

File No. 140556

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date June 30, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Charter Amendment |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | CEGA Determination, dtd 5/30/14 |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Miller Date June 27, 2014

Completed by: _____ Date _____

1 [Charter Amendment - Population-Based Adjustment to General Fund Appropriation to the
2 Transportation Fund]

3 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
4 **County of San Francisco to adjust the required annual appropriation from the General**
5 **Fund to the Transportation Fund annually to reflect increases in the population of San**
6 **Francisco at an election to be held on November 4, 2014; and making environmental**
7 **findings.**

8 Section 1. The Planning Department has determined that the actions contemplated in this
9 proposed Charter Amendment comply with the California Environmental Quality Act (California
10 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of
11 the Board of Supervisors in File No. 140556 and is incorporated herein by reference.

12 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
13 and County, at an election to be held on November 4, 2014, a proposal to amend the Charter of
14 the City and County by revising Section 8A.105 to read as follows:

15 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
16 **Additions** are *single-underline italics Times New Roman font*.
17 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Charter
19 subsections.

20 **SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND.**

21 (a) There is hereby established a fund to provide a predictable, stable, and adequate
22 level of funding for the Agency, which shall be called the Municipal Transportation Fund. The
23 fund shall be maintained separate and apart from all other City and County funds. Monies therein
24 shall be appropriated, expended, or used by the Agency solely and exclusively for the operation
25 including, without limitation, capital improvements, management, supervision, maintenance,
extension, and day-to-day operation of the Agency, including any division subsequently created
or incorporated into the Agency and performing transportation-related functions. Monies in the
Fund may not be used for any other purposes than those identified in this Section.

1 (b) Beginning with the fiscal year 2000-2001 and in each fiscal year thereafter, there is
2 hereby set aside to the Municipal Transportation Fund the following:

3 1. An amount (the "Base Amount") which shall be no less than the amount of all
4 appropriations from the General Fund, including all supplemental appropriations, for the fiscal
5 year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as
6 provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and
7 County commissions, departments and agencies providing services to the Municipal Railway,
8 including the Department of Human Resources and the Purchasing Department, for the provision
9 of those services. The Base Amount for the Department of Parking and Traffic and the Parking
10 Authority shall be established in the same fashion but using fiscal years 2000-2001 and 2001-
11 2002 for the services being incorporated into the Agency.

12 2. Subject to the limitations and exclusions in Sections 4.113, the revenues of the
13 Municipal Railway, and, upon their incorporation into the Agency, the revenues of the
14 Department of Parking and Traffic, and the Parking Authority; and

15 3. All other funds received by the City and County from any source, including state and
16 federal sources, for the support of the Agency.

17 (c) The Base Amount shall initially be determined by the Controller. Adjustments to the
18 Base Amount shall be made as follows:

19 1. The Base Amount shall be adjusted for each year after fiscal year 2000-2001 by the
20 Controller based on calculations consistent from year to year, by the percentage increase or
21 decrease in aggregate City and County discretionary revenues. In determining aggregate City and
22 County discretionary revenues, the Controller shall only include revenues received by the City
23 which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors
24 for any lawful City purpose. Errors in the Controller's estimate of discretionary revenues for a
25 fiscal year shall be corrected by adjustment in the next year's estimate.

1 2. An adjustment shall also be made for any increases in General Fund appropriations to
2 the Agency in subsequent years to provide continuing services not provided in the Base Year, but
3 excluding additional appropriations for one-time expenditures such as capital expenditures or
4 litigation judgments and settlements.

5 3. Commencing with the fiscal year beginning on July 1, 2015, the Controller shall also
6 adjust the Base Amount annually by the percentage increase in the San Francisco population
7 based on data from the source(s) the Controller, in his or her sole discretion, finds most reliable
8 for the most recent available calendar year. The Controller's population growth adjustment
9 shall be based on the greater of the increase in daytime or night-time population. For any year
10 in which the Controller determines that neither the daytime nor night-time population has
11 increased, the Controller shall make no adjustment under this subparagraph 3 to the Base
12 Amount. For purposes of the initial adjustment for the year commencing July 1, 2015, the
13 Controller shall adjust the Base Amount based on the increase in City daytime or night-time
14 population for the most recent ten year period for which data is available instead of the most
15 recent single calendar year. The Agency shall use the amount of any increase in the Base
16 Amount resulting from the adjustment required by this subparagraph 3 exclusively as follows:
17 75 per cent shall be used to make transit system improvements to the Municipal Railway to
18 improve the system's reliability, frequency of service, capacity, and state of good repair, and 25
19 per cent shall be used for transportation capital expenditures to improve street safety for all
20 users.

