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July 23, 1928

(Above information from Registrar)

PROPOSED

# CHARTER AMENDMENT

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TO BE SUBMITTED

AUGUST 28, 1928

ISSUED IN ACCORDANCE WITH SECTION 9, CHAPTER  
III, ARTICLE XI OF THE CHARTER OF THE CITY  
AND COUNTY OF SAN FRANCISCO

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*Issued by Order of the*  
BOARD OF ELECTION COMMISSIONERS



Attest:

A large, stylized handwritten signature in dark ink, likely belonging to the Registrar of Voters and Secretary of the Board of Election Commissioners.

*Registrar of Voters and Secretary of the  
Board of Election Commissioners.*

RECORDER PRINTING AND PUBLISHING CO.  
693 Stevenson Street, San Francisco



# **PROPOSED CHARTER AMENDMENT**

**TO BE SUBMITTED  
AUGUST 28, 1928**

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## **CHARTER AMENDMENT NO. XII-A**

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new article thereto to be designated as Article XII-A relating to the operation, maintenance, control and construction of municipally owned public utilities.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the general primary election to be held on the 28th day of August, 1928, a proposal to amend the Charter as follows:

That a new article be added to said Charter to be designated Article XII-A, to read as follows:

### **ARTICLE XII-A Utilities Commission**

Section 1. The construction, management, supervision, maintenance, extension, operation and control of all public utilities and other properties, used, owned, acquired, leased or constructed by the City and County of San Francisco, as well as all extensions, additions and betterments thereto, for the purpose of supplying to the said City and County and to its residents and inhabitants, and to territory outside the limits of said City and County and to the residents and inhabitants thereof, with water, light, heat, power or transportation shall be exclusively vested in a Utility Commission of three members, anything in this Charter to the contrary notwithstanding. The Commission shall have power to make all rules and regulations not inconsistent with the provisions of this Article which it deems necessary or proper for the conduct of its business and the regulation of the matters herein committed to its charge. The Commission shall observe all City and County ordinances, and the regulation of the Department of Public Works relative to utility openings, in streets or public places, structures and poles in streets and other public places, as well as all ordinances and regulations relative to barricades, construction lights, refilling excavations and

replacing and maintaining street pavements; and in connection with all of such matters, the said Commission shall be subject to the same inspection rules and pay fees to the proper department in the same manner and at the same rates as any private person or corporation.

### **Appointment and Compensation**

Section 2. Members of the Utility Commission shall be appointed by the Mayor and said appointment shall be confirmed by the Board of Supervisors as herein provided, and may be removed from office in the same manner as elective officers of the City and County, and not otherwise. The terms of members of the Commission shall be six years from and after the date of their respective appointments, provided that the persons first appointed as members of said Commission shall by lot classify their respective terms of office so that the term of one of said Commissioners shall expire at twelve o'clock noon on the first Monday after the first day of January, 1931, and that the term of another of said Commissioners shall expire at twelve o'clock noon on the first Monday after the first day of January, 1933, and that the term of the third of said Commissioners shall expire at twelve o'clock noon on the first Monday after the first day of January, 1935, and upon the expiration of the term of each of said Commissioners the Mayor shall appoint his successor to serve for the full term of six years from the said first Monday after the first day of January of said year in which said appointment is made. Vacancies occurring on said Commission from any cause shall be filled by appointment to be made in the same manner as are full-term appointments, provided that those appointed to fill a vacancy on said Commission shall serve only for the unexpired term of the person whom they succeed.

Appointments shall be made as follows: Within fifteen days after this amendment becomes effective, the Mayor shall appoint the three members of said Commission, and shall at the meeting of the Board of Supervisors held next after making said appointment submit in writing to the said Board the names of the persons appointed to said Commission, and the said Board shall by a vote of a majority of all of its members at a meeting of said Board to be held within thirty days thereafter, by resolution confirm or reject the appointment of any or all of said persons so appointed. Should said appointment or appointments be confirmed as aforesaid by said Board of Supervisors, said person or persons so confirmed shall become a member or members of said Commission for the respective term for which they may have been appointed, but should said persons or any of them be rejected by said Board, the said Board shall cause written notice of its action to be given to the Mayor, who shall within fifteen days thereafter make a new appointment or appointments in the place or places of the one or ones failing to receive the confirmation of said Board of Supervisors, and in writing certify said appointment or appointments to said Board, and said Board shall either confirm or reject said appointment or appointments as hereinbefore set forth. That in filling any vacancy occurring on said Commission either by resignation, expiration of term, or otherwise, the same procedure shall be had by the Mayor and by

