

BOARD of SUPERVISORS



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June 24, 2016

File No. 160585

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 24, 2016, Supervisor Cohen introduced legislation for the following proposed Charter Amendment, which was amended at the June 23, 2016, Rules Committee, for the November 8, 2016, Election:

File No. 160585 Charter Amendment - Dignity Fund

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: 1) establish the Dignity Fund to support Seniors and Adults with Disabilities; 2) require an annual contribution by the City to the Fund starting at \$41 million for fiscal year 2017-2018, and increasing by \$3 million a year for the next 9 years until the annual contribution reaches \$68 million in fiscal year 2026-2027, and continuing at that amount, adjusted annually for changes in aggregate discretionary City revenues, for the next 10 years until fiscal year 2036-2037; 3) establish a planning process for expenditures from the Fund; 4) create an Oversight and Advisory Committee; 5) set an expiration date of June 30, 2037; and, 6) change the Commission on Aging to the Aging and Adult Services Commission and update its responsibilities, at an election to be held on November 8, 2016.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Derek Evans".

By: Derek Evans, Assistant Clerk
Rules Committee

Attachment

c: John Rahaim, Director, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

1 [Charter Amendment - Dignity Fund]

2

3 **Describing and setting forth a proposal to the voters, at an election to be held on**

4 **November 8, 2016, to amend the Charter of the City and County of San Francisco to:**

5 **1) establish the Dignity Fund to support Seniors and Adults with Disabilities; 2) require an**

6 **annual contribution by the City to the Fund starting at \$41 million for fiscal**

7 **year 2017-2018, and increasing by \$3 million a year for the next 9 years until the annual**

8 **contribution reaches \$68 million in fiscal year 2026-2027, and continuing at that amount,**

9 **adjusted annually for changes in aggregate discretionary City revenues, for the next 10**

10 **years until fiscal year 2036-2037; 3) establish a planning process for expenditures from the**

11 **Fund; 4) create an Oversight and Advisory Committee; 5) set an expiration date of**

12 **June 30, 2037; and, 6) change the Commission on Aging to the Aging and Adult Services**

13 **Commission and update its responsibilities.**

14

15 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City

16 and County, at an election to be held on November 8, 2016, a proposal to amend the Charter of

17 the City and County by adding Sections 16.128-1 through 16.128-12, and amending

18 Section 4.120, to read as follows:

19 NOTE: **Unchanged Charter text and uncodified text** are in plain font.

20 **Additions** are *single-underline italics Times New Roman font*.

21 **Deletions** are ~~*strike-through italics Times New Roman font*~~.

22 **Asterisks (* * * *)** indicate the omission of unchanged Charter

23 subsections.

24 **SEC. 16.128-1. DIGNITY FUND; PREAMBLE.**

25 (a) There is hereby established a fund, which shall be called the Dignity Fund (“Fund”), to be administered by the Department of Aging and Adult Services (“DAAS”), or any successor

1 agency. Monies in the Fund shall be used or expended by DAAS, subject to the budgetary and
2 fiscal provisions of the Charter, solely to help Seniors and Adults with Disabilities secure and
3 utilize the services and support necessary to age with dignity in their own homes and
4 communities. For purposes of Section 16.128-1 through 16.128.12, "Senior" shall mean a
5 person 60 years old or older, and "Adult with a Disability" shall mean a person 18 years old or
6 older with a disability as defined under the Americans With Disabilities Act.

7 (b) The Dignity Fund is needed to ensure the health and well-being of Seniors and Adults
8 with Disabilities for the following reasons:

9 (1) DAAS and the San Francisco Long Term Care Coordinating Council have
10 advanced a vision and set of long-term goals that highlight best practices, strengthen access to
11 services, coordinate across agencies and City departments, and develop a unified strategy.

12 (2) Important safety net services to Seniors and Adults with Disabilities such as
13 adult day programs and/or other state-funded services directed to low-income populations have
14 suffered significant losses in funding due in part to the reorganization of California's health and
15 long-term care services.

16 (3) San Francisco non-profit community based organizations are the City's most
17 valuable public assets in terms of supporting Seniors and Adults with Disabilities to age with
18 dignity in their own homes and communities.

