

File No. 110710

Committee Item No. 6

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: June 29, 2011

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 checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget & Legislative Analyst Report          |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ethics Form 126                              |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <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"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |

#### OTHER

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Completed by: Victor Young

Date: June 24, 2011

Completed by: Victor Young

Date: \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

FILE NO. 110710

ORDINANCE NO.

1 [Administrative Code - Public Administrator/Public Guardian Representative Payee Services  
2 Fee]

3 **Ordinance amending the San Francisco Administrative Code by amending Section**  
4 **2A.211-A to add a fee of \$37 for services provided by the Public Administrator/Public**  
5 **Guardian Representative Payee Program.**

6 NOTE: Additions are single-underline italics Times New Roman;  
7 deletions are ~~strike-through italics Times New Roman~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strikethrough-normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Environmental Findings. The Planning Department has determined that the  
11 actions contemplated in this Ordinance are exempt from the California Environmental Quality  
12 Act (California Public Resources Code section 21000 et seq.). Said determination is on file  
13 with the Clerk of the Board of Supervisors in File No.110710 and is incorporated herein by  
14 reference.

15 Section 2. The San Francisco Administrative Code is hereby amended by amending  
16 Section 2A.211-A, to read as follows:

17 **Sec. 2A.211-A. Public Administrator/Public Guardian Representative Payee**  
18 **Program.**

19 (a) **Findings.** The Board of Supervisors finds that there are residents of the  
20 City and County of San Francisco who are recipients of Social Security Administration  
21 benefits, Department of Veteran's Affairs benefits, General Assistance, and other income from  
22 public and private sources who are unable to manage such income to their best advantage.

23 There are also residents of the City and County of San Francisco who are  
24 denied the payment of Social Security Administration benefits, Department of Veteran's  
25 Affairs benefits, General Assistance, and other income from public and private sources

1 because of mental and/or physical disability who would benefit from assistance in applying for  
2 and managing funds.

3 Therefore, the Board of Supervisors authorizes the Public Administrator-Public  
4 Guardian, pursuant to permission of the client, to receive, manage, and disburse income and  
5 benefits from public and private sources for those persons who receive such aid, but are  
6 unable to manage their funds.

7 And, further, that the Public Administrator-Public Guardian is authorized,  
8 pursuant to permission of the client, to provide assistance in applying for public and private  
9 resources to which the client may be entitled, but which are withheld or not paid because of a  
10 determination from the funding source that the recipient is incapable of managing such funds.

11 (b) **Public Guardian Representative Payee Program.** There shall be a  
12 program called the Public Guardian Representative Payee Program (hereinafter, "Program")  
13 created in the Office of the Public Administrator-Public Guardian. Upon agreement with the  
14 client, the Program may provide the following services: (1) Collect and deposit entitlement  
15 checks and other income into accounts managed by the Public Administrator-Public Guardian.  
16 (2) Redirect the client's bills including, but not limited to, rent and utility bills to the Program  
17 and pay these bills with the client's funds. (3) Make disbursements from the client's share of  
18 funds for the client's personal needs. (4) The Public Administrator-Public Guardian shall charge  
19 each client a monthly fee of ~~\$35.00~~ \$37.00 for services provided through the Representative Payee  
20 Program as authorized by California Government Code Section 27436 unless such client is otherwise  
21 legally exempt from payment of the fee. Clients demonstrating an inability to pay may qualify for a  
22 discretionary waiver of the fee as determined by the Public Administrator-Public Guardian or their  
23 designee.

1 (c) **Refunds.** Upon discharge or withdrawal from the Program, any and all  
2 amounts on deposit in the name of the client shall be refunded to him or her, or the  
3 succeeding fiduciary, if applicable.

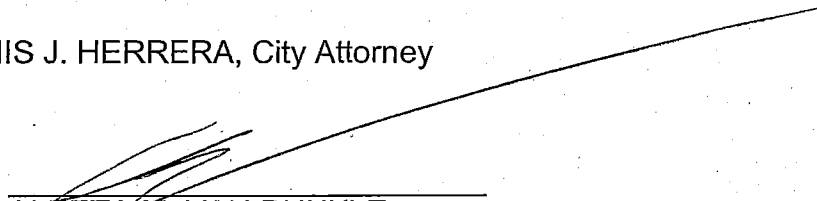
4 (d) **Records.** The Public Administrator-Public Guardian shall cause full, true  
5 and correct records to be maintained, on a current basis, regarding the receipt and  
6 disbursement of all moneys belonging to any such client on deposit in accounts managed by  
7 the Public Administrator-Public Guardian. Clear and current records must be maintained  
8 showing all credits to and debits from the account for each individual client, as well as each  
9 client's current share and balance in the account.

10 (e) **Fiduciary.** The Public Administrator-Public Guardian shall keep records as  
11 befits a fiduciary entrusted with a client's funds.

12  
13 APPROVED AS TO FORM:

14 DENNIS J. HERRERA, City Attorney

15  
16 By:

  
17 ALEETA M. VAN RUNKLE  
18 Deputy City Attorney

**LEGISLATIVE DIGEST**

[Fee for Public Administrator/Public Guardian Representative Payee Services.]

Existing Law

Sec. 2A.211-A of the San Francisco Administrative Code currently authorizes the Public Administrator/Public Guardian, pursuant to permission of the client, to receive, manage, and disburse income and benefits from public and private sources for those persons who receive such aid, but are unable to manage their funds. California Government Code Section 27436 provides that the board of supervisors may set a fee to be collected by the Public Administrator/Public Guardian for public representative payee services. The majority of counties currently charge for these services.