the Board of Supervisors as in the case of original appointment. That should the said Board of Supervisors fail or neglect, for a period of thirty days after receiving written notice from the Mayor of any appointment or appointments to said Commission, to reject said appointment or appointments, the said failure shall be deemed to be a confirmation of said appointment or appointments. That during the time intervening between the appointment of a member of said Commission and his rejection by the Board of Supervisors, he shall be deemed to be a member of said Commission and shall be vested with all of the powers incident thereto. Any person appointed to said Commission whose appointment shall be rejected by said Board of Supervisors, shall not be eligible for appointment to said Commission for one year after said rejection.

The compensation of members of said Commission shall be twenty dollars for each meeting of the Commission, or of a committee thereof actually attended by said members, provided that the aggregate amount paid to any member for his service as a member of said Commission shall not exceed two thousand dollars per year. Each member of the Commission shall furnish and file an official bond in the sum of twenty-five thousand dollars, duly conditioned as in this Charter elsewhere provided. The premium on said bonds so furnished as well as the compensation to be paid to the members of said Commission shall be paid out of public utility revenues.

### **Organization and Meetings**

Section 3. Immediately after it is first constituted and thereafter on the first Monday after the first day of January of each year, the Utility Commission shall meet for the purpose of organization. At such meeting the Commission shall elect one of its members as president, who shall hold such office for the ensuing year and until the election of his successor. The Commission shall thereafter hold regular weekly public meetings at a designated time and place. The Commission shall adopt its own rules of procedure and shall keep a record of its proceedings and the name of each member attending each meeting held. A majority of the Commission shall constitute a quorum for the transaction of business. The Commission may appoint a secretary, subject to the civil service provisions of this Charter and shall prescribe the duties of such secretary and fix his compensation. Special meetings may be called by the president or by two members of the Commission on twelve hours' written notice, which shall be served personally on each member or left at his usual place of residence, which notice shall state the subject to be considered at the special meeting, and no other subject shall be there considered.

### **Subordinates, Assistants and Employees, and Their Compensation**

Section 4-a. The Commission shall appoint a Manager of Utilities, who shall be the chief executive and administrative official of the Commission, and may create such departments or bureaus as it deems necessary, and appoint a submanager or directing head of each of said department or bureaus. The Manager of Utilities need not at the date

of his appointment be a resident of the City and County of San Francisco, and said manager, as well as the managers of said bureaus or departments, shall not be subject to the civil service provisions of the Charter, and shall hold office at the pleasure of the Commission. The Manager of Utilities shall, subject to the control of the Commission, have the management of all public utilities operated, owned or controlled by the City and County, and each submanager or directing head of each bureau or department shall have sole executive control of his department and subordinates.

b. The Commission may also, subject to the civil service provisions of the Charter, appoint an auditor and prescribe his duties; provided that nothing herein contained shall be construed as abrogating or interfering with the authority and control under the Charter of the City Auditor and City Treasurer over the receipt and disbursement of public funds which may come under the Commission's jurisdiction; provided, further, that all demands on funds in the City and County Treasury which are placed under the jurisdiction of the Utility Commission by the provisions of this article shall require the approval of the Commission, which shall be evidenced by the signatures of its secretary and auditor, or of such other officials of each utility as the Commission may designate before being allowed by the City and County Auditor and paid by the Treasurer.

c. The Commission shall appoint such other employees, subordinates and assistants as may be necessary for the proper conduct of the affairs and properties hereby committed to said Commission, and all of such appointments shall be made in conformity with, and the appointees shall be entitled to the benefit of the provisions of Article XIII of the Charter, except as in this article specifically excepted. All employees of the Board of Public Works who are engaged in public utility work at the time this amendment becomes effective shall be taken over by the Commission, under the classification now held by them, or under classification equivalent thereto, and all employees employed in the operating service of any public utility which may be or may have been acquired by the City and County shall be governed by the provisions of Subsection 2, Subdivision B of Section 11 of Article XIII of the Charter. Provided, that employees engaged in construction work outside of the limits of the City shall be exempt from civil service regulations, and all employees whose duties are performed outside of the limits of the City and County shall not be subject to the Charter provisions regarding residence within said City and County; and provided further, that the Manager of Utilities and the submanager or directing head of each department or bureau may appoint one personal secretary or confidential clerk who shall not be subject to the civil service provisions of the Charter; and provided further, that said civil service provisions of the Charter shall not apply to persons employed for temporary service in positions requiring high technical skill.