19 (4) Seniors and Adults with Disabilities are valuable contributors to the City's
20 vitality and must stay connected to friends and family who can help them age in place with
21 dignity.

22 (5) Because a majority of the City's Seniors and Adults with Disabilities live on
23 fixed incomes, the growing economic divisions in the City are putting them increasingly at risk of
24 poor health outcomes and institutionalization.

1 (6) San Francisco has the highest percentage of Seniors and Adults with
2 Disabilities of any urban area in California and the number of Seniors continues to steadily
3 increase, especially for those over the age of 85. Over 40% live alone with inadequate support
4 networks, in part because their families have been forced to seek more affordable housing or
5 employment elsewhere, or because they have no children or they lack supportive families.

6 (7) The constant increase in economic pressure and lack of support for Seniors
7 and Adults with Disabilities has impacted the cultural and ethnic diversity of the City.

8 (8) As of 2015, over 19,200 people 55 years of age and older were living in San
9 Francisco with Alzheimer's disease or dementia. This number is projected to increase to 26,868
10 by 2030 – a 40% increase in 15 years.

11 (9) Over 70% of veterans in the City are over the age of 55 and 28% of those
12 have disabilities. As of 2015, 40% of all veterans rely on Veterans Administration health care
13 with the remainder reliant on outside agencies to provide care, representing a massive
14 undertaking by community based organizations.

15 (10) As of 2015, approximately 60% of people with HIV in San Francisco were
16 over 50 years old. In 2020, it is estimated, 70% of people with HIV in San Francisco will be
17 over 50 years old.

18 (11) In 2013, the Insight Center determined that a single person 65 years of age
19 or older needed a monthly income of \$2,526 to rent housing and meet his or her basic needs in
20 San Francisco. At that time, the fair market rent for a one-bedroom apartment was \$1,500 a
21 month and 62% of all Seniors could not afford that rent. As of 2016, the fair market monthly
22 rent for the same apartment is \$1,635. Many apartments have higher rents. The median rent for
23 a one bedroom apartment in San Francisco is now approximately \$3,600 per month.

24
25 / / /

1 **SEC. 16.128-2. GOALS OF THE DIGNITY FUND.**

2 The goals of expenditures from the Fund and the planning process created in
3 Charter Sections 16.128-1 through 16.128-12, shall be:

4 (a) To ensure that San Francisco's Seniors and Adults with Disabilities are provided the
5 opportunity to age with dignity and with affordable, quality services and support.

6 (b) To ensure San Francisco is an aging- and disability-friendly city, helping individuals
7 age with dignity in communities as an important part of the City population and civic culture.

8 (c) To focus on the prevention of problems and on supporting and enhancing the
9 strengths of older adults, people with disabilities, and their hands-on care providers.

10 (d) To complement the City's housing and community development efforts by providing
11 needed long-term services and support in housing to keep individuals in their homes and
12 communities.

13 (e) To strengthen a community-based network of services and support in all
14 neighborhoods.

15 (f) To ensure that Seniors and Adults with Disabilities receive maximum benefit from the
16 Fund and that equity is a guiding principle of the funding process.

17 (g) To distribute funds based on best practices, the highest need, and successful and
18 innovative models in order to ensure maximum impact.

19 (h) To the maximum extent feasible, to distribute funds equitably among services for all
20 eligible groups, regardless of race, ethnicity, sexual orientation, or gender identity or other
21 identifying characteristics.

22 (i) To ensure Seniors and Adults with Disabilities are provided with gender responsive
23 and culturally competent services.

1 (j) To strengthen collaboration around shared and agreed upon outcomes among service
2 providers for Seniors and Adults with Disabilities and their hands-on care providers, including
3 collaboration among public agencies and non-profit organizations.

4 (k) To fill gaps in services.

5 (l) To leverage other resources whenever feasible.

6 (m) To support programs that prioritize:

7 (1) Stabilizing people, through food, homecare, transportation, and case
8 management services;

9 (2) Stabilizing housing to permit people to age in place successfully, through
10 eviction protection, housing preservation, and accessibility improvements to existing housing;

11 (3) Preventive health care and healthy aging;

12 (4) Supporting transitions to the best home and community care and support,
13 through ombudsman services, transitional care programs, and navigation assistance; and

14 (5) Caregiver support.

