

**SAN FRANCISCO**

**CHARTER AND ADMINISTRATIVE**

**CODE SECTIONS**

**APPLICABLE TO**

**THE SAN FRANCISCO**

**HEALTH SERVICE SYSTEM**

**Updated 2/10/2022**

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## CHARTER SECTIONS

### 1. CHARTER SECTION 3.100 –EXECUTIVE BRANCH MAYOR – POWERS AND DUTIES.

The Mayor shall be the chief executive officer and the official representative of the City and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity. The Mayor shall enforce all laws relating to the City and County, and accept service of process on its behalf.

The Mayor shall have responsibility for:

- 1) General administration and oversight of all departments and governmental units in the executive branch of the City and County;
- 2) Coordination of all intergovernmental activities of the City and County;
- 3) Receipt and examination of complaints relating to the administration of the affairs of the City and County, and timely delivery of notice to the complainant of findings and actions taken;
- 4) Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and are representative of both sexes;
- 5) Submission of ordinances and resolutions by the executive branch for consideration by the Board of Supervisors;
- 6) Presentation before the Board of Supervisors of a policies and priorities statement setting forth the Mayor's policies and budget priorities for the City and County for the ensuing fiscal year;
- 7) Appearance, in person, at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board;
- 8) Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the proposed budget from the various commissions, officers and departments; and
- 9) Preparation of and introduction to the Board of Supervisors of supplemental appropriations.

The Mayor shall have the power to:

- 10) Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all boards and commissions appointed by the Mayor;
- 11) As provided in Section [3.103](#) of this Charter, veto any ordinance or resolution passed by the Board of Supervisors;
- 12) Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and carry out

the responsibilities of the Mayor's office, provided that no member of the staff shall receive a salary in excess of seventy percent of that paid the Mayor. For purposes of this provision, staff does not include the City Administrator, department heads or employees of departments placed under his or her direction by Section [3.104](#).

Notwithstanding any other provisions or limitations of this Charter to the contrary, the Mayor may not designate nor may the City and County employ on the Mayor's behalf any person to act as deputy to the Mayor or any similar employment classification, regardless of title, whose responsibilities include but are not necessarily limited to supervision of the administration of any department for which the City Administrator, an elected official other than the Mayor or an appointed board or commission is assigned responsibility elsewhere in this Charter;

- 13) Designate a member of the Board of Supervisors to act as Mayor in the Mayor's absence from the state or during a period of temporary disability;
- 14) In the case of an emergency threatening the lives, property or welfare of the City and County or its citizens, the Mayor may direct the personnel and resources of any department, command the aid of other persons, and do whatever else the Mayor may deem necessary to meet the emergency;

In meeting an emergency, the Mayor shall act only with the concurrence of the Board of Supervisors, or a majority of its members immediately available if the emergency causes any member of the Board to be absent. The Mayor shall seek the Board's concurrence as soon as is reasonably possible in both the declaration of an emergency and in the action taken to meet the emergency. Normal notice, posting and agenda requirements of the Board of Supervisors shall not be applicable to the Board's actions pursuant to these provisions;

- 15) Make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected;
- 16) Subject to the provisions of Charter Section [2.113](#), submit to the voters a declaration of policy or ordinance on any matter on which the Board of Supervisors is empowered to pass;
- 17) Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a City and County;
- 18) Unless otherwise specifically provided, make appointments to boards and commissions which shall be effective immediately and remain so, unless rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County;
- 19) Appoint department heads subject to the provisions of this Charter; and
- 20) Prepare and submit schedule of rates, fees and other similar charges to the Board of Supervisors.

(Amended by Proposition C, Approved 11/6/2007; Proposition C, Approved 11/2/2010)

## **2. CHARTER SECTION 4.102 -BOARDS AND COMMISSIONS – POWERS AND DUTIES.**

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

- 1) Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors through the adoption of City legislation;
- 2) Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;
- 3) After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare and submit the annual proposed budget on behalf of the executive branch and the Board of Supervisors' authority under Section 9.103;
- 4) Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions;
- 5) Unless otherwise specifically provided, submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor;
- 6) Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct;
- 7) Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;
- 8) Exercise such other powers and duties as shall be prescribed by the Board of Supervisors; and
- 9) Appoint an executive secretary to manage the affairs and operations of the board or commission.

In furtherance of the discharge of its responsibilities, an appointive board, commission or other unit of government may:

- 10) Hold hearings and take testimony; and
- 11) Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.

Each board or commission, relative to the affairs of its own department, shall deal with administrative matters solely through the department head or his or her designees, and any dictation, suggestion or interference herein prohibited on the part of any member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the board or commission's powers of hearing and inquiry as provided in this Charter.

### **3. CHARTER SECTION 4.103 -BOARDS AND COMMISSIONS – ANNUAL REPORT.**

As of the operative date of this Charter and until this requirement is changed by the Board of Supervisors, each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. The Annual Report can be included in the Annual Statement of Purpose as provided for in Section 4.102(2).

### **4. CHARTER SECTION 4.104 -BOARDS AND COMMISSIONS – RULES AND REGULATIONS.**

- a) Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:
  - 1) Adopt rules and regulations consistent with this Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended or repealed, without a public hearing. At least ten days' public notice shall be given for such public hearing. All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.
  - 2) Hold meetings open to the public and encourage the participation of interested persons. Except for the actions taken at closed sessions, any action taken at other than a public meeting shall be void. Closed sessions may be held in accordance with applicable state statutes and ordinances of the Board of Supervisors.
  - 3) Keep a record of the proceedings of each regular or special meeting. Such record shall indicate how each member voted on each question. These records, except as may be limited by state law or ordinance, shall be available for public inspection.
- b) The presence of a majority of the members of an appointive board, commission or other unit of government shall constitute a quorum for the transaction of business by such body. The term "presence" shall include participation by teleconferencing or other electronic means as authorized by Government Code Section 54953(b) or any successor legislation after the Board of Supervisors has adopted an ordinance pursuant to subsection (c) allowing such participation when the member is physically unable to attend in person, as certified by a health care provider, due to the member's pregnancy, childbirth, or related condition. The Board of Supervisors may also, as part of a parental leave policy adopted pursuant to subsection (c), authorize a member of a board or commission to participate in meetings by teleconferencing or other electronic means when the member is absent to care for his or her child after birth of the child, or after placement of the child with the member or the member's immediate family for adoption or foster care. Unless otherwise required by this Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter, except that the rules and regulations of the body may provide that, with respect to matters of procedure the body may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum. All appointive boards, commissions or other units of government shall act by a majority, two-thirds, three-fourths or other vote of all members. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put,



unless excused from voting by a motion adopted by a majority of the members present.

- c) Notwithstanding the provisions of Charter Section 10.101, the Board of Supervisors shall provide by ordinance for parental leave policies for members of appointive boards, commissions or other units of government, including, but not limited to, authorization to participate in meetings by teleconferencing or other electronic means pursuant to subsection (b) and subject to the restrictions listed in that subsection.

(Amended by Proposition B, Approved 11/7/2006)

#### **5. CHARTER SECTION 12.200 -HEALTH SERVICE BOARD.**

There shall be a Health Service Board which shall consist of seven members as follows: one member of the Board of Supervisors, to be appointed by the President of the Board of Supervisors; two members appointed by the Mayor pursuant to Section 3.100, one of whom shall be an individual who regularly consults in the health care field, and the other a doctor of medicine; one member nominated by the Controller and three members elected from the active and retired members of the System from among their number. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance. Elected members need not reside within the City and County.

Not later than April 1, 2013 the Controller shall nominate a candidate for appointment to the Health Services Board for a two-year term commencing on May 15, 2013. The Controller shall transmit a written notice of nomination to the Health Services Board. The Controller's nominee shall be subject to the approval of the Health Services Board. If the Health Services Board fails to calendar the Controller's nomination for consideration at a meeting to occur not later than 60 days after receipt of the Controller's written notice of nomination, the Controller's nominee shall be deemed approved. All subsequent appointments of Controller's nominees shall be for a five-year term and be subject to the same procedure. The Controller's nominee may not vote on his or her successor.

The terms of Health Service Board members, other than the ex officio members, shall be five years, and shall expire on May 15 of each year, with the exception that the term of the Board member that begins in May 2011 shall be three (3) years, and shall expire in May 2014, and the term of the Board member that begins in May 2013 term shall be two (2) years, and shall expire in May 2015.

The appointee nominated by the Controller shall succeed the elected member whose term expires at 12:00 noon on May 15, 2013. In the event the elected member whose term expires on May 15, 2013, leaves the Board prior to that date, the Controller shall nominate a successor to fill the unexpired term according to the procedures set forth above.

A vacancy on the Board appointed by the Mayor shall be filled by the Mayor. A vacancy on the Board of an appointee nominated by the Controller shall be filled for the unexpired term

according to the procedures set forth above for Controller's nominees. Avacancy in an elective office on the Board shall be filled by a special election within 90 days after the vacancy occurs unless a regular election is to be held within six months after such vacancy shall have occurred.

The Health Service Board shall:

- 1) Establish and maintain detailed historical costs for medical and hospital care and conduct an annual review of such costs;
- 2) Apply benefits without special favor or privilege;
- 3) Put such plans as provided for in Section A8.422 into effect and Conduct and administer the same and contract therefor and use the funds of the System;
- 4) Make rules and regulations for the administration of business of the Health Service System, the granting of exemptions and the admission to the System of persons who are hereby made members, and such other officers and employees as may voluntarily become members with the approval of the Board; and
- 5) Receive, consider and, within 60 days after receipt, act upon any matter pertaining to the policies of, or appeals from, the Health Service System submitted to it in writing by any member or any person who has contracted to render medical care to the members.

Except as otherwise specifically provided, the Health Service Board shall have the powers and duties and shall be subject to the limitations of Charter Sections 4.102, 4.103 and 4.104.