d. The salaries, wages or other compensation of all persons employed by the Commission or engaged in work under its direction shall be fixed by the Commission, and the Commission may also fix and

determine working conditions of said employees, provided that all regulations provided by law and by this Charter relative to hours of labor shall apply to all employees of said Commission.

e. The Commission may require a bond in such amount as it shall deem proper, from any employee, which said bond shall be duly conditioned for the faithful performance of the duties of such employee, and the Commission may provide that the premium on said bond be paid out of the revenues of the particular utility in which said employee is serving, and where said employee is rendering service to more than one utility, the cost of said bond shall be equitably pro-rated among the utilities receiving the benefit of said service.

### **Powers and Duties of Managers and Department Heads**

Section 5-a. The Manager of Utilities shall possess the necessary executive, administrative and technical qualifications, and shall hold office and may be removed at the pleasure of the Commission. He shall have full power to administer the affairs of his department as chief executive officer, and may, with the consent of the Commission, act as the head of any department or bureau created by the Commission. He shall, when possible, attend all meetings of the Commission, and shall at least once in each month, and more frequently if required by the Commission, make a report in writing to the Commission of all matters connected with the work of the Commission. He shall execute all orders of the Commission when directed to do so and supervise the work of all departments under the jurisdiction of the Commission. He may suspend any employee of the Commission save the secretary and auditor, for cause or for disciplinary purposes, and shall report said suspension and the reasons therefor to the Commission at its meeting immediately following said suspension, and said Commission may on the report of said manager order that charges be filed against said person so suspended, or may continue said suspension in force for a period of not more than thirty days from the date thereof, for disciplinary purposes and said order as to said suspension shall be final. Should charges be ordered filed against said suspended employee, the said Manager shall file the same, and the same shall be heard and determined by the Commission, after reasonable opportunity to the accused to be heard, and all of Article XIII of the Charter relative to trials and appeals shall apply to said hearing. Provided, however, that any and all employees who are not entitled to the benefits of said Article XIII may be dismissed by the Commission or by the Manager on the order of the Commission without trial.

b. Submanagers and department heads shall possess the necessary executive and technical qualifications to qualify them for their respective departments or bureaus, and shall conduct the affairs of their respective bureaus or departments under the order and direction of the Manager of Utilities, and shall as often as required by said Manager or by the Commission make reports in writing to said Manager or to the Commission on all matters pertaining to said departments.

## Legal Department

Section 6. The City Attorney shall be the legal adviser of the Commission and shall render such legal advice and services as the Commission may deem necessary, and shall prosecute and defend, as the Commission may require, any and all actions and proceedings involving matters under its jurisdiction. He shall have authority, with the prior approval of the Commission, to compromise, settle or dismiss any litigation or proceedings which may be pending for, or on behalf, or against said Commission relative to any matter or property under its jurisdiction.

The City Attorney shall detail such assistants or deputies as may be necessary to conduct the legal work of said Commission, and the compensation of said deputies and assistants so detailed shall be fixed by the Commission and shall be paid from the revenues of the utilities under the jurisdiction of said Commission, and said deputies or assistants so detailed shall be in addition to those now allowed to said City Attorney by the Charter or ordinance.

## Purchases and Contracts

Section 7. The Commission shall have power to make contracts for work, supplies, materials or equipment when the cost of these can be met from current public utility revenues or from other moneys appropriated for the use of the Commission by the Board of Supervisors or from the proceeds of bonds authorized for the construction or acquisition of public utilities. The Manager of Utilities shall have the power to make requisition for or order supplies, material or equipment required for the operation or maintenance of any utility under the control of the Commission; and, on the recommendation of the Manager of Utilities, the Commission may, by resolution, delegate such power with such restrictions as it may deem necessary, to the directing head of each utility.

