that any member of a City board or commission who fails to comply with this reporting requirement would be subject to the administrative, civil or criminal remedies that generally apply to violations of local conflict of interest laws.

FILE NO. 160478

Background Information

The Fair Political Practices Commission requires elected officials to complete a Form 803 to comply with the existing behested payment reporting scheme. The Form 803 is available at: <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/behested-payment-report.html>.

The behested payment reports that have been submitted to the Ethics Commission under existing law are available at: <http://www.sfethics.org/ethics/2012/05/payments-made-at-the-behest-of-an-elected-officer.html>.

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