Subject to the requirements of state law and the budgetary and fiscal provisions of the Charter, the Health Service Board may make provision for health or dental benefits for residents of the City and County of San Francisco as provided in Section A8.421.

(Amended November 2004; Proposition F, Approved 11/2/2010; Proposition C, Approved 11/8/2011)

## **6. CHARTER SECTION 12.201 -MEDICAL DIRECTOR AND HEALTH SERVICES ADMINISTRATOR.**

The Health Service Board may appoint a full-time or part-time medical director. He or she shall hold office at its pleasure. The medical director shall be responsible to the Board as a board, but not to any individual member or committee thereof. The Health Service Board shall appoint a full-time administrator with experience in administering health plans or in comparable work, who shall hold office at the Health Service Board's pleasure. The Health Services administrator shall administer the Health Service System in accordance with the provisions of this Charter and the rules, regulations and policies of the Health Service Board. The Board and each committee of the Board shall confine its activities to policy matters and to matters coming before it as an appeals board. The Board shall prepare its rules, regulations and policies so that they are clear, definite and complete and so that they can be readily administered by the Health Services administrator.

(Amended November 2004)

## **7. CHARTER SECTION 12.202 -MEMBERSHIP IN HEALTH SERVICES SYSTEM.**

The members of the System shall consist of all officers and permanent employees of the City and County, the Unified School District, the Community College District, and such other officers, employees, dependents and retirees as provided by ordinance.

## **8. CHARTER SECTION 12.203 -HEALTH SERVICE SYSTEM FUND.**

The Health Service System fund shall be a trust fund administered by the Health Service Board in accordance with the provisions of this Charter solely for the benefit of the active and retired members of the Health Service System and their covered dependents. The City and County, School District and Community College District shall each contribute to the Health Service System Fund amounts sufficient to efficiently administer the Health Service System.

## **9. CHARTER SECTION A8.420 -ESTABLISHMENT OF AND MEMBERSHIP IN HEALTH SERVICE SYSTEM.**

A health service system is hereby established. Said system shall be administered by the human resources department subject to the approval of the health service board. The members of the system shall consist of all permanent employees, which shall include officers of the City and County, of the San Francisco Unified School District, and of the Parking Authority of the City and County of San Francisco and such other employees as may be determined by ordinance, subject to such conditions and qualifications as the Board of Supervisors may impose, and such employees as may be determined by collective bargaining agreement. Any employee who adheres to the faith or teachings of any recognized religious sect, denomination or organization and, in accordance with its creed, tenets or principles, depends for healing upon prayers in the practice of religion shall be exempt from the system upon filing annually with the human resources department an affidavit stating such adherence and dependence and disclaiming any benefits under the system. The human resources department shall have the power to exempt any person whose compensation exceeds the amount deemed sufficient for self-coverage and any person who otherwise has provided for adequate medical care. Any claim or request for exemption denied by the human resources department may be appealed to the health services board.

## **10. CHARTER SECTION A8.421 -ADOPTION OF PLANS FOR RESIDENTS.**

Subject to the requirements of state law and the budgetary and fiscal provisions of the Charter, the Health Service Board is authorized by a two-thirds vote of the entire membership of the Health Service Board to adopt a plan or plans or make other provisions for health or dental benefits for residents of the City and County of San Francisco. Such plan or plans shall not

become effective until approved by an ordinance of the Board of Supervisors adopted by three-fourths of its members. Residents shall not by virtue of enrolling in such plan or plans become members of the Health Service System. The Health Service System Fund shall not be used to provide any benefits under this section. The Health Service Board shall adopt rules and regulations to administer this section.

The determinations made under this section, including but not limited to whether to adopt a plan or plans, what benefits to offer, determination of eligibility, and the fixing and allocation of the cost of any plan or plans, are within the sole discretion of the City and County and its officials.

(Amended November 2004)

#### **11. CHARTER SECTION A8.422 -ADOPTION OF PLANS FOR MEMBERS.**

The board shall have power and it shall be its duty by a majority vote of the entire membership of the health service board to adopt a plan or plans for rendering medical care to members of the system, or for the indemnification of the cost of said care, or for obtaining and carrying insurance against such costs or for such care.

Such plan or plans as may be adopted, shall not become effective until approved by ordinance of the Board of Supervisors, adopted by three-fourths of its members.

The Board of Supervisors shall secure an actuarial report of the costs and effort of any proposed change in the benefits of the health service system or rates of contribution before enacting an ordinance or before voting to submit any proposed Charter amendment providing for such change.

(Amended November 2004; Proposition C, Approved 11/8/2011)

#### **12. CHARTER SECTION A8.423 -REVISION OF SCHEDULES AND COMPENSATION.**

In January of each year, or at such other time consistent with the Plan Year set by the Health Service Board, or at such other time consistent with the Plan Year set by the Health Service Board, at a public hearing, the Health Service Board shall review and determine the adequacy of medical care provided for members of the system and the adequacy of fee schedules and the compensation paid for all services rendered and it may make such revisions therein as it deems equitable but such revisions shall not become effective until approved by ordinance of the Board of Supervisors adopted by three-fourths of its members.

Commencing in 1973, the Health Service Board shall, prior to the second Monday in January in each year, or at such other time consistent with the Plan Year set by the Health Service Board, conduct a survey of the 10 counties in the State of California, other than the City and County of San Francisco, having the largest populations to determine the average contribution made by each such county toward the providing of health care plans, exclusive

of dental care, for each employee of such county. The Health Service Board may promulgate rules and regulations for the survey to allow for unavoidable gaps in survey data and to insure a consistent methodology from year to year. In accordance with said survey, the Health Service Board shall determine the average contribution made with respect to each employee by said 10 counties toward the health care plans provided for their employees and on or before the second Monday in January of each year, or at such other time consistent with the Plan Year set by the Health Service Board, the Health Service Board shall certify to the Board of Supervisors the amount of such average contribution. For the purposes of Section A8.428, the amount of such average contribution shall be "the average contribution."

The Health Service Board shall have the responsibility to obtain and disseminate information to its members with regard to plan benefits and costs thereof. All expenses in connection with obtaining and disseminating said information, the investment of such fund or funds as may be established, including travel and transportation costs, member wellness programs, actuarial expenses and expenses incurred to reduce health care costs, shall be borne by the system from reserves in the health service fund but only upon adoption of a resolution by the Health Service Board approving such expenses.

(Amended November 2004; Proposition C, Approved 11/8/2011)

### **13. CHARTER SECTION A8.424 -SPECIFICITY REQUIRED.**

Each plan for medical care shall make detailed and specific provision for the benefits to be provided there under and for the rates of contribution required to support the plan.

### **14. CHARTER SECTION A8.425 -PERSONS COVERED.**

Each plan may make provision for the participation in the benefits of the system by the dependents of members, retired City and County employees, temporary City and County employees, such other dependents of deceased and retired City and County employees as the Board of Supervisors may authorize by ordinance, teachers and other employees of the San Francisco Unified School District retired under the San Francisco City and County Employees' Retirement System and resigned employees of the City and County and resigned teachers and employees of the school district whose resignations occur after June 15, 1955, and within 30 days immediately prior to the date on which, but for their resignations, they would have become retired members of the said Retirement System, on whose relinquishment of retirement allowances as permitted by the Charter occurs after such date and resigned employees of the San Francisco Unified School District not otherwise included. A resigned employee or teacher is one whose employment has terminated other than by retirement, discharge or death or who has relinquished retirement allowances. The purpose of empowering the health service board to make provision for the participation in the benefits of the system to the afore mentioned resigned teachers and employees of the San Francisco Unified School District is to enable them, subject to the health service board's exercise of its power, to participate in the benefits of the system after

transferring to the State Teachers' Retirement System from the San Francisco City and County Employees' Retirement System. The purpose of empowering the health service board to make provision for participation in the benefits of the system by the aforementioned resigned employees of the City and County and other resigned employees of San Francisco Unified School District is to permit the health service board to have power to treat them the same as it treats resigned teachers and employees of the San Francisco Unified School District.

As used in this section, and for the purpose of this section, the terms "City and County employees" and "employees of the City and County" shall include officers and employees of the Parking Authority of the City and County of San Francisco.

In addition to "the average contributions" in Subsection (b) of Section A8.428, the Board of Supervisors may provide by ordinance for additional funds from the City and County to pay the full cost of any plan for medical benefits adopted under Sections A8.422 or A8.423 for current members of the Board of Supervisors. The Board of Supervisors may also provide by ordinance for the continuation in any plan by former supervisors who agree to and do pay the full cost of such benefit.

(Amended March 2000)

#### **15. CHARTER SECTION A8.426 -RIGHT OF SELECTION.**

No member of the health service system shall be required to accept the services or medical supplies of any physician (physician includes physicians and surgeons, optometrists, dentists, chiropractors and osteopathic and chiropractic practitioners licensed by California State Law and within the scope of their practice as defined by California State Law), person licensed to treat human diseases without the use of drugs, nurse, pharmacist or hospital selected by the health service board, but, subject to rules and regulations of that board, every member shall have the right to select, of his or her own choice, a duly licensed physician, as defined herein, person licensed to treat human diseases without the use of drugs, nurse, pharmacist, hospital or other agency of medical care as herein defined, who or which is made available through health service system plans; and the health service board shall make provision for the exercise of such selection; and is hereby expressly prohibited from entering into any exclusive contract for the rendering of said service.

A duly licensed physician, as defined herein, person licensed to treat human diseases without the use of drugs, nurse, pharmacist, hospital, or other agency of medical care shall have the right to furnish such services or medical supplies at uniform rates of compensation to be fixed by the health service board.

(Amended by Proposition C, Approved 11/8/2011)

## 16. CHARTER SECTION A8.427 -EFFECT OF OTHER CHARTER PROVISIONS.

Except as otherwise specifically provided herein, all provisions of the Charter shall be fully applicable to the health service board, the health service system and its administrator, medical director and employees in the same manner that they apply to other boards, commissions, and departments of the City and County.