The Commission shall organize a purchasing department. All materials, supplies and equipment shall be purchased under contract; provided, however, that upon the certification of the head of a utility that the necessities of construction or operation so require, and with the approval of the Manager of Utilities, the materials, supplies or equipment may be purchased in the open market at the lowest price obtainable. The Commission shall also have the right to call upon the general purchaser of supplies of the City and County government for the purchase of supplies which are included within the general supply contracts of the City and County, payment for the same to be made out of appropriate public utility funds.

The Commission, on the recommendation of the Manager of Utilities, may authorize the sale or transfer of any materials, supplies or equipment under its control when no longer used or useful for its purposes, and the proceeds of said sale or transfer shall be placed to the credit of the utility controlling the same.

All construction work shall be done by public contract unless the Commission, upon recommendation of the Manager of Utilities, shall



determine that the work in question can be more advantageously carried on by the Commission's employees.

The Commission may prescribe rules of procedure which it shall follow in letting contracts for the purchase of materials, supplies and equipment and for construction work and amend the same from time to time as it may deem proper; provided, that such rules shall provide for not less than five days' public advertisement, for sealed bids on such contracts, for the award of contracts to the lowest responsible bidder, and shall require of all contractors adequate surety bonds in an amount to be fixed by the Commission in each case for the protection of the City and County in the performance of such contracts and for the protection of all persons, firms or corporations furnishing labor or materials in connection with the same. Suitable provision may also be made for the rejection of all bids and readvertisement and for the rejection of the proposal of any bidder who, in the opinion of the Commission, is not competent to fulfill the contract if awarded. All contracts shall be signed by the president or acting president, and secretary or acting secretary of the Commission.

### **Additions, Betterments and Extensions**

Section 8. The Commission shall locate and determine the character and type of all construction and additions, betterments and extensions to utilities under its control, and shall determine the policy for such construction or the making of such additions, betterments and extensions out of public funds under its jurisdiction; provided, that in each such case it shall secure the recommendation of the Manager of Utilities, which recommendation shall be presented in writing and shall include analyses of cost, service and estimated revenues of all proposed or feasible alternatives in cases where it is deemed that such alternatives exist.

### **Accounts, Revenues and Expenditures**

Section 9. Proper accounts shall be maintained in the form prescribed by the State Railroad Commission for public utilities of like character, and other necessary accounts, and accounting forms and procedure shall be maintained as prescribed by the Commission. Such accounts shall be kept separately for each utility under the control of the Commission. Monthly statements of receipts and expenditures shall be submitted to the Board of Supervisors by the Utility Commission not later than its second regular meeting in the next succeeding month. Annual reports in the form required by the Railroad Commission of the State for privately owned utilities of like character shall be prepared separately for each utility and filed with the Board of Supervisors and in the office of the Utility Commission. Such reports shall contain such other information, and be in such detail, as the Board of Supervisors may request, and shall be printed by the Commission for public distribution. The salaries and general expenses of the Commission, not chargeable to a specific utility, shall be apportioned fairly among the utilities under its charge, in such manner as the Commission shall deem proper.