15
16 **SEC. 16.128-3. ANNUAL CONTRIBUTIONS TO THE FUND.**

17 (a) Annual Contributions to the Fund. Each year during the term of Charter
18 Section 16.128-1 et seq., the City shall make an annual contribution to the Fund, as specified in
19 this Section 16.128-3, from any legally available sources.

20 (b) FY 2017-2018 through FY 2026-2027. The City's contribution to the Fund for fiscal
21 year 2017-2018 shall be \$41 million. Each year for fiscal years 2018-2019 through 2026-2027,
22 the City shall increase its contribution to the Fund by \$3 million over the prior year, until the
23 required contribution reaches \$68 million for fiscal year 2026-2027.

24 (c) Projected Budget Deficits. Notwithstanding the provisions of subsection (b), the City
25 may freeze the City's annual contribution to the Fund for any fiscal year 2017-2018 through

1 2026-2027 at the then-current amount when the City's projected budget deficit for the upcoming
2 fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared
3 jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget
4 Analyst exceeds \$200 million, adjusted annually by the percentage increase or decrease in
5 aggregate City discretionary revenues, as determined by the Controller, based on calculations
6 consistent from year to year. In determining aggregate City discretionary revenues, the
7 Controller shall only include revenues received by the City that are unrestricted and may be
8 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

9 (d) FY 2027-2028 through FY 2036-2037. For fiscal years 2027-28 through 2036-2037,
10 the City's annual contribution to the Fund shall equal its total contribution for the prior year,
11 beginning with Fiscal Year 2026-2027, adjusted by the percentage increase or decrease in
12 aggregate City discretionary revenues, as determined by the Controller, based on calculations
13 consistent from year to year.

14 (e) The City may in any year contribute more to the Fund than the amounts required
15 under subsections (a) through (d), but those increases shall not alter or affect the amounts of the
16 City's required contributions for subsequent years.

17 (f) The Controller shall maintain the Fund separate and apart from all other City funds.
18 Any amount in the Fund unspent or uncommitted at the end of the fiscal year shall be carried
19 forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this
20 Charter, shall be appropriated then or thereafter for the services and purposes specified in
21 Section 16.128-4.

22
23 **SEC. 16.128-4. ELIGIBLE SERVICES.**

24 The City shall only use monies from the Fund for the following categories of services and
25 purposes, to benefit Seniors and Adults with Disabilities:

1 (a) Home and Community Based Long Term Care and Support: Home care, adult day
2 health care, adult social day care, IHSS emergency homecare, short term interim housing
3 options, housing stabilization and support services, respite care, transitional housing for those
4 leaving institutional care, related transportation (not already mandated or funded), accessible
5 transportation programs, and other similar services funded through the City's Aging and Adult
6 Services Community Living Fund, or any successor legislation.

7 (b) Food and Nutrition Programs: Nutrition programs, including group meals,
8 home-delivered meals, home-delivered groceries, food stamps outreach, and related education
9 and outreach programs such as chronic disease self-management programs.

10 (c) Consumer and Caregiver Education, Empowerment, and Support: Programs
11 including computers and digital learning, peer support programs, employment and training
12 programs not otherwise mandated, senior companions, information and assistance programs,
13 health insurance counseling and advocacy counseling, service connection programs, including
14 resource centers supporting those with Alzheimer's disease and dementia, and family caregiver
15 support programs.

16 (d) Senior/Disabled Community and Service Centers: Programs including senior
17 centers, neighborhood-based village projects and similar programs, case management and care
18 coordination, housing-based service connection programs, and other community-building
19 activities that lead to more aging- and disability-friendly neighborhoods.

20 (e) Empowerment, Self-Advocacy and Legal Services Programs: Programs including
21 benefits counseling and advocacy, eviction prevention, housing advocacy, long term care
22 consumer rights, ombudsman programs, naturalization services, legal services and support, and
23 IHSS/Supplemental Security Income ("SSI")/Medi-Cal advocacy, including strengthening share
24 of cost options.