(Amended November 2004)

## 17. CHARTER SECTION A8.428 -HEALTH SERVICE SYSTEM TRUST FUND.

There is hereby created a health service system trust fund. The costs of the health service system shall be borne by the members of the system and Retired Persons, the City and County of San Francisco because of its members and Retired Persons, the Parking Authority of the City and County of San Francisco because of its members and Retired Persons, the San Francisco Unified School District because of its members and Retired Persons and the San Francisco Community College District because of its members and Retired Persons.

### a) **Definitions.**

**"Credited Service"** means years of employment with the Employers or the former Redevelopment Agency of the City and County of San Francisco (the "Redevelopment Agency") or the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (the "Successor Agency"), provided that for any employee of the Redevelopment Agency or Successor Agency, the employee became an employee of the Redevelopment Agency before September 1, 2010 and became an employee of the City and County without a break in service after January 31, 2012 and before March 1, 2015.

**"Employers"** as used in this section means the City and County of San Francisco ("City and County"), the San Francisco Unified School District ("School District") and/or the San Francisco Community College District ("Community College District"). Employers shall also include the Superior Court of California, County of San Francisco ("Superior Court"), to the extent the Superior Court participates in the City's Health Service System, under Section A8.428(e).

**"Hired on or Before January 9, 2009"** as used in this section means employees hired on or before January 9, 2009, by the City and County, the School District, the Community College District, or the Redevelopment Agency, excluding the following categories of employees: (1) as-needed employees who have never earned 1,040 or more hours of compensation during any 12-month period ending on or before January 9, 2009; (2) employees who have separated from employment with the Employers or the Redevelopment Agency on or before January 9, 2009, and have less than 5 years of Credited Service with the Employers or the Redevelopment Agency; (3) former employees of the Redevelopment Agency who became employees of the City and County after February 28, 2015; (4) former employees of

the Redevelopment Agency who left employment with the Redevelopment Agency and became employees of the City and County before February 1, 2012; and (5) former employees of the Redevelopment Agency who have received retiree health care coverage under the Public Employees Medical and Hospital Care Act (PEMCHA) on or before February 28, 2015.

**"PERS"** as used in this section shall mean the Public Employees' Retirement System of the State of California.

**"Plan Year"** as used in section A8.423 shall mean the twelve month period beginning on each July 1 and ending on June 30, or such other 12 month period as maybe determined by the Health Service Board.

**"Registered as Domestic Partners"** as used in this section means persons who have established a domestic partnership according to the provisions of Chapter 62 of the San Francisco Administrative Code, or California state law, as amended from time to time, or the law of the city or county in which they reside or of the state outside of California in which they reside. Persons who live in a state, city, or county that does not recognize domestic partnership who submit a completed and notarized City and County Health Service System Declaration of Domestic Partnership Form to the Health Service System shall also be considered domestic partners under this section. Domestic partners who have formed their domestic partnership only by notarization of a declaration of Domestic Partnership as provided in Chapter 62 of the San Francisco Administrative Code shall not be recognized or treated as a domestic partnership under this Section unless and until the domestic partnership is registered or certified.

**"Retirement System"** as used in this section shall mean the San Francisco City and County Employees' Retirement System.

**"Retired under the San Francisco City and County Employees' Retirement System"** as used in this section includes persons who retire for service; retire for disability; or who receive a retirement or vesting allowance from the Retirement System.

A **"Retired Person"** as used in this section means:

- 1) A former member of the health service system, Hired on or Before January 9, 2009, retired under the Retirement System and/or PERS (hereinafter, "Retired Employee who was Hired on or Before January 9, 2009");
- 2) The surviving spouse or surviving domestic partner of an active employee of the Employers Hired on or Before January 9, 2009, provided that the surviving spouse or surviving domestic partner and the active employee have been married or Registered as Domestic Partners for a period of at least one year prior to the death of the active employee;



- 3) The surviving spouse or surviving domestic partner of a Retired Employee who was Hired on or Before January 9, 2009, provided that the surviving spouse or surviving domestic partner and the Retired Employee who was Hired on or Before January 9, 2009 have been married or Registered as Domestic Partners for a period of at least one year prior to the death of the Retired Employee who was Hired on or Before January 9, 2009;
- 4) A former member of the health service system, hired by the Employers on or after January 10, 2009, and retired under the Retirement System and/or PERS for disability, or retired under the Retirement System or PERS: (i) within 180 days of separation from employment from the Employers; and (ii) with 10 or more years of Credited Service with the Employers (hereinafter, "Retired Employee who was Hired on or After January 10, 2009");
- 5) The surviving spouse or surviving domestic partner of an active employee of the Employers hired by the Employers on or after January 10, 2009, with 10 or more years of Credited Service with the Employers, who died in the line of duty where the surviving spouse or surviving domestic partner is entitled to a death allowance from the Retirement System as a result of the death in the line of duty, provided that the surviving spouse or surviving domestic partner and the active employee have been married or Registered as Domestic Partners for a period of at least one year prior to the death of the active employee; or
- 6) The surviving spouse or surviving domestic partner of a Retired Employee who was Hired on or After January 10, 2009, provided that the surviving spouse or surviving domestic partner and the Retired Employee who was Hired on or After January 10, 2009, have been married or Registered as Domestic Partners for a period of at least one year prior to the death of the Retired Employee who was Hired on or

After January 10, 2009.

b) **Employer Contributions.**

The City and County, the School District and the Community College District shall each contribute to the health service fund amounts sufficient for the following purposes, and subject to the following limitations:

- 1) All funds necessary to efficiently administer the health service system.
- 2) The City and County, the School, District and the Community College District shall contribute to the health service system fund with respect to each of their members an amount equal to the lesser of "the average contribution," as certified by the health service board in accordance with the provisions of Section A8.423, or the cost of the plan selected by the member.
- 3) **Retired Employees Who Were Hired on or Before January 9, 2009.**

For Retired Persons identified in A8.428 Subsections (a)(1), (a)(2) and (a)(3), the Employers shall contribute to the health service fund, amounts subject to the following limitations: Monthly contributions required from Retired Persons and the surviving spouses and surviving domestic partners of active employees and

Retired Persons participating in the system shall be equal to the monthly contributions required from members in the system for health coverage excluding health coverage or subsidies for health coverage paid for active employees as a result of collective bargaining, with the following modifications:

- (i) the total contributions required from Retired Persons who are also covered under Medicare shall be reduced by an amount equal to the amount contributed monthly by such persons to Medicare;
- (ii) because the monthly cost of health coverage for Retired Persons may be higher than the monthly cost of health coverage for active employees, the City and County, the School District and the Community College District shall contribute funds sufficient to defray the difference in cost to the system in providing the same health coverage to Retired Persons and the surviving spouses and surviving domestic partners of active employees and Retired Persons as is provided for active employee members excluding health coverage or subsidies for health coverage paid for active employees as a result of collective bargaining;
- (iii) after application of Subsections (3), (3)(i) and (3)(ii), the City and County, the School District and the Community College District shall contribute 50% of Retired Persons' remaining monthly contributions.

**4) Retired Employees Who Were Hired on or After January 10, 2009 - Categories of Employees Eligible for 100% Employer Contribution.**

For Retired Persons identified in A8.428 Subsections (a)(4), (a)(5) and (a)(6), the Employers shall contribute 100% of the employer contribution established in A8.428 Subsection (b)(3) for:

- (i) A Retired Employee who was Hired on or After January 10, 2009, with 20 or more years of Credited Service with the Employers; and their surviving spouses or surviving domestic partners;
- (ii) The surviving spouses or surviving domestic partners of active employees hired on or after January 10, 2009, with 20 or more years of Credited Service with the Employers;
- (iii) Retired Persons who retired for disability; and their surviving spouses or surviving domestic partners; and
- (iv) The surviving spouses or surviving domestic partners of active employees who died in the line of duty where the surviving spouse or surviving domestic partner is entitled to a death allowance as a result of the death in the line of duty.

(v)

**5) Retired Employees Who Were Hired on or After January 10, 2009 - Categories of Employees Eligible for 50%-75% Employer Contribution.**

For Retired Persons identified in A8.428 Subsections (a)(4), (a)(5) and (a)(6), the

Employers shall contribute:

- (i) 50% percent of the employer contribution established in A8.428 Subsection (b)(3) for a Retired Employee who was Hired on or After January 10, 2009, with, at least 10 but less than 15 years of Credited Service with the Employers; their surviving spouses or surviving domestic partners; and the surviving spouses or surviving domestic partners of active employees hired on or after January 10, 2009, with at least 10 but less than 15 years of Credited Service with the Employers; and
- (ii) 75% percent of the employer contribution established in A8.428 Subsection (b)(3) for a Retired Employee who was Hired on or After January 10, 2009, with at least 15 but less than 20 years of Credited Service with the Employers; their surviving spouses or surviving domestic partners; and the surviving spouses or surviving domestic partners of active employees hired, on or after January 10, 2009, with at least 15 but less than 20 years of Credited Service with the Employers.

**6) Retired Employees Who Were Hired on or After January 10, 2009 - Categories of Employees Eligible for Access to Retiree Medical Benefits Coverage.**

An employee hired on or after January 10, 2009, and retired under the Retirement System or PERS with five (5) or more years Credited Service with the Employers, shall be eligible to receive health benefits as a member of the health service system, provided that he or she makes monthly contributions equal to one hundred percent, (100%) of the total premiums for health coverage as established by the Health, Service Board, including the total cost for dependent coverage. At such time as he or she becomes eligible to receive benefits under A8.428 Subsection (a)(4), the Employers shall contribute the amounts established in A8.428 Subsections (b)(4), (b)(5), and (c), as applicable.