21 (d) The Treasurer shall set aside and maintain the amounts required to be set aside by
22 this Section, together with any interest earned thereon, in the Municipal Transportation Fund,
23 and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward,
24 together with interest thereon, to the next fiscal year for the purposes specified in this Article.
25

1 (e) It is the policy of the City and County of San Francisco to use parking-related
2 revenues to support public transit. To that end, the following parking-related revenues deposited
3 in the Transportation Fund shall be used to support the capital and operating expenses arising
4 from the Agency's transit functions:

5 1. Revenues from parking meters, except those amounts collected from parking meters
6 operated by the Recreation and Park Department and the Port Commission and except to the
7 extent that they are required by law to be dedicated to other traffic regulation and control
8 functions;

9 2. Revenues from off-street parking facilities under the jurisdiction of the Agency
10 (excluding facilities owned by the Parking Authority), including facilities leased to private
11 owners and non-profit corporations, except those amounts generated from any parking on or
12 below any land or facilities under the jurisdiction of the Recreation and Park Department and
13 except those amounts obligated by contract executed before 1993 to pay debt service;

14 3. Revenues from fines, forfeited bail, or penalties for parking violations, except those
15 amounts to be credited to the courthouse construction fund as provided in Administrative Code
16 Section 10.117-35.

17 (f) In addition, there is hereby set aside from the general revenues of the City and
18 County and deposited in the Transportation Fund to support the Agency's transit services an
19 amount equivalent to 80 percent of the revenues received from the City's tax on occupation of
20 parking spaces. Additional amounts appropriated as a result of this subsection after July 1, 2008
21 which were not previously available to support transit service shall be used exclusively to:

22 1. support implementation of the transit service improvements recommended by the
23 Transit Effectiveness Project or any subsequent system-wide route and service evaluation, with
24 first priority given to the hiring of full time on-going staff and expansion of training for Agency
25 employees, supervisors and managers; and

1 2. support the creation of a Labor-Management Implementation and Service
2 Improvement Committee consisting of the Director of Transportation and a designated
3 representative of each union representing Agency employees. This committee shall meet
4 quarterly to discuss implementation of this Section and ongoing system challenges.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: 
9 Julia M. C. Friedlander
 Deputy City Attorney

10 n:\leganas2014\1400023\00927650.doc

LEGISLATIVE DIGEST

[Charter Amendment - Population-Based Adjustment to General Fund Appropriation to Transportation Fund]

Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco to adjust the required annual appropriation from the General Fund to the Transportation Fund annually to reflect increases in the population of San Francisco at an election to be held on November 4, 2014; and making environmental findings.

Existing Law

1. The Charter requires the City to set aside a specified amount of General Fund revenue (the "Base Amount") to support the public transit and other transportation-related functions of the San Francisco Municipal Transportation Agency ("SFMTA").
2. The Controller is required to adjust the Base Amount each year to reflect increases or decreases in the City's aggregate discretionary revenues.

Amendments to Current Law

The proposed Charter Amendment would:

1. require the Controller to increase the Base Amount each year when there has been an increase in the City's daytime or night-time population; and
2. require the SFMTA to use 75% of any additional revenues to the Agency to make transit system improvements to the Municipal Railway to improve the system's reliability, frequency of service, capacity, and state of good repair and 25% of any additional revenues for capital expenditures to improve street safety for all users.