1 (f) Health and Wellness Promotion: Programs including abuse and fraud prevention,
2 grief counseling and suicide prevention, telephone reassurance, medication management, money
3 management, and behavioral health not otherwise funded or mandated, health promotion and
4 screening, and other activities that promote well-being and decrease social isolation.

5 (g) Targeted Services: Outreach, planning and targeted services and support to LGBT
6 seniors, veterans, ethnic communities, people with disabilities and chronic conditions, their
7 caregivers and other high-need groups as strong and integrated components of the service
8 categories above.

9 (h) Funding for the Department of Aging and Adult Services to staff the Oversight and
10 Advisory Committee created in Section 16.128-11 (“Oversight and Advisory Committee”), and
11 to support planning and evaluation processes, and facilitate funding allocation;

12 (i) Administration of the Fund and evaluation of Fund goals and services;

13 (j) Technical assistance and capacity-building for service providers and community-
14 based partners; and,

15 (k) Services that supplement, expand, or enhance existing programs for Seniors or
16 Adults with Disabilities.

17
18 **SEC. 16.128-5. EXCLUDED SERVICES.**

19 Notwithstanding Section 16.128-4, services paid for by the Fund shall not include:

20 (a) Services provided by the Police Department or other law enforcement agencies,
21 courts, the District Attorney, Public Defender, City Attorney, the Fire Department, and detention
22 or probation services mandated by state or federal law;

23 (b) Any service that benefits Seniors or Adults with Disabilities incidentally or only as
24 members of a larger population of adults;

1 (c) Any service realigned by the State or for which a fixed or minimum level of
2 expenditure is mandated and funded by state or federal law, to the extent of the level of funding
3 provided;

4 (d) Acquisition of any capital item unless for the primary and direct use by Seniors and
5 Adults with Disabilities and that is necessary for the expansion of services and support;

6 (e) Acquisition, other than by lease for a term of ten years or less, of any real property
7 or land, or capital expenditures, or predevelopment or construction costs for housing;

8 (f) Maintenance, utilities, or any similar operating costs of any facility not used
9 primarily and directly by Seniors and Adults with Disabilities or of any recreation or park
10 facility, library, hospital, or housing;

11 (g) Medical health services, other than prevention, education, and behavioral and
12 mental health support services; or

13 (h) Services provided by hospitals and long-term care institutions.

14
15 **SEC. 16.128-6. PLANNING CYCLE.**

16 (a) The City shall appropriate monies from the Fund according to a four-year planning
17 process. This process is intended to: (1) increase transparency, accountability, and public
18 engagement; (2) provide time and opportunities for community participation and planning;
19 (3) ensure program stability; and (4) maximize the effectiveness of the services funded.

20 (b) Year 1 - Community Needs Assessment. Beginning in fiscal year 2017-2018 and
21 during every fourth fiscal year thereafter, DAAS shall conduct a Community Needs Assessment
22 (CNA) to identify services to receive monies from the Fund. The CNA shall include qualitative
23 and quantitative data sets collected through interviews, focus groups, surveys, or other outreach
24 mechanisms to determine service gaps and unmet needs. In conducting the CNA, DAAS shall
25 also review needs assessments prepared by community and other governmental entities. Subject

1 to the budgetary and fiscal provisions of the Charter, DAAS may contract with consultants and
2 outside experts for such services as it may require to prepare the CNA. DAAS shall undertake a
3 robust community process to solicit input from Seniors and Adults with Disabilities, in
4 consultation with the Mayor's Office on Disability or any successor agency.

5 DAAS shall, in consultation with the Oversight and Advisory Committee, develop a plan
6 for how to conduct the CNA with the Oversight and Advisory Committee. The CNA shall include
7 a gap analysis comparing actual performance with potential or desired performance and an
8 equity analysis of services and resources for Seniors, Adults with Disabilities, and their
9 caregivers.

10 DAAS shall develop a set of equity metrics to be used to establish a baseline of existing
11 services and resources for Seniors and Adults with Disabilities in low-income neighborhoods
12 and disadvantaged communities, compared to services and resources available in the City as a
13 whole. This equity analysis shall include an examination of eligibility for existing programs and
14 will seek to provide more services and support for those low and modest income residents who
15 are not currently eligible for assistance with home and community-based services.