**7) Chart Summarizing Employer Contributions Under A8.428 Subsections (b)(4), (b)(5) and (b)(6) For Employees Hired on or After January 10, 2009.**

| Years of Credited Service At Retirement   | Percentage of Employer Contribution Established in A8.428 Subsection (b)(3)  |
|---|--|
| 1. <u>Less than 5 years of Credited Service with the Employers (except for the surviving spouses or surviving domestic partners of active employees who died in the line of duty)</u>   | <u>No Retiree Medical Benefits Coverage</u>  |
| 2. <u>At least 5 but less than 10 years of Credited Service with the Employers; or greater than 10 years of Credited Service with the Employers but not eligible to receive benefits under Subsections (a)(4), (b)(4) and (b)(5) (A8.428 Subsection (b)(6))</u> | 0%<br><u>Access to Retiree Medical Benefits Coverage, Including Access to Dependent Coverage, But No Employer Contribution; Employee Pays Health Insurance Premium</u> |

|   |      |
|---|------|
| 3. At least 10 but less than 15 years of Credited Service with the Employers<br><br><b>(A8.428 Subsection (b)(5))</b>   | 50%  |
| 4. At least 15 but less than 20 years of Credited Service with the Employers<br><br><b>(A8.428 Subsection (b)(5))</b>   | 75%  |
| 5. At least 20 years of Credited Service with the Employers; Retired Persons who retired for disability; surviving spouses or surviving domestic partners of active employees who died in the line of duty<br><br><b>(A8.428 Subsection (b)(4))</b> | 100% |

The above chart is a simplified summary of Employer contributions under A8.428 Subsections (b)(4), (b)(5) and (b)(6) for employees hired on or after January 10, 2009. The express language of Subsections (b)(4), (b)(5) and (b)(6), and not the summary chart or its content, shall determine Employer contributions.

**8) Employees Who Separated From Employment on or Before June 30, 2001, and Who Retired on or After January 7, 2012.**

Notwithstanding any other provisions of A8.428 for Retired Persons who separated from employment on or before June 30, 2001, and who retired on or after January 7, 2012, the monthly contributions required from such Retired Persons, and the surviving spouses and surviving domestic partners of active employees and such Retired Persons participating in the system, shall be equal to the monthly contributions required from members in the system for health coverage, excluding health coverage or subsidies for health coverage paid for employees as a result of collective bargaining, with the following modifications:

- (i) the total contributions required from Retired Persons who are also covered under Medicare shall be reduced by an amount equal to the amount contributed monthly by such persons to Medicare; and
- (ii) because the monthly cost of health coverage for Retired Persons may be higher than the monthly cost of health coverage for active employees, the City and County, the School District and the Community College District shall contribute funds sufficient to defray the difference in cost to the system in providing the same health coverage to Retired Persons and the surviving spouses and surviving domestic partners of active employees

and Retired Persons as is provided for active employee members excluding health coverage or subsidies for health coverage paid for active employees as a result of collective bargaining.

- c) The City and County, the San Francisco Unified School District and the San Francisco Community College District shall contribute to the health service system fund 50% of the monthly contributions required for the first dependent of Retired Persons in the system. Except as hereinbefore set forth, the City and County, the School District and the Community College District shall not contribute to the health service system fund any sums on account of participation in the benefits of the system by members' dependents, except surviving spouses and surviving domestic partners, Retired Persons' dependents, except surviving spouses and surviving domestic partners, persons who retired and elected not to receive benefits from the Retirement System; resigned employees and teachers defined in Section A8.425, and any employee whose compensation is fixed in accordance with Sections A8.401, A8.403, or A8.404 of this Charter and whose compensation therein includes an additional amount for health and welfare benefits or whose health service costs are reimbursed through any fund established for said purpose by ordinance of the Board of Supervisors. Notwithstanding any other provision of Charter Section A8.428, the City and County, the San Francisco Unified School District and the San Francisco Community College District shall not contribute to the health service system fund any contributions for the first dependent of a Retired Person who separated from employment on or before June 30, 2001, and who retired on or after January 7, 2012.
- d) It shall be the duty of the Board of Supervisors, the Board of Education and the Governing Board of the Community College District annually to appropriate to the health service system fund such amounts as are necessary to cover the respective obligations of the City and County, the School District and the Community College District hereby imposed. Contributions to the health service system fund of the City and County, of the School District and of the Community College District shall be charged against the general fund or the school, utility, bond or other special fund concerned.
- e) To the extent the Superior Court elects to participate in the City's Health Service System for the provision of active and retiree health care benefits, Superior Court employees shall be treated the same as City employees for the purposes of vesting, employer contribution rates, and benefit levels, in accordance with the Trial Court Employment Protection and Governance Act and applicable State law. The Superior Court shall pay all administrative and health care costs related to the Superior Court's covered employees or retirees as a participating Employer. The Superior Court may withdraw from participation in the City's Health Service System at any time, which shall not require an amendment to this Charter.
- f) Notwithstanding the retiree health care eligibility requirements set forth above, a former employee of the Redevelopment Agency Hired on or Before January 9, 2009 must have been employed by the City and County after January 9, 2009 to

be eligible for retiree health care coverage under this section. In adopting the Charter amendment revising Sections A8.428 and A8.432 on November 4, 2014 the voters do not intend that it affect the rights of former employees of the Redevelopment Agency Hired on or Before January 9, 2009, who were already eligible for retiree healthcare coverage as of November 4, 2014.

- g) The purpose of the January 10, 2009, Charter amendment is to amend Section A8.428 to change the required years of service and employer retiree health care contribution amounts for employees hired on or after January 10, 2009. Nothing in that Charter amendment shall expand or contract the groups of employees eligible for retiree health care benefits beyond those groups eligible as of June 3, 2008.

(Amended November 1984; November 2000; November 2004; Proposition B, Approved 6/3/2008; Proposition C, Approved 11/8/2011; Proposition D, Approved 11/4/2014)

## **18. CHARTER SECTION A8.429 -CONTRIBUTIONS TO FUND.**

The health service board shall determine and certify to the controller the amount to be paid monthly by the members of the system to the health service system fund for the purposes of the system hereby created. The controller shall deduct said sums from the compensation of the members and shall deposit the same with the treasurer of the City and County to the credit of the health service system fund.

Such deductions shall not be deemed to be a reduction of compensation under any provision of this Charter.

The health service board shall have control of the administration and investment of the health service system fund, provided that all investments shall be of the character legal for insurance companies in California. Disbursements from the fund shall be made only upon audit by the controller and the controller shall have and exercise the accounting and auditing powers over the health service system fund which are vested in him by this Charter with respect to all other municipal boards, officers and commissions.

## **19. CHARTER SECTION A8.430 -"MEDICAL CARE" DEFINED.**

The term "medical care" shall be defined by the health service board. All acts performed and services rendered under the provisions of this section shall be performed in accordance with the provisions as to professional conduct prescribed by the statutes of the State of California regulating such professional conduct and services.

## **20. CHARTER SECTION A8.431 -LIMITATION OF CLAIMS BY MEMBERS.**

Except as herein provided, members of the system shall have and possess no claim or recourse against any of the funds of the municipality by virtue of the adoption or operation of any plan for rendering medical care, indemnifying costs of said care or carrying insurance against such costs, but except as herein provided, the claim and recourse of any such

member shall be limited solely to the funds of the system. All expenses of the system shall be paid exclusively from the health service system fund, and, except as herein provided, the City and County and the San Francisco Unified School District shall not appropriate or contribute funds in any manner for the purposes of the system hereby established and provided.

## **21. CHARTER SECTION A8.431-1 -SEVERABILITY.**

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Charter Sections 12.200 through 12.203 or A8.420 through A8.431, or with any part thereof, shall be superseded by the contents of Charter Sections 12.200 through 12.203 or A8.420 through A8.431. Charter Sections 12.200 through 12.203 or A8.420 through A8.431 shall be interpreted to be consistent with all federal and state laws, rules and regulations. If any of the words, phrases, clauses, sentences, subsections, or provisions of Charter Sections 12.200 through 12.203 or A8.420 through A8.431 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, or provisions of Charter Sections 12.200 through 12.203 or A8.420 through A8.431. If any words, phrases, clauses, sentences, subsections, or provisions of Charter Sections 12.200 through 12.203 or A8.420 through A8.431 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Charter Sections 12.200 through 12.203 or A8.420 through A8.431 which can be given effect. Charter Sections 12.200 through 12.203 or A8.420 through A8.431 shall be broadly construed to achieve their stated purpose.

(Added by Proposition C, Approved 11/8/2011)

## ADMINISTRATIVE CODE SECTIONS

### 22. ADMINISTRATIVE CODE SECTION 16.550. PURPOSE.

- a) The Charter of the City and County of San Francisco provides that the trustees of the Retirement Board, who are entrusted with the administration of the San Francisco City and County Employees' Retirement System ("Retirement System"), shall include three trustees elected from the active and retired members of the Retirement System. As used in this Article XIII, a retired member of the Retirement System shall mean a person who is in receipt of a retirement allowance relating to his or her membership in the Retirement System.
- b) The Charter of the City and County of San Francisco provides that the trustees of the Health Service Board, who are entrusted with the administration of the San Francisco City and County Employees' Health Service System ("Health Service System"), shall include four trustees elected from the active and retired members of the Health Service System. For the purposes of a Health Service System election, a retired member of the Health Service System shall mean a person who is a member of the Health Service System retired under the Retirement System, State Teachers Retirement System ("STRS"), Public Employees Retirement System ("PERS"), and the surviving spouse of an active employee and the surviving spouse of a retired employee, provided that the surviving spouse and the active or retired employee have been married for a period of at least one year prior to the death of the active or retired employee.
- c) The Charter of the City and County of San Francisco provides that the trustees of the Retiree Health Care Trust Fund, who are entrusted with providing a funding source to defray the cost of the City's and Participating Employers' obligations to pay for health coverage for retired persons and their survivors entitled to health care coverage under Charter Section [A8.428](#), shall include two trustees elected from active employees and retired members of the Health Service System. One of the elected trustees shall be an active City or Participating Employer employee member and one shall be a retired City or Participating Employer member as of the date of their respective elections. For the purposes of a Retiree Health Care Trust Fund election, an active member of the Health Service System shall mean an active City employee or active employee of a Participating Employer. For the purposes of a Retiree Health Care Trust Fund election, a retired member of the Health Service System shall mean a person who retired from City employment, or from a Participating Employer, and who is a member of the Health Service System retired under the Retirement System, STRS, or PERS, and the surviving spouse or domestic partner of an active employee and the surviving spouse or domestic partner of a retired employee, provided that the surviving spouse or domestic partner and the active or retired employee have been married for a period of at least one year prior to the death of the active or retired employee. As used in this section, Participating Employer means the San Francisco Unified School District and the San Francisco Community College District, following a resolution by these employers' respective governing boards to participate in the Retiree Health Care Trust Fund.



- d) Retirement System and Health Service System members have an interest in knowing who has spent significant amounts of money to support or oppose candidates for the Retirement Board, the Health Service Board, and the Retiree Health Care Trust Fund Board. In selecting a candidate to represent their interests on these bodies, members will benefit from increased transparency in the election process. Information about the persons or entities who are spending significant funds in support of particular candidates will provide valuable information that will aid members' voting decisions.
- e) The failure to abide by election procedure obligations and deadlines in San Francisco Administrative Code Sections [16.550-16.565](#) shall not invalidate an election if the election has been conducted fairly and in substantial compliance with and conformity to the legal requirements.
- f) Whenever the term of office of such an elected trustee expires or whenever a vacancy occurs in such an office so that an election is necessary to fill a present or expected vacancy, the following provisions shall govern the election procedure.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord.378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008 Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

**23. ADMINISTRATIVE CODE SECTION 16.551. RETIREMENT BOARD, HEALTH SERVICE BOARD OR RETIREE HEALTH TRUST FUND BOARD TO ORDER ELECTIONS.**

If a vacancy occurs, or will occur, in the office of an elected trustee prior to the date that the term of that office expires, the Retirement Board, Health Service Board or Retiree Health Trust Fund Board shall order a special election to fill the vacancy for the unexpired portion of the term of office, unless another election to a Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board office is scheduled to be completed within six months after the vacancy has, or shall, occur, in which case the elections shall be combined; provided, however, that a separate special election shall be required if the election which has already been scheduled will occur too soon to nominate and select candidates for the more recent vacancy. Whenever the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board orders an election, the respective Board shall specify whether the Department of Elections or an unbiased independent contractor ("Contractor") shall conduct the election. Special elections may be held on an expedited basis as determined by the Department of Elections. The first Retiree Health Care Trust Fund Board election shall be a special election conducted by the Department of Elections.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord.378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008; Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

#### **24. ADMINISTRATIVE CODE SECTION 16.552. DATES OF ELECTION.**

Whenever an election is necessary, either at the completion of a term of office or to fill an unexpired term of office, the Retirement Board, Health Service Board or Retiree Health Trust Fund Board shall specify the dates during which ballots may be marked and delivered. However, the dates designated by the Retirement Board, Health Service Board or Retiree Health Trust Fund Board shall not be within one month before or after an election which has been otherwise scheduled and which involves residents of the City and County of San Francisco as electors, unless the Department of Elections agrees to the dates.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008)

#### **25. ADMINISTRATIVE CODE SECTION 16.553. NOTICE TO MEMBERS AND RETIRED MEMBERS; NOMINATION OF MEMBERS AND RETIRED MEMBERS.**

The Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall thereafter notify the members of the Retirement System or Health Service System respectively of the following:

- a) The necessity for an election;
- b) The procedure for nomination and selection of candidates to serve on the Board;
- c) The disclosure requirements set forth in Sections [16.553-1](#), [16.553-2](#), [16.553-3](#), and [16.553-4](#); and
- d) The dates that ballots may be marked and delivered and the procedure for voting.

The period of time during which nominations may be made shall be set by the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board, but in no event shall be less than 31 days. Any person nominated to serve as a trustee of the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall, on forms provided by the respective Board for this purpose, and by the date set by the respective Board, verify acceptance of the nomination and agree to serve if elected before he or she may be listed as a candidate.

In any election for membership on the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board, when only one candidate has filed nomination papers, the Department of Elections or Contractor shall not conduct an election and shall declare the sole candidate to be a member of the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008; Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

## **26. ADMINISTRATIVE CODE SECTION 16.553-1. CANDIDATE INTENTION STATEMENTS.**

Candidates seeking election to the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall file with the Ethics Commission, signed under penalty of perjury, a candidate intention statement in a manner specified, and on a form provided, by the Ethics Commission.

(Added by Ord. 285-08, File No. 081190, App. 12/5/2008; amended by Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

## **27. ADMINISTRATIVE CODE SECTION 16.553-2. – CANDIDATE DISCLOSURE REQUIREMENTS.**

- a) **Statement of Economic Interests (Form 700).** Each candidate for Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board elections shall file, by the filing of a candidate intention statement, a Statement of Economic Interests (Form 700) disclosing the information required by the disclosure category for the office sought by the candidate established in the Conflict of Interest Code. Candidates shall file such statements with the Ethics Commission. This statement shall not be required if the candidate has filed, within the previous 90 days, a statement at disclosure category one with the Ethics Commission.
- b) **Reporting by Candidates.**
  - 1) **Initial Statement of Organization.** Any candidate for the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall file an initial statement of organization with the Ethics Commission.
    - a. **Campaign Bank Account.** Upon the filing of an initial statement of organization, the candidate shall establish or identify one campaign bank account at an office of a financial institution located in San Francisco. All contributions made to the candidate, or to a person on behalf of the candidate, shall be deposited in the account. All expenditures made by the candidate in support of his or her election to the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall be made from the account.
  - 2) **Semiannual Statements.** Candidates shall file semiannual statements that comply with the requirements of California Government Code Section 84211 each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.
  - 3) **Preelection Statements.** Candidates shall file preelection statements that comply with the requirements of California Government Code Sections 84200.8 and 84211, and San Francisco Campaign and Governmental Conduct Code Section [1.135](#).
  - 4) **Late Contribution Reports.** Any candidate that receives a late contribution shall file a late contribution report within 24 hours of receiving the late contribution. For purposes of this Section [16.553-2](#), “late contribution” shall mean a contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made during the period beginning 90 days before the first day on which

ballots may be submitted to the Department of Elections or Contractor and ending on the last day on which ballots may be submitted to the Department of Elections or Contractor. The candidate shall report his or her full name and street address, the date and amount of the late contribution, and whether the contribution was made in the form of a loan. The candidate shall also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business.

- 5) **Termination Statements.** Candidates shall be responsible for filing the above statements, until they file a termination statement with the Ethics Commission that indicates they are no longer holding office and have no further financial activity to disclose.
- 6) **Forms and Filing.** The Ethics Commission shall specify the forms candidates shall use to file the above statements and the manner in which candidates shall electronically file those statements.
- c) **Mass Mailings.** For the purposes of this Section [16.553-2](#), “mass mailing” shall be defined as set forth in the California Political Reform Act, California Government Code section 81000 *et seq.*, provided that the mass mailing advocates for or against one or more candidates for Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board.
  - 1) **Filing Requirements.** Candidates that pay for mass mailings shall, within five working days after the distribution of the mass mailing, file a copy of the mass mailing and an itemized disclosure statement with the Ethics Commission. Within the final 16 days before the election, candidates that pay for mass mailing shall file a copy of the mass mailing and the itemized disclosure statement within 48 hours of the date of the distribution of the mass mailing.
  - 2) **Disclaimers.** Mass mailings, door hangers, flyers, posters, oversized campaign buttons, bumper stickers, or print advertisements shall include the following disclaimer statements, printed in at least 12-point font: “Paid for by \_\_\_\_\_ (insert the name of the filer).” and “Financial disclosures are available at sfethics.org.”

(Added by Ord. 285-08, File No. 081190, App. 12/5/2008; amended by Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

## **28. ADMINISTRATIVE CODE SECTION 16.554. NOTICE TO DEPARTMENT OF ELECTIONS OR CONTRACTOR.**

The Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall notify the Department of Elections or Contractor at least 120 days prior to the first day that ballots may be marked and delivered (hereafter referred to as the “First Voting Day”) that an election shall be held.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008; Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

**29. ADMINISTRATIVE CODE SECTION 16.555. NOTICE TO DEPARTMENT;  
APPOINTMENT OF ELECTION OFFICERS.**

The Department of Elections or Contractor shall notify each department, office and agency of the City and County of San Francisco (hereunder referred to as "department") at least 90 days prior to the First Voting Day that the department must designate an employee who shall serve as Election Officer for that department and must inform the Department of Elections or Contractor at least 60 days prior to the First Voting Day of the identity of such officer. The Department of Elections or Contractor shall supply each department with a form which can be returned to the Department of Elections or Contractor which identifies the employee who has been designated Election Officer. If any department has not designated an Election Officer by the appointed deadline, the Department of Elections or Contractor shall treat the department head as the Election Officer until such designation has been made.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008)

**30. ADMINISTRATIVE CODE SECTION 16.556. INSTRUCTIONS TO ELECTION  
OFFICERS.**

The Department of Elections or Contractor shall provide written instructions to each Election Officer at least 21 days prior to the First Voting Day, informing such officer of dates on which ballots will be distributed and collected and the procedure to be followed for their distribution and collection. If any department has failed to designate an Election Officer by the time that the Department of Elections or Contractor sends these written instructions, the Department of Elections or Contractor shall thereafter treat the administrative head of the department as the Election Officer until another employee has been designated as such by that department.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008)

**31. ADMINISTRATIVE CODE SECTION 16.557. DELIVERY OF BALLOTS AND NAMES  
OF ELIGIBLE VOTERS TO DEPARTMENT OF ELECTIONS OR CONTRACTOR.**

The Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall furnish the Department of Elections or Contractor with the names of the eligible nominees at least 35 days prior to the First Voting Day.

The Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall also furnish the Department of Elections or Contractor with a list of the members and retired members of the Retirement System or Health Service System respectively eligible to vote ("voters") in the election at the same time that it furnishes the names of the eligible nominees. A supplemental list shall be furnished to the Department of Elections or Contractor within two days of the First Voting Day, which list shall provide the names of

eligible voters not included on the original list. These lists shall be in the format required by the Department of Elections or Contractor. These lists shall include the last known addresses for the members and retired members. For the active members, at the election of the entity conducting the election the department address shall be provided as an alternative.

Upon request, the City's Health Service System shall provide all information to Contractor, or the Department of Elections necessary to conduct the Retiree Health Care Trust Fund Board nomination and election process including, but not limited to, information regarding voter lists, voter contact information and Health Service System membership status.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008; Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

### **32. ADMINISTRATIVE CODE SECTION 16.558. BALLOTS TO CONTAIN INSTRUCTIONS FOR VOTING.**

Each ballot shall contain instructions printed on it informing the voters of the procedure to be used in marking the ballot. Each ballot, or ballot return envelope, shall inform the voter that there are three ways to return the ballot:

- a) By placing the ballot in the signed and sealed return envelope provided by the Contractor or the Department of Elections in the container maintained for such purpose by the Election Officer of the voter's department, or by otherwise using the collection procedure arranged for by the Election Officer;
- b) By delivering the signed and sealed return envelope provided by the Contractor or the Department of Elections with the ballot enclosed personally to the Department of Elections or the Contractor; and
- c) By placing a stamp on the ballot return envelope and mailing the ballot and envelope to the Department of Elections or the Contractor.

The instructions shall also note the date by which ballots must be delivered to be counted.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008)

### **33. ADMINISTRATIVE CODE SECTION 16.559. – BALLOTS TO BE PLACED IN ADDRESSED ENVELOPES; EXTRA BALLOTS.**

- a) Members. Each ballot and ballot return envelope shall be mailed in a separate envelope addressed to each employee eligible to vote at the member's individual address provided by the Retirement System, Health Service System Retiree Health Trust Fund Board. In the alternative, at the election of the entity conducting the election

of the entity conducting the election, ballots shall be delivered in care of his or her department.

- b) Retired Members. Each ballot and ballot return envelope shall be mailed in a separate envelope addressed to the retired member at the address provided by the Retirement System, Health Service System or Retiree Health Trust Fund Board.
- c) Additional ballots shall be printed and available for members and retired members of the Retirement System or Health Service System who are eligible to vote but did not receive an individually addressed ballot.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008)

#### **34. ADMINISTRATIVE CODE SECTION 16.560. DELIVERY OF BALLOTS AND INSTRUCTIONS TO ELECTION OFFICERS**

- a) Members. The Department of Elections or Contractor shall cause the ballots and accompanying envelopes to be mailed or delivered pursuant to Section 16.559(a) not later than 10 days prior to the First Voting Day, along with written instructions for their proper distribution and collection and any other pertinent guidelines as set out in these provisions or as otherwise applicable.
- b) Retired Members. The Department of Elections or Contractor shall deposit in the mail the ballots and accompanying envelopes to each retired member at least 10 business days prior to the First Voting Day.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008)

#### **35. ADMINISTRATIVE CODE SECTION 16.561. DUTIES OF ELECTION OFFICERS.**

Each Election Officer shall:

- a) Prior to the date that ballots are delivered, inform the department or employee responsible for distributing paychecks to employees of the department of the dates during which ballots are to be distributed to employees and of the responsibility of the Payroll Department to make arrangements to distribute a ballot by a date that will allow each voter at least three days to mark and deliver the ballot;
- b) Upon receipt of the ballots, coordinate his or her efforts and those of the Payroll Department to ensure that the ballots are ready to be distributed by a date that will allow each voter at least three days to mark and deliver the ballot;
- c) Provide notice to employees who are in the Retirement System or Health Service System but would not be likely to receive ballots, such as employees on the temporary payroll, that ballots are available;
- d) Provide ballots to employees pursuant to the procedure established by the Department of Elections or Contractor;
- e) Establish and maintain a collection procedure so that employees have a convenient

method of returning ballots, which method shall, where possible, make use of at least one container in which ballots can be placed; and

- f) Return the ballots which have been received or otherwise collected according to the collection procedure established by such officer to the Department of Elections or Contractor, either personally or by the inter-office mail system, in a timely manner so that the ballots will be delivered to the Department of Elections or Contractor by the date established by the Retirement Board, the Health Service Board or Retiree Health Care Trust Fund Board as the final date for such delivery.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008; Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

### **36. ADMINISTRATIVE CODE SECTION 16.562. RESERVED.**

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008; repealed by Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

### **37. ADMINISTRATIVE CODE SECTION 16.563. COUNTING OF BALLOTS AND CERTIFICATION OF NEW TRUSTEE.**

- a) The Department of Elections or Contractor shall thereafter count the ballots in such a manner that the identity of the individual casting any particular ballot will not be disclosed. Each ballot shall be counted so long as it has been properly marked, signed and delivered. The Department of Elections or Contractor shall certify the new Health Service Board or Retiree Health Care Trust Fund Board trustee.
- b) Within five days of the close of voting and prior to certification, the Retiree Health Care Trust Fund Board secretary shall attest to the Department of Elections or Contractor that there is one retired member trustee and one active member trustee candidate to fill the two elected Retiree Health Care Trust Fund Board trustee positions. For purposes of Retiree Health Care Trust Fund Board elections, the date of the election shall be the day the election is certified by the Department of Elections or Contractor. In the event that the active member candidate with the highest number of votes is no longer an active member on the day the election is certified, the Department of Elections or Contractor shall certify the active member candidate with the next highest number of votes. In the event that the retired member candidate with the highest number of votes is no longer a retired member on the day the election is certified, the Department of Elections or Contractor shall certify the retired member candidate with the next highest number of votes.
- c) Within five days of the close of voting and prior to certification, the Executive Director of the Retirement System shall attest to the Department of Elections or Contractor whether there is a retired member serving as trustee on the Retirement Board:



- 1) If, at that time, there is no retired member serving as trustee, the Department of Elections or Contractor shall certify the individual receiving the highest number of votes as the newly elected trustee of the Retirement Board.
- 2) If, at that time, there is a retired member serving as trustee, the Department of Elections or Contractor shall certify the member (not a retired member) receiving the highest number of votes as the newly elected trustee of the Retirement Board.

Where there is no vacancy, the Department of Elections or Contractor shall certify the new Retirement Board trustee as close to the expiration of the term as reasonably possible.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 287-94, App. 8/4/94; Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008; Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

### **38. ADMINISTRATIVE CODE SECTION 16.564. RETIREMENT BOARD, HEALTH SERVICE BOARD OR RETIREE HEALTH TRUST FUND BOARD TO REIMBURSE DEPARTMENT OF ELECTIONS.**

The Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall reimburse the Department of Elections for the actual expenses incurred by it in conducting Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board elections respectively. The Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall pay all Contractor expenses when the respective Board specifies that a Contractor conduct a Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board election.

(Added by Ord. 512-80, App. 10/29/80; amended by Ord. 378-95, App. 12/7/95; Ord. 285-08, File No. 081190, App. 12/5/2008; Ord. [212-18](#), File No. 170738, App. 9/14/2018, Eff. 10/15/2018)

### **39. ADMINISTRATIVE CODE SECTION 16.565. GIVING, RECEIVING ANYTHING OF VALUE IN CONSIDERATION OF VOTING PROHIBITED.**

- a) No person shall directly or through any other person pay, lend, or contribute or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or to or for any other person to:
  - 1) Induce any person to:
    - (A) Vote at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;
    - (B) Refrain from voting at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;
    - (C) Vote or refrain from voting at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election for or against any particular person or measure; or

- 2) Reward any person for having:
  - (A) Voted at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;
  - (B) Refrained from voting at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election; or
  - (C) Voted or refrained from voting at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election for or against any particular person or measure.
  
- b) No person may directly or through any other person solicit, accept, receive, agree to accept, or contract for, before, during or after a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election, any money, gift, loan, or other valuable consideration, offer, place, or employment for himself or herself or any other person because he or she or any other person:
  - 1) Voted or agreed to vote at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;
  - 2) Refrained or agreed to refrain from voting at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;
  - 3) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for or against any particular person or measure at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election; or
  - 4) Induced any other person to:
    - (A) Vote or agree to vote at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;
    - (B) Refrain from voting or agree to refrain from voting at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election; or
    - (C) Vote, agree to vote, refrain from voting, or agree to refrain from voting for or against any particular person or measure at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election.
  
- c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon a final judgment of conviction of same, shall be removed from office and may also be subject to a penalty of not more than six months in jail and/or fine of not more than \$1,000, as well as removal.
- d) "Person" means an individual, partnership, corporation, association, firm or other organization or entity, however organized.
- e) Nothing in this section shall prohibit the following:
  - 1) Making an expenditure for, offering, providing, accepting or receiving transportation to or from the polls; or
  - 2) Making an expenditure for, organizing or attending a gathering providing complimentary food, beverages and/or entertainment, provided that no valuable consideration is offered, promised, solicited, accepted or received in

- consideration of the conduct described in subsection (a); or
- 3) Making expenditures for the organization and conduct of get-out-the-vote rallies.
- f) Pursuant to the procedures set forth in San Francisco Charter Sections 15.102 and C3.699-10 et seq., the Ethics Commission shall adopt regulations consistent with this Section for the purpose of implementing this Section while avoiding any application that would prohibit conduct protected by the United States Constitution or the California Constitution.