Amendments to Current Law

The ordinance will amend Sec. 2A.211-A of the San Francisco Administrative Code to add a monthly fee of thirty-seven dollars for services provided by the Public Administrator/Public Guardian Representative Payee Program and designating the Public Administrator/Public Guardian as the Agency to collect the fee as authorized by California Government Code Section 27436 unless such client is otherwise legally exempt from payment of the fee. Clients demonstrating an inability to pay may qualify for a discretionary waiver of the fee as determined by the Public Administrator/Public Guardian or their designee.

# Budget Form 2C: Fee Cost Recovery Form

## DEPARTMENT:

\_\_\_\_\_

Fee Description : Representative Payee Fee Increase

Department Providing Service : Department of Aging and Adult Services

Index Code of Proposed Revenue : 45ADREVS

Fee Administrator : Shireen McSpadden

SubObject of Proposed Revenue : 63599

Code Authorization/Proposed Fee Ordinance/File No. : Need to revise Admin Code 2A.211-A

Fee Status :

New

Continuing

Proposed Fee (FY 2011-12) :

\$ 327,180.00 (1)

Current Fee (FY 2010-11) :

\$ - (2)

**Detailed Service Description :**

Section 27436 of the California Government Code stipulates that the Public Guardian can collect fees for representative payee services if authorized to do so by the Board of Supervisors. In order to achieve this, we would need to draft an ordinance amending Section 2A.211-A of the Administrative Code (which authorizes creation and operation of the San Francisco Public Guardian Representative Payee Program) to allow for a fee. The fees calculated were based on an average of the \$35 per month per client. Staff believe that, at minimum, we could collect \$327,180 annually. Of the 1400 clients served in Rep Payee, we would focus on the 779 (as of 1.1.11) who have \$500 or more in their accounts

FY 2011-12 Fee (Proposed) :	\$ 327,180.00	Proposed Fee Increase/Decrease :	\$ 327,180.00
FY 2010-11 Fee (Current) :	\$ -	% Proposed Fee Change from Current Fee :	100.00%
Fee Prior to Current :	\$ -	Fiscal Year of Prior Fee Change :	n/a
Current Fee Increase/Decrease from Prior Fee :	\$ 327,180.00	% Current Fee Change from Prior Fee :	100.00%

FY 2011-12 Estimated Revenue Derived From Service		FY 2011-12 Estimated Costs To Provide Service			
<b>A</b> Quantity Estimated		<b>D</b> Direct Costs	FY 2011-12 Cost Estimated	% of Total	
(# of Units of Service Provided)	<u>9,348</u>	Productive Labor & Benefits (0.75 of 2010-11 Salary & MFB)	\$ 371,176	60.82%	
<b>B</b> Fee per Unit (Proposed)	\$ <u>35</u>	Leave & Non-Productive Time (0.25 of FY 2010-11 Salary & MFB)	\$ 123,725	20.27%	
<b>C</b> FY 2011-12 Revenue Budgeted (A*B)	\$ <u>327,180</u>	Space Rental Equivalent	\$ 10,000	1.64%	
		Materials & Supplies	\$ 5,000	0.82%	
		<b>E</b> Indirect Costs	<b>Rate</b>		
		Departmental Overhead	18.00%	\$ 95,768	15.69%
		Central Services Overhead *	0.87%	\$ 4,629	0.76%
		<b>F</b> FY 2011-12 Direct & Indirect Costs	\$ 610,298	100.00%	
		<b>G</b> FY 2011-12 Revenue Recovery Rate (C/F)		53.61%	
		<b>H</b> Required Fee For 100% Cost Recovery (F/A)	\$ 65.29		
		<b>I</b> Over (+) or Under (-) 100% Cost Recovery (B-H)	\$ (30.29)		

FY 2011-12 Estimated Revenue [ (1) * A ] :	\$ 327,180.00
FY 2010-11 Estimated Revenue [ (2) * A ] :	\$ -
FY 2011-12 Estimated Revenue Increase/Decrease Based on Proposed Fee :	\$ 327,180.00

\* For Central Services Overhead Rates Contact the Controller's Budget Office.

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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Fax No. 554-5163  
TDD/TTY No. 554-5227

**MEMORANDUM**

TO: Planning Department  
Environmental Review Officer

FROM: Angela Calvillo, Clerk of the Board *by [signature]*

DATE: June 9, 2011

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Budget and Finance Committee

The Board of Supervisors Budget and Finance Committee has received the following, which is being referred to the Planning Department for determination as to whether the proposed fee increase will impact the environment.

**Please provide your findings within 10 days from the date of referral.**

**File: 110710 Ordinance amending the S.F. Administrative Code, Chapter 2A, by amending Section 2A.211-A to add a fee of thirty five dollars for services provided by the Public Administrator/Public Guardian Representative Payee Program.**

Please return this cover sheet with the Commission's response to Victor Young, Clerk, Budget and Finance Committee.

c: Nannie Turrell, Major Environmental Analysis  
Brett Bollinger, Major Environmental Analysis

\*\*\*\*\*  
RESPONSE FROM PLANNING DEPARTMENT - Date: \_\_\_\_\_

- No Comment
- Recommendation Attached

*Exempt per CEQA Guidelines  
Statutory Exemption 15273 - Rates,  
Tolls, Fees, and charges.*

*Brett Bollinger* 06/14/11  
Bill Wycko, Environmental Review Officer