Background Information

In November, 1999, the voters approved a Charter Amendment known as Proposition E that created the SFMTA from the previously separate City departments the Municipal Railway and the Department of Parking and Traffic. Proposition E set aside certain funding for the SFMTA with the goal of providing a "predictable, stable and adequate" level of funding for the Agency.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 29, 2014

File No. 140556

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

Dear Ms. Jones:

On May 20, 2014, Supervisor Wiener introduced the following proposed Charter Amendment for the November 4, 2014 Election:

File No. 140556 Charter Amendment - Population-Based Adjustment to General Fund Appropriation to the Transportation Fund

Charter Amendment (First Draft) to amend the Charter to adjust the required annual appropriation from the General Fund to the Transportation Fund annually to reflect increases in the population of San Francisco at an election to be held on November 4, 2014; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Rules Committee

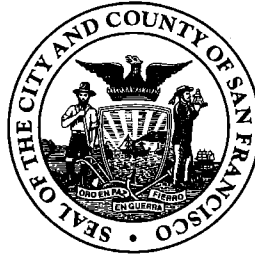
Attachment

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 Sections 15378 + 15060(c)(2)
because it does not result in
a physical change in the
environment.

A handwritten signature in cursive script that reads "Joy Navarrete".
5/20/14
JOY NAVARRETE

BOARD of SUPERVISORS



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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Ben Rosenfield, City Controller

FROM: Alisa Miller, Clerk, Rules Committee
Board of Supervisors

DATE: May 29, 2014

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 4, 2014 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 4, 2014 Election, introduced by Supervisor Wiener on May 20, 2014. This matter is being referred to you in accordance with Elections Code, Section 305(B)(2) and Rules of Order 2.22.3.

File No. 140556 Charter Amendment - Population-Based Adjustment to General Fund Appropriation to the Transportation Fund

Charter Amendment (First Draft) to amend the Charter to adjust the required annual appropriation from the General Fund to the Transportation Fund annually to reflect increases in the population of San Francisco at an election to be held on November 4, 2014; and making environmental findings.

Please review immediately and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns please call me at (415) 554-4447 or email: alisa.miller@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Monique Zmuda, Office of the City Controller
Peg Stevenson, Office of the City Controller

BOARD of SUPERVISORS



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Environmental Review Officer
Planning Department
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This legislation is being transmitted to you for environmental review.

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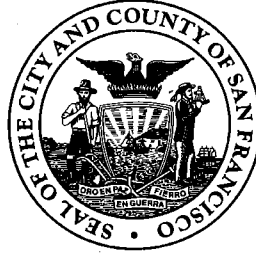
A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee 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

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MEMORANDUM

TO: Jason Elliott, Mayor's Office
Jon Givner, Office of the City Attorney
Naomi Kelly, City Administrator
John St. Croix, Executive Director, Ethics Commission
John Arntz, Director, Department of Elections
Harvey Rose, Budget and Legislative Analyst
Ed Reiskin, Executive Director, Municipal Transportation Agency
Jose Cisneros, Treasurer/Tax Collector
Micki Callahan, Director, Department of Human Resources

FROM: Alisa Miller, Clerk, Rules Committee
Board of Supervisors

DATE: May 29, 2014

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 4, 2014 Election

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File No. 140556 Charter Amendment - Population-Based Adjustment to General Fund Appropriation to the Transportation Fund

Charter Amendment (First Draft) to amend the Charter to adjust the required annual appropriation from the General Fund to the Transportation Fund annually to reflect increases in the population of San Francisco at an election to be held on November 4, 2014; and making environmental findings.

Please review immediately and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-4447 or email: alisa.miller@sfgov.org. To submit documentation, please forward to me at the Board of

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

- c: Debra Newman, Office of the Budget and Legislative Analyst
- Severin Campbell, Office of the Budget and Legislative Analyst
- Gabriela Loeza, Office of the Budget and Legislative Analyst
- Kate Breen, Municipal Transportation Agency
- Janet Martinsen, Municipal Transportation Agency
- Dillon Auyoung, Municipal Transportation Agency
- Greg Kato, Office of the Treasurer/Tax Collector

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor Wiener

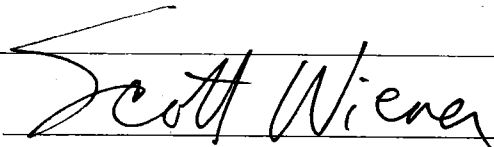
Subject:

Charter Amendment - Population-Based Adjustment to General Fund Appropriation to Transportation Fund

The text is listed below or attached:

Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco to adjust the required annual appropriation from the General Fund to the Transportation Fund annually to reflect increases in the population of San Francisco at an election to be held on November 4, 2014; and making environmental findings.

Signature of Sponsoring Supervisor:



For Clerk's Use Only: