

1 [Restoring HIV/AIDS funding to the FY 03-04 spending level; authorizing the backfill of Ryan
2 White CARE Act reductions for federal fiscal year 06-07; requiring the development of an
3 expenditure plan; reserving nine months of funding pending Board approval.]

4 **Motion amending the motion to approve the budget to restore HIV/AIDS services**
5 **funding to the FY 03-04 actual expenditure level by adding up to \$6.2 million from any**
6 **lawful source, authorizing the backfill of potential Ryan White CARE Act reductions in**
7 **FY 06-07, requiring an expenditure plan; placing nine months on reserve.**

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9 WHEREAS, The City and County of San Francisco has long supported people living
10 with HIV in an era of apathy and hostility from the federal government, providing additional
11 lifesaving support during the Ronald Reagan, George H.W. Bush and George W. Bush
12 administrations to keep our residents alive; and

13 WHEREAS, In spite of a challenging national environment, San Francisco's "system of
14 care" has become an international model of effectively responding to the AIDS pandemic,
15 which has claimed the lives more than 25,000 San Franciscans; and

16 WHEREAS, The Mayor's Proposed Budget for Fiscal Year 2005-2006, as submitted,
17 reported a change from \$71 million to \$56 million in the Public Health Department's HIV/AIDS
18 Program, a \$15 million cut in support for HIV/AIDS services, resulting from both a General
19 Fund reduction and reduced federal grants; and

20 WHEREAS, The Mayor's Budget Office and Controller reported that this \$15 million cut
21 in one year was incorrect, that only \$6 million was reduced last year; and

22 WHEREAS, The fact sheet published by the Mayor's Budget Office related to this issue
23 is on file with the Clerk of the Board of Supervisors in File No. , which is hereby declared
24 to be a part of this motion as if set forth fully herein; and

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1 WHEREAS, Information contained in the Mayor's budget submission indicates that the
2 actual spending in Fiscal Year 2003-2004 was \$65,197,975; and

3 WHEREAS, The Mayor's Budget Office released a technical adjustment to restore \$1.5
4 million for proposed General Fund cuts in FY 2005-2006, and the Board of Supervisors thanks
5 the Mayor's Budget Director for this restoration; and

6 WHEREAS, The Board of Supervisors Budget and Finance Committee restored an
7 additional \$1.5 million to backfill certain Ryan White CARE Act cuts, and the Board of
8 Supervisors thanks the members of the Budget and Finance Committee; and

9 WHEREAS, These changes restore \$3 million, or 50% of the FY 05-06 reduction,
10 leaving \$3 million unfunded; and

11 WHEREAS, Part of the \$3 million that remains unfunded reflects \$1.6 million in mid-
12 year General Fund supportive service cuts in complementary therapies, legal and immigration
13 services, children's services, psychiatry and adult day health at community based agencies
14 and the University of California's Department of Psychiatry; and

15 WHEREAS, The balance of this \$3 million is related to reductions in grants, an area the
16 Mayor's Office indicates isn't reflected accurately in the budget submission; and

17 WHEREAS, As provided in the Ryan White Comprehensive AIDS Resources
18 Emergency (CARE) Act, the San Francisco Department of Public Health is the grantee for the
19 San Francisco Eligible Metropolitan Area (EMA), comprised of San Francisco, San Mateo and
20 Marin counties, and the Mayor of San Francisco is deemed the Chief Elected Official for the
21 EMA, who is required by law to assure that provisions of the federal law are met; and

22 WHEREAS, The Mayor of San Francisco may personally attest that San Francisco will
23 meet the requirements or may assign that responsibility to a designee; and

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1 WHEREAS, The CARE Act contains a provision related to maintenance of effort,
2 codified in Section 2605(a) of the Act, which requires localities expend local funds in an
3 amount no less than the prior year's level as a condition of the grant award; and

4 WHEREAS, The CARE Act also contains a provision that limits reductions in the
5 formula award to no more than five percent, and San Francisco has consistently lost funding
6 at that maximum rate since the provision's inclusion in 1996;

7 WHEREAS, In FY 03-04 and 04-05, a Health Department employee below the rank of
8 Health Director signed these assurances, but budget changes may have been implemented
9 by higher-ranking City officials after these assurances were made that may have changed the
10 overall level of local expenditures; and

11 WHEREAS, Federal guidance from the federal Department of Health and Human
12 Services that in relevant part says that "the Secretary of Health and Human Services may not
13 make a grant under Title I unless the EMA demonstrates compliance with maintenance of
14 effort" is on file with the Clerk of the Board of Supervisors in File No. , which is hereby
15 declared to be a part of this motion as if set forth fully herein

16 WHEREAS, The San Francisco Board of Supervisors, as the agency assigned
17 fiduciary responsibility under the Charter of the City and County of San Francisco, explicitly
18 reiterates its commitment to meet and, when possible, exceed the maintenance of effort; and

19 WHEREAS, The San Francisco Board of Supervisors supports doing whatever is
20 possible to help limit the impact of federal cuts on the lives of people living with HIV/AIDS in
21 San Francisco; now, therefore, be it

22 MOVED, that the Board of Supervisors amends the motion to adopt the budget by
23 adding up to \$6.2 million from any lawful source at the direction of the Mayor's Budget Office,
24 so that the net effect is that the City's HIV/AIDS program budget is equal to the level of
25 expenditure in the 2003-2004 fiscal year; and, be it

1 FURTHER MOVED, That the Board of Supervisors reserves the equivalent of nine
2 months of funding added by the Board of Supervisors or by technical adjustment on full Board
3 reserve, and requests the Mayor's Budget Office work with the Health Department to provide
4 a plan for the expenditure of these funds that only funds services no later than September 1
5 that meets the following criteria:

- 6 1. The plan primarily uses all of the additional funds to provide direct HIV related
7 services to persons living with HIV/AIDS and those at risk of HIV infection;
- 8 2. The plan has been presented to the HIV Health Services Planning Council and HIV
9 Prevention Planning Council for their comments, and has been reviewed by the
10 Health Commission;
- 11 3. The plan uses cost effective approaches to reach persons living with AIDS and HIV
12 in areas of the City where persons are reported as out of care and includes and
13 evaluation component
- 14 4. The plan may include the use of some funds to advocate for appropriate federal and
15 state policies that deliver essential federal and state support to San Francisco; and,
16 be it

17 FURTHER MOVED, That the Board of Supervisors requires the Health Department to
18 present a separate resolution apart from the Annual Appropriation Ordinance to accept and
19 expend the Ryan White CARE Act Title I grant for federal FY 06-07, subject to review by the
20 Board of Supervisors' Budget Analyst; and, be it

21 FURTHER MOVED, That the Health Commission, acting with the approval of the
22 Mayor or the Board of Supervisors, may backfill FY 06-07 CARE formula losses from the
23 General Fund Reserve or unanticipated Health Department revenues, which are hereby
24 automatically appropriated; and, be it

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1 FURTHER MOVED, That the final amount appropriated as a result of this motion is
2 determined to be our maintenance of effort, and the Budget Analyst is requested to provide
3 that figure to the Clerk of the Board of Supervisors.

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