16 The outreach for the CNA shall create opportunities for a robust cross-section of
17 stakeholders, including Seniors, Adults with Disabilities, their caregivers, nonprofit agencies,
18 and other members of the public, to provide input. By September 1, DAAS shall provide its plan
19 for conducting the CNA to the Oversight and Advisory Committee, the Service Provider Working
20 Group created in Section 16.128-11(e), the Aging and Adult Services Commission and the Board
21 of Supervisors. The plan shall be a public document.

22 By March 1, DAAS shall complete a draft CNA and provide this draft to the Oversight
23 and Advisory Committee and the Service Provider Working Group for review. DAAS shall also
24 provide the draft CNA to interested City departments and commissions, including but not limited
25 to the Aging and Adult Services Commission, the Mayor's Office on Disability, the Long Term

1 Care Coordinating Council, the Human Services Commission, the Health Commission, the
2 Recreation and Park Commission, the Adult Probation Department, the Veterans Affairs
3 Commission, the Commission on the Status of Women, the Police Commission, the Library
4 Commission, and the Arts Commission. The CNA shall include an Executive Summary and clear
5 description of the categories of services provided and unmet needs to be addressed.

6 By April 1, DAAS shall submit a final version of the CNA to the Aging and Adult Services
7 Commission and the DAAS Advisory Council. The final version of the CNA may incorporate any
8 comments or suggestions made by the Oversight and Advisory Committee, the public, or the
9 agencies that received copies of the draft CNA. The Aging and Adult Services Commission and
10 the Oversight and Advisory Committee shall hold a joint public hearing to review the CNA.

11 By May 1, the Aging and Adult Services Commission shall provide input on and approve
12 or disapprove the CNA. If the Aging and Adult Services Commission disapproves the report,
13 DAAS may modify and resubmit the report.

14 By June 1, the Board of Supervisors shall consider and approve or disapprove, or
15 modify, the CNA. If the Board disapproves the CNA, DAAS may modify and resubmit the CNA,
16 provided, however, that the City may not expend monies from the Fund until the Board of
17 Supervisors has approved the CNA.

18 (c) Year 2 – Services and Allocation Plan. Beginning in fiscal year 2018-2019 and
19 during every fourth fiscal year thereafter, DAAS, in consultation with the Oversight and
20 Advisory Committee, shall prepare a Services and Allocation Plan (“SAP”) to determine
21 services that will receive monies from the Fund. All services identified in Section 16.128-4 are
22 potentially eligible to receive funding, but DAAS is not required to classify allocations according
23 to the service categories in that section. DAAS shall use the following process to prepare the
24 SAP:

1 (1) DAAS shall disseminate a draft SAP to interested City departments and
2 commissions, including but not limited to the Aging and Adult Services Commission , the
3 Mayor’s Office on Disability, the Long Term Care Coordinating Council, the Human Services
4 Commission, the Health Commission, the Recreation and Park Commission, the Adult Probation
5 Department, the Commission on the Status of Women, the Police Commission, the Library
6 Commission, and the Arts Commission. In preparing the draft SAP, DAAS shall confer with the
7 Department of Children, Youth and Their Families to coordinate funding for services for
8 Transitional-Aged Youth, as defined in Charter Section 16.108(e), with Disabilities from both the
9 Dignity Fund and the Children and Youth Fund.

10 The SAP must:

11 (A) Demonstrate consistency with the CNA and with Citywide vision and
12 goals for the Fund;

13 (B) Include all services for Seniors and Adults with Disabilities to secure
14 and utilize the services and support necessary to age with dignity in their own homes and
15 communities.

16 (C) Be outcome-oriented and include goals and measurable and
17 verifiable objectives and outcomes;

18 (D) Include capacity-building and evaluation of services as separate
19 funding areas;

20 (E) State how services will be coordinated and have specific amounts
21 allocated towards specific goals, service models, populations, and neighborhoods;

22 (F) Include funding for neighborhood-initiated projects totaling at least
23 3% of the total proposed expenditures from the Fund for the four-year planning cycle established
24 in this Section 16.128-6;

1 (G) Include funding for pilot programs to develop and test new and
2 innovative programs, in an amount not to exceed 3% of the total proposed expenditures from the
3 Fund for the cycle;

4 (H) Include funding for an undesignated contingency reserve, in an
5 amount not to exceed 2% of the total proposed expenditures from the Fund for the cycle;

6 (I) Include, as a separate line item, an allocation of funds required for the
7 preparation, monitoring, and evaluation of the CNA and SAP required under this
8 Section 16.128-6 and the Evaluation and Data Report required under Section 16.128-7;

9 (J) Include evaluation data from the previous funding cycle; and

10 (K) Incorporate strategies to coordinate and align services for Seniors
11 and Adults with Disabilities funded by all governmental or private entities and administered by
12 the City, whether or not those services are eligible to receive monies from the Fund.

13 (2) The SAP shall reference the gap analysis and equity analysis of services and
14 resources for Seniors, Adults with Disabilities, and their caregivers included in the CNA. Using
15 the equity metrics developed for preparation of the CNA, the SAP shall compare proposed new,
16 augmented, and coordinated services and resources for low-income and moderate-income
17 neighborhoods and disadvantaged communities with services and resources available to the City
18 as a whole.

19 (3) Subject to the budgetary and fiscal provisions of the Charter, DAAS may
20 contract with consultants and outside experts for such services as the Department may require to
21 prepare the SAP, including the equity analysis of services and resources for Seniors, Adults with
22 Disabilities, and their caregivers.

23 (4) The Board of Supervisors shall by ordinance outline the timeline for the
24 development of the Services and Allocation Plan. Prior to completion of the first SAP and while
25

1 the first planning cycle is in process, DAAS, in consultation with the Oversight and Advisory
2 Committee, may expend monies from the Fund based on existing needs assessment analysis.

3 (d) Years 3 and 4 – Selection of Contractors. Beginning with Fiscal Years 2019-2020
4 and 2020-2021 and during every fourth fiscal year thereafter, DAAS shall conduct competitive
5 solicitations for services to be funded from the Fund. Requests for proposals will be grouped by
6 issue area and spread out on a schedule known in advance to provide for a smooth and efficient
7 timeline. The Human Services Agency and the Department of Aging and Adult Services shall
8 work together and manage resources so that the RFP process will keep to the schedule and
9 contract awards will be made within a reasonable time.

10 (e) Years 3 and 4 – Service Cycle Begins. Contracts for services shall start on July 1,
11 beginning with Fiscal Year 2019-2020. During subsequent years of the four-year planning cycle
12 established in this Section 16.128-6, DAAS, with the approval of the Oversight and Advisory
13 Committee, may issue supplemental competitive solicitations to address amendments to the SAP
14 and emerging needs.

15 (f) DAAS may recommend, and the Oversight and Advisory Committee and the Board of
16 Supervisors may approve, changes to the due dates and timelines provided in this
17 Section 16.128-6. The Board of Supervisors shall approve such changes by ordinance.

18
19 **SEC. 16.128-7. EVALUATION.**

20 DAAS shall provide for the evaluation on a regular basis of all services funded through
21 the Fund, and shall prepare on a regular basis an Evaluation and Data Report for the Oversight
22 and Advisory Committee. Subject to the budgetary and fiscal provisions of the Charter, DAAS
23 may contract with consultants and outside experts for such services as the Department may
24 require to conduct such evaluations and to prepare the Evaluation and Data Report. This
25

1 evaluation process is intended to be reasonable in scope and to build on and strengthen existing
2 program evaluations.

3
4 **SEC. 16.128-8. SELECTION OF CONTRACTORS.**

5 The Oversight and Advisory Committee shall recommend standards and procedures for
6 the selection of contractors to be funded from the Fund. It shall be the policy of the City to use
7 competitive solicitation processes where appropriate and to give priority to the participation of
8 non-profit agencies.

9
10 **SEC. 16.128-9. IMPLEMENTATION.**

11 (a) The Board of Supervisors may by ordinance implement Sections 16.128-1 through
12 16.128-12.

13 (b) In implementing Sections 16.128-1 through 16.128-12, primary goals shall include
14 facilitating public participation and maximizing availability of information to the public.