## **Budget and Appropriations**

Section 10. The Manager of Utilities shall, not later than April 15 of each year, file with the Utility Commission a budget estimate for the ensuing fiscal year, of anticipated revenues and needed appropriations, separately for each utility or service under the control of the Commission. These shall be submitted in such detail as to furnish a basis and guide for accounting and expenditures during the succeeding fiscal year. The Commission may modify such budget estimates in any manner that it may deem proper and shall, by public advertisement, give all interested persons an opportunity to be heard at one or more meetings of the Commission, with reference to the amounts and purposes of expenditure to be included in such budget. Upon completion of said hearings the Commission shall by resolution adopt a budget for each utility under its jurisdiction and transmit a copy thereof to the Clerk of the Board of Supervisors and another copy to the Mayor. After adoption of said budget, expenditures for the fiscal year covered thereby shall not be in excess of the budget appropriations for the respective items thereof. Under no circumstances shall the budget of any utility include a total of items of expenditure and reserves in excess of the estimated revenues to be derived from said utility during the succeeding fiscal year, unless after written request to the Board of Supervisors from the Commission, the latter tribunal shall authorize by ordinance a specified amount to be transferred to the Commission's jurisdiction from appropriate municipal funds under control of the Board of Supervisors; provided, also, that this limitation on expenditures shall not apply to expenditures for new construction or acquisitions which may be lawfully paid out of the proceeds of bond sales or accumulated surpluses under the Commission's jurisdiction. The funds of one utility shall not be diverted to any other utility, but if a surplus is accumulated out of the revenues of a given utility in excess of the maximum surplus which may be lawfully retained to its credit as in this article provided, such surplus shall automatically pass to and become part of the General Fund of the City and County and shall be so credited on the books of the Commission and of the City and County Auditor; provided that the Commission may, with the consent of all of its members, adopt a program for the accumulation of a surplus to cover a period not exceeding ten years, for the purpose of financing extensions and additions to existing utilities out of said accumulation, and when such program is adopted by said Commission, no transfer of surplus to the General Fund shall be made until said surplus fund exceeds the total sum estimated in said program as being necessary for such extensions or additions, provided that no funds accumulated from one utility shall be used for financing extensions or additions to another, and provided further that when said program is adopted pursuant to the consent of said Commission, and a fund or any part thereof is accumulated, neither said fund nor any part thereof shall be used for any purpose other than that provided for in said program without the approval of the Board of Supervisors expressed by ordinance authorizing such other use.

## **Bond Sales**

Section 11. The Utility Commission is hereby vested with full and exclusive authority to sell or order the sale of bonds which have heretofore been or may hereafter be authorized by the voters of the City and County for the acquisition, construction, extension or completion of any public utility or utilities; provided, that such sale shall otherwise be conducted in accordance with the procedure specified by this Charter for the sale of bonds. For the purpose of such sales the Secretary of the Commission is hereby vested with the authority and duties conferred upon the Clerk of the Board of Supervisors by Section 10 of Article XII of this Charter and the Commission is authorized to perform all acts and exercise all powers conferred upon the Board of Supervisors and the Mayor by Article XII of the Charter, with reference to the sale of such public utility bonds, and where the concurrence of fourteen votes of the Supervisors is required, such act shall require the unanimous vote of the Commission. Each of such public utility bonds shall be signed by the Mayor, the President of the Utility Commission and the City Treasurer, and shall be countersigned by the City Auditor. The signature of the Mayor and the President of the Public Utility Commission may be by facsimile. The provisions of Section 11a of Article XII of the Charter shall apply to all such signatures.

## **Provision for Interest and Sinking Fund**

Section 12. Notwithstanding any other provision of this Charter, where bonds have been authorized for the acquisition, construction or completion of a public utility or of extensions thereto, and have been sold by the Commission, interest which may become due on said bonds during the actual period of construction of said utility, or of extensions to an existing utility as the case may be, and during the period of six months immediately following the completion of the same, may by a unanimous vote of the Commissioners be ordered paid out of the proceeds of sale of the bonds authorized and sold for such construction purposes. No sale of bonds shall be made by the Commission when there are insufficient revenues on hand in the Treasury to the credit of the bond interest and redemption fund of the utility for which said bonds have been authorized from which to meet the interest and redemption charges on said bonds during the ensuing twelve months, unless and until the Board of Supervisors shall authorize such sale by ordinance, or, unless and until the Commission shall have appropriated and set aside out of the proceeds to be realized from the sale of said bonds a sum sufficient to meet the interest and sinking fund requirements as hereinabove provided for; provided, further, that nothing contained in this section shall in any way relieve the City and County from liability to the holders of said bonds for the payment of interest and principal thereof when and as the same become due, and in the event of any failure, refusal or neglect on the part of the Commission to make provision for payment of bond interest and redemption as hereinabove provided for, they shall be forthwith removed from office and

the Board of Supervisors shall provide for the same as required under Sections 12 and 13 of Article XII of said Charter, and subject to the penalties prescribed in said sections.

### **Operating Expenses and Reserves .**

Section 13. The receipts from each utility operated by the Commission shall be paid daily into the City Treasury and maintained in a special fund set aside for such utility. The Commission may from time to time make appropriations from said fund to the following purposes, in the order named, viz.:

- (a) For payment of the operating expenses of such utility, including pension charges and compensation insurance;
- (b) For repairs and maintenance;
- (c) For depreciation and accident reserves as hereinafter described;
- (d) For payment of interest and sinking fund on the bonds issued for the acquisition or construction of such utility and extensions thereto;
- (e) For reserve funds out of which to construct or acquire extensions and betterments to said utility;
- (f) For a surplus reserve.

Whenever said surplus reserve shall amount to the equivalent of the estimated operating expenses, reserve allotments and interest charges for the current fiscal year, the excess shall be subject to automatic transfer to the General Fund, as provided in Section 10 hereof and subject to the exception therein mentioned.

The Commission shall maintain pension and compensation insurance accounts for each utility, and shall cause an estimate to be made annually of the proper reserves required for each such account, and any surpluses in any such account may be transferred to the surplus account of the utility concerned.

The Commission shall, on the written recommendation of the Manager of Utilities, which recommendation shall be based on an appraisal of the life of the several classes of property for each utility, determine the amount of a reasonable depreciation reserve for each utility to be set up out of the revenues of such utility to provide for depreciation and obsolescence as they accrue. There shall be credited monthly to the depreciation reserve for each utility, one-twelfth of the amount required annually, as so determined. Pending such appraisal, the monthly appropriations to be made to the depreciation reserve shall be at the rate of not less than four per cent per annum of the historical cost of the utility. Such depreciation reserves shall be used only for replacement due to depreciation or obsolescence; provided, however, that every five years the Commission shall cause a reappraisal to be made of depreciation reserves, replacement expenditures therefrom, and probable useful life of each of the several kinds of property, and on the basis of such reappraisal may increase or diminish the amount to be appropriated to the depreciation reserve.

The Commission shall cause a reasonable accident reserve to be created for each utility by monthly credits thereto from the revenues of such utility, and shall reappraise this at five-year intervals, and may increase or diminish the amount of payments thereto on the basis of such reappraisal. The accident reserve fund for every utility shall be used only for the payment of accident and damage claims against such utility.

### Rates

Section 14. The Commission shall have the power to fix and adjust rates or fares for the furnishing of public utility service by the City and County; to collect, and by appropriate means, including the discontinuation of service to delinquent consumers, or by civil action in the name of the City and County, enforce the collection of such rates and charges; and to adjust and settle all complaints and claims of consumers or the public with reference to service credits or refunds; provided, that such rates may be fixed at varying scales, for different classes of service or consumers, which said rates must include rates for services rendered any department or other utilities of the City and County, the aggregate revenue from which for each specific utility shall represent not less than the actual total cost of the service of that utility as determined by the Commission; provided further, that when the Utility Commission on the basis of a financial analysis in writing by the Manager of Utilities, may recommend to the Board of Supervisors a scale of rates under which estimated aggregate revenue from a specific utility may represent less than the actual cost of the service rendered by such utility, the Board of Supervisors, by a two-thirds vote of all members, may authorize such scale of rates, and must, at the same time, specify the manner in which the estimated annual operating deficits will be met. Such rate schedule may then be adopted by the Commission. The Commission may provide for the rendition of utility services without the limits of the City and County at rates which may include proportionate compensation for interest during construction of the utility which may have been paid out of the revenues derived from taxation in the City and County. Services rendered by any other City and County department to any publicly owned utility under the jurisdiction of the Commission shall be paid for by the Commission at cost, out of the revenues of the utility served. Rates for services rendered by any publicly owned utility to the City and County or any department thereof or to any other utility of the City and County, shall be paid into the fund of the specific utility rendering such services, out of appropriate funds of the City and County, or of the department or utility using such services.

### Lease and Sale of Lands

Section 15. The Commission may, with the approval of the Board of Supervisors, lease, for purposes not in conflict with public utility uses, any lands controlled by it or placed in its charge, for terms not exceeding ten years. The Commission may, in the name of the City

and County, acquire and take by purchase, lease, condemnation or otherwise, and hold any or all property situated within or without the limits of the City and County that it may determine to be necessary for the construction, maintenance, extension or operation of the works under its jurisdiction and control. It shall be the duty of the Board of Supervisors upon its receipt of a resolution of the Commission that the acquisition of any property or properties is necessary for the conduct, operation, maintenance or extension of any utility under the jurisdiction of the Commission to take the necessary legislative action by resolution or ordinance determining that public interest and necessity require the taking of said property or properties for the purpose specified in said resolution of said Commission and that said property or properties are necessary for said utility, and the said resolution of said Commission shall be deemed to be conclusive proof to the Board of Supervisors as to the necessity of said property for the said use specified therein.