(Added by Ord. 285-08, File No. 081190, App. 12/5/2008)

**40. ADMINISTRATIVE CODE SECTION 16.700. PARTICIPATION.**

The following shall be eligible to participate in the Health Service System:

- a) City and County Employees.
  - 1) All permanent employees of the City and County of San Francisco whose normal workweek at the time of inclusion is the system in not less than twenty (20) hours;
  - 2) All regularly scheduled provisional employees of the City and County of San Francisco whose normal workweek at the time of inclusion in the system is not less than twenty (20) hours;
  - 3) All other employees of the City and County of San Francisco, including "as needed" employees, who have worked one thousand and forty hours (1040) in any consecutive twelve (12) month period and whose normal workweek at the time of inclusion in the system is not less than twenty (20) hours.
- b) Elected Officials.
- c) All Members of The Following Boards And Commissions During Their Time In Service To The City And County Of San Francisco:
  - (1) Access Appeals Commission
  - (2) Airport Commission
  - (3) Art Commission
  - (4) Asian Art Commission
  - (5) Board of Education
  - (6) Board of Appeals
  - (7) Building Inspection Commission
  - (8) Civil Service Commission
  - (9) Commission on the Aging
  - (10) Commission on the Environment
  - (11) Commission on the Status of Women
  - (12) Community College District Governing Board
  - (13) Concourse Authority
  - (14) Elections Commission
  - (15) Entertainment Commission
  - (16) Ethics Commission

- (17) Fine Arts Museums Board of Trustees
  - (18) Fire Commission
  - (19) Film and Video Arts Commission
  - (20) First Five Commission
  - (21) Health Commission
  - (22) Health Service Board
  - (23) Human Rights Commission
  - (24) Human Services Commission
  - (25) Juvenile Probation Commission
  - (26) Law Library Board of Trustees
  - (27) Library Commission
  - (28) Municipal Transportation Authority
  - (29) Planning Commission
  - (30) Police Commission
  - (31) Port Commission
  - (32) Public Utilities Commission
  - (33) Public Works Commission
  - (34) Recreation and Parks Commission
  - (35) Residential Rent Stabilization and Arbitration Board
  - (36) Retiree Health Care Trust Fund Board
  - (37) Retirement Board
  - (38) Sanitation and Streets Commission
  - (39) Sheriff's Department Oversight Board
  - (40) Small Business Commission
  - (41) Sunshine Ordinance Task Force
  - (42) War Memorial and Performing Arts Center Board
  - (43) Youth Commission
- d) All Officers and Employees as Determined Eligible by The Board of Education of the San Francisco Unified School District.
  - e) All Officers and Employees as Determined Eligible by The Governing Board of the San Francisco Community College District.
  - f) All Officers and Employees as Determined Eligible by The Governing Bodies of the San Francisco Transportation Authority, San Francisco Parking Authority, San Francisco Redevelopment Agency, Treasure Island Development Authority, San Francisco Superior Court and Any Other Employees as Determined Eligible by Ordinance.
  - g) All Retirees, Surviving Spouses, Surviving Domestic Partners and Resigned Employees. For The Purposes of This Chapter, Resigned Employees Shall Have the Same Meaning as Used in Section A8.425 Of The Charter.
  - h) All Dependents of the Foregoing Categories as They Are Determined Eligible By The Appropriate Governing Body.

(Amended by Ord. 67-86, App. 3/7/86; Ord. 289-00, File No. 001549, App. 12/22/2000; Ord. 181-04, File No. 040741, App. 7/22/2004; Ord. 46-15, File No. 131122, App. 4/17/2015, Eff. 5/17/2015)

#### **41. ADMINISTRATIVE CODE SECTION 16.701. ELIGIBILITY FOR EMPLOYER CONTRIBUTIONS.**

The following shall be eligible to receive contributions for participation in the Health Service System as set forth below:

- a) Members of boards and commissions referenced above in Section 16.700(c) and retirees, surviving spouse and domestic partners referenced above in Section 16.700(g), shall receive only the Charter-determined contribution. Members of boards and commissions who were in service on the effective date of this ordinance shall maintain the same types of benefits during their term of service.
  - (i) Except as may otherwise be required under state or federal law, the surviving spouse or surviving domestic partner of an active employee who is killed in the performance of his or her duty shall continue to receive health benefits under the same terms and conditions provided to the employee prior to the death, or prior to the accident or injury that caused the death.
- b) Employees referenced above in Section 16.700(a), elected officials referenced above in Section 16.700(b), members of the San Francisco Unified School District referenced above in Section 16.700(d) and members of the San Francisco Community College District referenced above in Section 16.700(e) shall receive both the Charter-determined contribution and collectively bargained contributions. Notwithstanding the foregoing, employees referenced above in Section 16.700(a), who are not in active service for more than twelve (12) weeks, shall be required to pay the Health Service System for the full premium cost of membership in the Health Service System, unless the employee shall be on sick leave, workers' compensation, mandatory administrative leave, approved personal leave following family care leave, disciplinary suspensions or on a layoff holdover list where the employee verifies they have no alternative coverage. In accordance with the City's obligations under the Meyers-Milias-Brown Act, the Department of Human Resources shall establish rules and regulations governing whether employees who, after inclusion in the system, work less than twenty (20) hours per week, shall lose eligibility in the system or whether the employee shall be required to make additional contributions to the system.
- c) Dependents of employees referenced above in Section 16.700(a) shall only receive collectively bargained contributions. Dependents of elected officials referenced above in Section 16.700(b) shall only receive contributions specified by ordinance. Dependents of members referenced above in Sections 16.700(d), (e) and (f) shall only receive the contributions specified by the appropriate governing body. Dependents of board and commission members referenced above in Section 16.700(c) shall receive no contribution. Dependents of retired employees referenced above in Section 16.700(g) shall receive contributions only as provided by the Charter.
- d) Resigned employees referenced above in Section 16.700(g) shall not receive any contribution.
- e) Those subgroups referenced above in Section 16.700(f) shall receive contributions as determined by their respective employers.

(Added by Ord. 48-95, App. 3/10/95; amended by Ord. 289-00, File No. 001549, App. 12/22/2000)

#### **42. ADMINISTRATIVE CODE SECTION 16.702. HEALTH SERVICE; BOARD COMPOSITION.**

In any election for membership on the Health Service Board when only one candidate has filed nomination papers and no person has filed a declaration of write-incandidacy, the Director of Elections shall not conduct an election and shall declare the sole candidate to be a member of the Board.

(Added by Ord. 439-96, App. 11/8/96)

#### **43. ADMINISTRATIVE CODE SECTION 16.704. -REMEDYING DISCRIMINATION AGAINST EMPLOYEES IN SAME-SEX MARRIAGES OR IN SAME-SEX DOMESTIC PARTNERSHIPS.**

- a) Findings and Purpose. The City and County of San Francisco (City) finds that its own employees with same-sex spouses or same-sex domestic partners suffer both dignitary and economic harm as a result of discriminatory federal laws. In particular, as a result of discriminatory treatment under federal tax laws that impose taxes on health care coverage provided to employees with same-sex, but not those with opposite-sex, spouses, City employees with same-sex spouses or same-sex domestic partners suffer not only the indignities of being treated as second-class citizens by their own government; they also suffer measurable financial harm that is concrete, persistent, and significant, and in some cases immense.

The City is committed to the equitable principle that all City employees receive equal pay for equal work. That principle is unattainable for City employees with same-sex spouses or same-sex domestic partners so long as: (1) state law prevents same-sex couples from marrying; (2) federal law treats the value of employer contributions for same-sex spouses' or same-sex domestic partners' health insurance premiums as taxable income, and does not tax employer subsidies for opposite-sex spouses' health insurance premiums; and (3) federal law prevents the use of pre-tax dollars by employees to pay health insurance premiums for their same-sex spouses or same-sex domestic partners, while allowing the use of pre-tax dollars by employees to pay health insurance premiums for their opposite-sex spouses.

In an effort to offset the discriminatory impact of federal taxation on same-sex spouse and same-sex domestic partner health insurance premiums, and to come closer to achieving the equitable principle of equal pay for equal work, this Section 16.704 requires the City to make payments to City employees who are provided subsidies for, and/or who pay all or part of the premiums for, their same-sex spouses' or same-sex domestic partners' health insurance premiums.

- b) For each City employee Health Service System member who is subject to federal taxation on health insurance premiums (both medical and dental) paid by the City for a same-sex spouse, or same-sex domestic partner, the City shall pay an amount equal to twenty (20%) percent of the portion of the employee's health insurance premiums attributable to the same-sex spouse, or same-sex partner, as determined by the San Francisco Health Service System. These payments shall not be part of the employee's base pay, are not payments made as compensation for hours of employment, and shall not be included in any overtime or premium pay calculations.
- c) Operative Date. This Section 16.704 shall become operative on July 1, 2013.
- d) Expiration. This Section 16.704 shall expire in its entirety, or as applied specifically to one or more of the following three groups of City employees – employees with same-sex spouses who married in California; employees with same-sex spouses who married outside of California; and employees with same-sex domestic partners – if, and when, the City Attorney's Office certifies to the Mayor and the Board of Supervisors that one or more of those groups of City employees are no longer subject to discriminatory federal income taxation of health insurance premiums attributable to their same-sex spouses or same-sex domestic partners. This Ordinance shall continue to apply to those groups of City employees listed above who continue to be subject to discriminatory federal income tax on health insurance premiums attributable to their same-sex spouses or same-sex domestic partners.

(Added by Ord. [34-13](#), File No. 121124, App. 3/12/2013, Eff. 4/11/2013, Oper. 7/1/2013)

**44. ADMINISTRATIVE CODE SECTION 16.900. ESTABLISHMENT OF A CAFETERIA PLAN.**

The San Francisco Health Services System may establish an employee cafeteria plan as provided and regulated under Section 125 of Title 26 of the United States Internal Revenue Code.

(Added by Ord. 175-88, App. 4/28/88; amended by Ord. 370-88, App. 8/10/88; Ord. 105-00, File No. 000536, App. 5/26/2000; Ord. 3-12, File No. 111246, App. 1/12/2012, Eff. 2/11/2012)

**45. ADMINISTRATIVE CODE SECTION 16.901. PURPOSE.**

The purpose of this plan is to extend to employees of the City and County of San Francisco, San Francisco Unified School District, San Francisco Community College District, the Superior Court of California, County of San Francisco and the San Francisco County Transportation Authority (Participating Employers), those types of benefits that ordinarily accrue from participation in a cafeteria plan. The City and County of San Francisco does not and cannot represent or guarantee that any particular federal or state income, payroll or other tax consequence will occur by reason of an employee's participation in this plan. The participant should consult with his or her own attorney or other representative regarding all tax consequences of participation in this plan.

(Added by Ord. 175-88, App. 4/28/88; amended by Ord. 370-88, App. 8/10/88; Ord. 3-12, File No. 111246, App. 1/12/2012, Eff. 2/11/2012)

**46. ADMINISTRATIVE CODE SECTION 16.902. ADMINISTRATION BY THE SAN FRANCISCO HEALTH SERVICE SYSTEM.**

The cafeteria plan established pursuant to this Article may be administered by the San Francisco Health Service System which may prescribe such forms, and adopt such rules and regulations as are necessary to carry out the purposes of the plan. The San Francisco Health Service System shall also have the authority to amend the plan to ensure compliance with applicable laws and regulations, to reflect changes in benefit offerings by the City and County of San Francisco or Participating Employers, and to make modifications for the reasonable administration of the plan. The San Francisco Health Service System may contract with a financially responsible independent contractor to administer and coordinate the plan.

(Added by Ord. 175-88, App. 4/28/88; amended by Ord. 370-88, App. 8/10/88; Ord. 105-00, File No. 000536, App. 5/26/2000; Ord. 3-12, File No. 111246, App. 1/12/2012, Eff. 2/11/2012)

**47. ADMINISTRATIVE CODE SECTION 16.903. NO COST TO CITY AND COUNTY.**

This cafeteria plan shall be administered free of direct cost to, or appropriation by, the City and County of San Francisco or the Participating Employers. Except as herein provided, all such costs shall be borne by the participants or by any plan administrator appointed hereunder, except to the extent that any subsequent ordinance or appropriation might provide expressly to the contrary. Nothing contained in this Section shall be deemed to prohibit the inclusion of a hold harmless provision in any contract between the City and any plan administrator appointed hereunder, which provision has been approved by the City's Risk Manager pursuant to Administrative Code Section 1.24.

(Added by Ord. 175-88, App. 4/28/88; amended by Ord. 370-88, App. 8/10/88; Ord. 105-00, File No. 000536, App. 5/26/2000; Ord. 3-12, File No. 111246, App. 1/12/2012, Eff. 2/11/2012)

**48. ADMINISTRATIVE CODE SECTION 16.904. VOLUNTARY EMPLOYEE BENEFITS.**

Based upon individual authorized deductions, the Controller is hereby authorized to deduct and collect monies from the salaries or wages of employees of the City and County of San Francisco, San Francisco Community College District, and the Superior Court of California, County of San Francisco, in accordance with San Francisco Administrative Code Sections 16.91 and 16.92. Pursuant to Section 125, this voluntary authorized deduction shall not be revocable by the employee during the cafeteria plan year unless the revocation and new election are in conformance with Section 125 and the terms of the plan.



(Added by Ord. 370-88, App. 8/10/88; amended by Ord. 130-90, App. 4/12/90; Ord. 162-92, App. 6/10/92; Ord. 105-00, File No. 000536, App. 5/26/2000; Ord. [3-12](#), File No. 111246, App. 1/12/2012, Eff. 2/11/2012)

#### **49. ADMINISTRATIVE CODE SECTION 16.905. CAFETERIA PLAN BENEFITS.**

The Board of Supervisors hereby approves the inclusion of those benefit plans qualifying under the employee cafeteria plan as provided and regulated under Section 125 of Title 26 of the United States Code as well as the medical care plans adopted by the Health Service Board and approved by the Board of Supervisors annually under Section A8.422 of the Charter and Administrative Code Section 16.703 and which medical plans are on file with the Clerk of the Board of Supervisors.

(Added by Ord. 370-88, App. 8/10/88; amended by Ord. 130-90, App. 4/12/90; Ord. 162-92, App. 6/10/92; Ord. 105-00, File No. 000536, App. 5/26/2000; Ord. [3-12](#), File No. 111246, App. 1/12/2012, Eff. 2/11/2012)

#### **50. ADMINISTRATIVE CODE SECTION 16.906. HEALTH SYSTEM MEMBERSHIP OF FORMER SUPERVISORS.**

After leaving office as a member of the Board of Supervisors, a former Supervisor may still participate in any plan of the Health Service System, provided that the former Supervisor agrees to, and for so long as he or she does, pay the full cost of such benefit, as determined by the Health Service Board.

(Added by Ord. 13-91, App. 1/15/91)

#### **51. ADMINISTRATIVE CODE SECTION 21.02. DEFINITIONS.**

As used in this Chapter the following words shall have the following respective meanings:

"Bid" shall mean a bid, quotation, or other offer, other than a Proposal, from a person or entity to sell a Commodity or Service to the City at a specified price.

"Bidder" shall mean any person or entity which submits a Bid.

"City" shall mean the City and County of San Francisco.

"Code" or "this Code" shall mean the most current version of the San Francisco Charter and the San Francisco Municipal Code.

"Commodity" shall mean products, including materials, equipment and supplies, purchased by the City. "Commodity" shall specifically exclude legal and litigation related contracts or contracts entered into pursuant to settlement of legal proceedings, and employee benefits, including, without limitation, health plans, retirement or deferred

compensation benefits, insurance and flexible accounts, provided by or through the City's Human Resources Department or the Retirement Board.

"Contractor" shall mean any corporation, partnership, individual, sole proprietorship, joint venture or other legal entity which enters into a contract to sell Commodities or Services to the City.

"Contracting Officer" shall mean the City employee who is authorized to execute a contract, which may be either the Department head or a person designated in writing by the Department head, board or commission as having the authority to sign contracts for the Department. A designation of authority to sign contracts on behalf of a Department may specify authority to sign a single contract, specified classes of contracts, or all contracts entered into by a Department.

"Electronic" shall mean electrical, digital, magnetic, optical, electromagnetic or other similar technology for conveying documents or authorizations, excluding facsimile.

"General Services" shall mean those services that are not Professional Services. General Services include, but are not limited to, janitorial, security guard, pest control, parking lot management, and landscaping services.

"Minimum Competitive Amount" shall mean (i) for the procurement of Commodities and Professional Services, the "Minimum Competitive Amount" as defined in Section [6.40\(a\)](#) of the Administrative Code, which shall be \$110,000 and (ii) for the procurement of General Services, an amount equivalent to the "Threshold Amount" as defined in Section [6.1](#) of the Administrative Code which shall be \$600,000, provided that on January 1, 2020 and every five years thereafter, the Controller shall recalculate the Minimum Competitive Amount (and the Threshold Amount from which the Minimum Competitive Amount for General Services is calculated) to reflect any proportional increase in the Urban Regional Consumer Price Index from January 1, 2015, rounded to the nearest \$1,000.

"Offer" shall mean a Bid or Proposal submitted to the City in response to an invitation for Bids or a Request for Proposals. "Offer" may include a response to a request for qualifications if no further ranking prior to Contractor selection is contemplated by the procurement process.

"Offeror" shall mean a person or entity that submits an Offer to the City to provide Commodities or Services.

"Professional Services" shall mean those services which require extended analysis, the exercise of discretion and independent judgment in their performance, and/or the application of an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Professional service providers include, but are not limited to, licensed professionals

such as architects, engineers, and accountants, and non-licensed professionals such as software developers and financial consultants.

"Proposal" shall mean a response to a request for Proposals issued by the City for Commodities or Services, or a response to a request for qualifications if no further ranking prior to Contractor selection is contemplated by the procurement process.

"Proposer" shall mean a person or entity that submits a Proposal in response to a request for Proposals issued by the City.

"Purchase Order" shall mean an authorization document designated as such by the Purchaser for the procurement of Commodities or Services, whether issued in a paper or electronic format, including blanket purchase orders for purchases involving multiple payments.

"Purchaser" shall mean the Purchaser of Commodities or Services of the City and County of San Francisco, or his or her designee(s).

"Quotation" shall mean an Offer to supply Commodities or Services to the City for a specified price (and possibly subject to other terms and conditions) which is acquired without the use of advertising to solicit Bids.

"Services" shall mean Professional Services and General Services. "Services" shall specifically exclude grants to a nonprofit entity to provide services to the community, which may include incidental purchases of commodities; legal and litigation related services or contracts entered into pursuant to settlement of legal proceedings; and services related to employee benefits, including, without limitation, health plans, retirement or deferred compensation benefits, insurance and flexible accounts, provided by or through the San Francisco Health Service System, the Retirement Board or the Retiree Health Care Trust Fund.

"Solicitation" shall mean an invitation for Bids, request for Quotations, request for qualifications, or request for Proposals issued by the City for the purpose of soliciting Bids, Quotations, or Proposals to perform a City contract.

"Technology Store" shall mean the City-wide, multiple award contract for the procurement of certain Commodities and Services awarded pursuant to the "Request for Proposal for Computer Hardware, Software, Peripherals and Appropriate Network, Consulting, Maintenance, Training and Support Services," and any successor contracts thereto.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; amended by Ord. [9-11](#), File No. 101007, App. 1/7/2011; Ord. [3-12](#), File No. 111246, App. 1/12/2012, Eff. 2/11/2012; Ord. [46-15](#), File No. 131122, App. 4/17/2015, Eff. 5/17/2015; Ord. [108-15](#), File No. 150175, App. 7/2/2015, Eff. 8/1/2015)