15
16 **SEC. 16.128-10. EFFECT OF PROCEDURAL ERRORS.**

17 No appropriation, contract, or other action shall be held invalid or set aside by reason of
18 any error, including without limitation any irregularity, informality, neglect, or omission, in
19 carrying out procedures specified in Sections 16.128-1 through 16.128-12, unless a court finds
20 that the party challenging the action suffered substantial injury from the error and that a
21 different result would have been probable had the error not occurred.

22
23 **SEC. 16.128-11. ADVISORY COMMITTEE.**

24 (a) Creation. There shall be a Dignity Fund Oversight and Advisory Committee
25 ("Oversight and Advisory Committee") to monitor and participate in the administration of the

1 Dignity Fund as provided in Charter Section 16.128-1 et seq., and to take steps to ensure that the
2 Fund is administered in a manner accountable to the community.

3 (b) Responsibilities.

4 (1) The Oversight and Advisory Committee shall develop recommendations for
5 DAAS and the Fund regarding outcomes for services to Seniors and Adults with Disabilities, the
6 evaluation of services, common data systems, a process for making funding decisions, program
7 improvement and capacity-building of service providers, community engagement in planning
8 and evaluating services, leveraging dollars of the Fund, and the use of the Fund as a catalyst for
9 innovation. The Oversight and Advisory Committee shall promote and facilitate transparency
10 and accountability in the administration of the Fund and in the planning and allocation process.

11 (2) As provided in Section 16.128-6, the Oversight and Advisory Committee shall
12 provide input into the planning process for the Community Needs Assessment (“CNA”) and the
13 final CNA, the Services and Allocation Plan, and the over-all spending plan for the Fund to be
14 presented to the Aging and Adult Services Commission, and shall review the annual Data and
15 Evaluation Report. Nothing in this Section 16.128-11 shall limit the authority of the Mayor and
16 the Board of Supervisors to propose, amend, and adopt a budget under Article IX of the Charter.

17 (3) The Oversight and Advisory Committee shall establish and maintain a Service
18 Provider Working Group as provided in subsection (e).

19 (4) The Oversight and Advisory Committee shall meet at least six times a year.

20 (c) Composition. The Oversight and Advisory Committee shall have 11 members. The
21 Aging and Adult Services Commission shall appoint two of its members to the Oversight and
22 Advisory Committee. The Advisory Council to the Department of Aging and Adult Services shall
23 appoint three of its members to the Oversight and Advisory Committee. And the Long Term
24 Care Council shall appoint three of its members to the Oversight and Advisory Committee. The
25 Mayor shall appoint the remaining three at-large members of the Oversight and Advisory

1 Council, subject to confirmation by the Board of Supervisors. If the Board fails to act on the
2 Mayor's appointments within 60 days of their submittal to the Board, the appointments shall be
3 deemed confirmed.

4 The appointing authorities shall appoint the initial members by February 1, 2017. The
5 terms of the initial appointees to the Committee shall commence on the date of the first meeting
6 of the Committee, which may occur when at least eight members have been appointed and are
7 present.

8 (d) Implementation. The Board of Supervisors shall further provide by ordinance for the
9 membership, structure, functions, appointment criteria, terms, and administrative and clerical
10 support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such
11 legislation to be effective by January 1, 2017.

12 (e) Service Provider Working Group. The Oversight and Advisory Committee shall
13 create a Service Provider Working Group ("Working Group") to advise the Oversight and
14 Advisory Committee on funding priorities, policy development, the planning cycle, evaluation
15 design and plans, and any other issues of concern to the Working Group related to the Fund or
16 the responsibilities of DAAS or other departments receiving monies from the Fund. The Working
17 Group shall engage a broad cross-section of service providers in providing information,
18 education, and consultation to the Oversight and Advisory Committee. All members of the
19 Working Group shall be actively providing services to Seniors, Adults with Disabilities, and their
20 caregivers. DAAS staff shall provide administrative and clerical support to the Working Group.
21 The Working Group shall meet at least four times a year. The Oversight and Advisory
22 Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible
23 for developing the structure of the Working Group and facilitating the meetings. After the terms
24 of the initial co-chairs expire, the Working Group shall select its own chairs. Working Group
25 meetings shall be open to the public and encourage widespread participation.

1
2 **SEC. 16.128-12. SUNSET.**

3 The provisions of Sections 16.128-1 through 16.128-12 shall expire at the end of Fiscal
4 Year 2036-37.

5
6 **SEC. 4.120. AGING AND ADULT SERVICES COMMISSION-~~ON~~ AGING.**

7 The Aging and Adult Services Commission ~~on the Aging~~ shall consist of seven members
8 appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be
9 removed by the Mayor. The Commission shall oversee the Department of Aging and Adult
10 Services, including the functions of the Public Guardian/Administrator, as well as carry out any
11 additional duties and functions assigned to the Commission by ordinance or pursuant to
12 Section 4.132. ~~The duties and functions of the Commission shall be assigned pursuant to Section~~
13 4.132.

14
15 Section 2. The provisions of this Charter amendment shall become operative on
16 January 1, 2017, unless otherwise provided in the legislation.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20
21 By: _____


THOMAS J. OWEN
Deputy City Attorney

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LEGISLATIVE DIGEST

(Second Draft – 6/23/2016)

[Charter Amendment – Dignity Fund]

Describing and setting forth a proposal to the voters, at an election to be held on November 8, 2016, to amend the Charter of the City and County of San Francisco to: 1) establish the Dignity Fund to support Seniors and Adults with Disabilities; 2) require an annual contribution by the City to the Fund starting at \$41 million for fiscal year 2017-2018, and increasing by \$3 million a year for the next 9 years until the annual contribution reaches \$68 million in fiscal year 2026-2027, and continuing at that amount, adjusted annually for changes in aggregate discretionary City revenues, for the next 10 years until fiscal year 2036-2037; 3) establish a planning process for expenditures from the Fund; 4) create an Oversight and Advisory Committee; 5) set an expiration date of June 30, 2037; and, 6) change the Commission on Aging to the Aging and Adult Services Commission and update its responsibilities.

Existing Law

The City currently does not have a specific fund to pay for services to seniors and adults with disabilities.

The City has a Commission on Aging that oversees programs for seniors and related programs, including programs for adults with disabilities.

Amendments to Current Law

The proposal is a Charter amendment that would create a Dignity Fund to pay for increased programs and services to assist seniors and adults with disabilities.

Each year during the 20-year term of the amendment, the City would be required to make an annual contribution to the Fund from any legally available sources. For fiscal year 2017-2018, the City's contribution would be \$41 million. For fiscal years 2018-2019 through 2026-2027, the City would increase its contribution to the Fund each year by \$3 million over the prior year's amount, until the required contribution reached \$68 million for fiscal year 2026-2027:

FY 2017-2018	\$41 million
FY 2018-2019	\$44 million
FY 2019-2020	\$47 million

FY 2020-2021	\$50 million
FY 2021-2022	\$53 million
FY 2022-2023	\$56 million
FY 2023-2024	\$59 million
FY 2024-2025	\$62 million
FY 2025-2026	\$65 million
FY 2026-2027	\$68 million

During this period, the City could freeze its contribution to the Fund at the then-current amount when the City faced a projected budget deficit exceeding \$200 million. For fiscal years 2027-28 through 2036-2037, the City's annual contribution to the Fund would equal its contribution for the prior year, adjusted for changes in aggregate City discretionary revenues.

The proposal would define what types of services could be supported by the Fund, and would establish a four-year planning process for spending from the Fund. As part of each four-year cycle, the Department of Aging and Adult Services (DAAS), in consultation with other City agencies, would prepare a Community Needs Assessment, a Services and Allocation Plan, and an Equity Analysis. The proposal would require evaluation on a regular basis of services and programs supported by the Fund.

The proposal would create an Oversight and Advisory Committee and establish its powers and duties. The Committee would consist of 11 members. The Mayor would appoint and the Board of Supervisors would confirm 3 at-large members. The remaining members would be drawn from the City's Aging and Adult Services Commission, the Advisory Council to DAAS, and the Long Term Care Council. The Oversight and Advisory Committee would establish a Service Provider Working Group to work with the Committee.

The Fund, including the mandatory annual contribution, would expire at the end of fiscal year 2036-2037.

The proposal would also re-name the "Commission on Aging" as the "Aging and Adult Services Commission." The Commission would oversee DAAS.