The Commission may with the prior approval of the Board of Supervisors, expressed by ordinance, on terms to be expressed in said ordinance, sell such lands or other property under its control as are no longer used or useful for its purposes, or may, upon like authority, transfer such lands or other property to any other department of the City and County government, upon there being transferred to the special fund of the utility concerned such funds as will represent proper and adequate consideration for the land or other property transferred, as determined in the ordinance authorizing the same. The Commission shall have full power and authority to enter into such arrangements and agreements as it shall deem proper for the joint use with any other person, firm or corporation owning the same, or having jurisdiction of the same, of poles, conduits, towers, stations, aqueducts, reservoirs and tracks for the operation of any of the utilities under its jurisdiction, and may make such arrangements as it shall deem proper for the exchange of transfer privileges with any privately owned transportation company or system which will tend for the betterment of its service.

### **Pensions**

Section 16. All employees of the utilities under the jurisdiction of the Commission shall be entitled to the benefits of the provisions of Article XVII of the Charter, relative to the retirement of aged and disabled employees, and for the purpose of enjoying the benefits provided for in said article all employees of said utilities shall be deemed to be public employees of the City and County, and all amounts to be contributed to said fund to equal the amounts contributed by said employees thereto shall be paid from the particular utility to which said employee is attached, and should any employee be rendering service to more than one utility, the amount contributed to equal said employee's contribution shall be divided among the utilities in which he is serving, in such proportion as the Commission shall determine.



### **Additional Powers**

Section 17. Nothing in this article contained shall be construed to be a limitation upon the power which may be conferred upon said Utility Commission or upon the powers which may be exercised by said Commission, and the Board of Supervisors, by ordinance adopted in the manner provided in the Charter, may confer additional and other powers on said Commission incident to those herein conferred, and may place under the control of said Commission the duty of lighting all public streets, lanes, places, parks and public buildings, any other provisions of the Charter to the contrary notwithstanding.

### **Deposit of Surplus Money**

Section 18. At any time that there is on deposit in the office of the Treasurer of the City and County funds belonging to said Commission or to the utilities under its control, in an amount greater than is necessary for the immediate needs of said utilities, the said Treasurer shall, upon the direction of the Commission, offer so much of said funds as said Commission shall direct for deposit in such bank or banks as shall accept the same, said deposits to be made only upon the security provided for in and pursuant to the provisions of Section 2, Chapter III of Article IV of the Charter, and all interest received by the said Treasurer upon the said funds so deposited shall be credited to the particular utility to which the said funds deposited may belong.

### **Constitutionality**

Section 19. If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this article. The people of the City and County of San Francisco hereby declare that they would have ratified and adopted and the Legislature hereby declares that it would have approved this article and each section, subsection, sentence, clause and phrase thereof as an amendment to the Charter of the City and County of San Francisco, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

### **Name and Service of Process**

Section 20. The Commission created herein shall be known as "Utility Commission of San Francisco" and may sue or be sued under said name. Service of process in all matters affecting said Commission, or the utilities under its jurisdiction, may be made by service upon any one Commissioner and on the Secretary of said Commission.

### **Repeal of Conflicting Provisions**

Section 21. All provisions of the City Charter in conflict with this article are superseded by the provisions hereof to the extent of such conflict. Subdivision 8 of Section 9 of Chapter I of Article VI and Section 16 of Article XII of this Charter are hereby repealed. All functions now required to be performed under Article XII of the

Charter by the Board of Public Works shall, upon ratification of this amendment, devolve upon and be performed thereafter by the Utility Commission. All duties required to be performed by the City Engineer under the provisions of Article VI and Article XII, in so far as they relate to public utilities, shall, upon ratification of this amendment, devolve upon and be performed by the Manager of Utilities herein provided for.

Ordered and submitted by the Board of Supervisors, April 2, 1928.

Ayes: Supervisors Andriano, Colman, Deasy, Gallagher, Havenner, Hayden, Kent, McGovern, Marks, Powers, Roncovieri, Schmidt, Shannon, Stanton, Suhr, Todd, Toner.

Absent: Supervisor McSheehy.

J. S. DUNNIGAN, Clerk.