

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

Date: September 26, 2023
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee *Victor Young*
Subject: Board of Supervisors Legislation Referral - File No. 230986
Charter Amendment - Mayor Approval Required for Certain SFMTA Budget Proposals

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230986 **File Type:** Charter Amendment **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Charter Amendment - Mayor Approval Required for Certain SFMTA Budget Proposals **Date Introduced:** 09/19/2023

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that the Mayor must affirmatively approve in writing certain San Francisco Municipal Transportation Agency (SFMTA) proposals as part of the SFMTA’s proposed budget or budget amendment; proposals subject to the approval requirement include changes to fares, parking meter maximum rates, and hours or days of parking meter operation; at an election to be held on March 5, 2024.

Sponsors: Safai; Peskin

History of Legislative File 230986

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	09/19/2023	ASSIGNED UNDER 30 DAY RULE	Rules Committee	10/19/2023	

1 [Charter Amendment - Mayor Approval Required for Certain SFMTA Budget Proposals]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on March 5,**
4 **2024, to amend the Charter of the City and County of San Francisco to provide that the**
5 **Mayor must affirmatively approve in writing certain San Francisco Municipal**
6 **Transportation Agency (SFMTA) proposals as part of the SFMTA’s proposed budget or**
7 **budget amendment; proposals subject to the approval requirement include changes to**
8 **fares, parking meter maximum rates, and hours or days of parking meter operation.**

9
10 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
11 and County, at an election to be held on March 5, 2024, a proposal to amend the Charter of the
12 City and County by revising Sections 8A.102 and 8A.106, to read as follows:

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

18 **SEC. 8A.102. GOVERNANCE AND DUTIES.**

19 * * * *

20 (b) The Agency shall:

21 * * * *

22 8. Have exclusive authority to adopt regulations limiting parking, stopping, standing,
23 or loading as provided by state law; ~~and~~ to establish parking privileges and locations subject to
24 such privileges for categories of people or vehicles as provided by state law; to establish parking
25 meter zones; to set parking rates; and to select, install, locate, and maintain systems and
equipment for payment of parking fees, provided that:

1 (i) Notwithstanding the authority established in subsection 8, the Board of
2 Supervisors may by ordinance establish procedures by which the public may seek Board of
3 Supervisors review of any Agency decision with regard to the creation or elimination of any
4 preferential parking zone, the creation or elimination of any parking meter zone, the adoption of
5 any limitation on the time period for which a vehicle may be parked, or reservation of any
6 parking space for persons with a disability that qualifies for parking privileges under state law. In
7 any review of a decision of the Agency pursuant to this section, the Agency's decision shall stand
8 unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after
9 submission of a request to the Board of Supervisors.

10 (ii) Nothing in subsection 8 shall modify the power of the Board of Supervisors
11 to establish civil offenses, infractions and misdemeanors.

12 (iii) Notwithstanding the authority established in subsection 8, to the extent
13 state law contemplates that any Agency action authorized by subsection 8 be effectuated by
14 ordinance, such action shall be effectuated by resolution of the Board of Directors and, if a
15 referendum petition contains the requisite number of signatures, shall be subject to referendum in
16 accordance with Article 14, and the Board of Supervisors shall have the power to reconsider or
17 repeal the action as provided in Article 14.

18 (iv) Notwithstanding the authority established in subsection 8, any change in
19 parking meter maximum rates or hours or days of parking meter operation must be approved by
20 the Mayor as provided in Section 8A.106.

21 * * * *

22 **SEC. 8A.106. BUDGET.**

23 The Agency shall be subject to the provisions of Article IX of this Charter except:

24 (a) If the Agency's proposed budget includes a change in fares, parking meter maximum
25 rates, or hours or days of parking meter operation, then no later than April 15 of each even-

1 numbered year, after professional review and public hearing, and after receiving the
2 recommendations of the Citizens' Advisory Council, the Agency shall submit its proposed budget
3 with annual appropriation detail in a form approved by the Controller, for each of the next two
4 fiscal years to the Mayor. No later than May 1, the Mayor shall either affirmatively approve in
5 writing the proposed fare or parking meter changes and submit the budget without changes to
6 the Board of Supervisors for its review or, if the Mayor does not approve the proposed fare or
7 parking meter changes in writing, the Mayor shall return the budget to the Agency to submit an
8 alternative proposal. For a proposed budget that does not include any of the proposed changes
9 in the preceding sentences, no ~~No~~ later than May 1 of each even-numbered year, after
10 professional review, and public hearing, and after receiving the recommendations of the Citizens'
11 Advisory Council, the Agency shall submit its proposed budget with annual appropriation detail
12 in a form approved by the Controller for each of the next two fiscal years to the Mayor and the
13 Board of Supervisors for their review and consideration. The Agency shall propose a budget that
14 is balanced without the need for additional funds over the Base Amount, but may include fare
15 increases and decreases, and reductions or abandonment of service. The Mayor shall submit the
16 budget to the Board of Supervisors, without change. Should the Agency request additional
17 general fund support over the Base Amount, it shall submit an augmentation request for those
18 funds in the standard budget process and subject to normal budgetary review and amendment
19 under the general provisions of Article IX.

20 (b) At the time the budget is adopted, the Agency shall certify that the budget is
21 adequate in all respects to make substantial progress towards meeting the performance standards
22 established pursuant to Section 8A.103 for the fiscal year covered by the budget.

23 (c) No later than August 1, the Board of Supervisors may allow the Agency's budget to
24 take effect without any action on its part or it may reject but not modify the Agency's budget by a
25 seven-elevenths' vote. Any fare change, route abandonment, or revenue measure proposed in the

1 budget shall be considered accepted unless rejected by a seven-elevenths' vote on the entire
2 budget. Should the Board reject the budget, it shall make additional interim appropriations to the
3 Agency from the Municipal Transportation Fund sufficient to permit the Agency to maintain all
4 operations through the extended interim period until a budget is adopted. Any request for
5 appropriation of General Fund revenues in excess of the Base Amount shall be approved,
6 modified, or rejected under the general provisions of Article IX.

7 (d) No later than May 1 of each odd-numbered year, the Agency shall submit any
8 budget amendment that may be required to increase appropriations over those approved in the
9 two-year budget or as may be required by law, provided that such budget amendment shall
10 establish a detailed plan with appropriation detail only for those anticipated revenues and
11 expenditures exceeding those approved in the two-year budget or as otherwise required by law.
12 The Agency may submit to the Board of Supervisors such additional budget amendments or
13 modifications during the term of the budget, including but not limited to amendments reflecting
14 fare changes, route abandonments and revenue measures, as may be required in the discretion of
15 the Agency. At any time the Agency proposes a budget amendment that includes a change in
16 fares, parking meter maximum rates, or hours or days of parking meter operation, the Agency
17 shall first submit the budget amendment to the Mayor and the Mayor shall approve in writing the
18 fare changes or parking meter changes within 15 days or the Agency may not submit the budget
19 amendment to the Board of Supervisors. Once submitted, the~~The~~ Board of Supervisors may
20 allow any budget amendment to take effect without any action on its part or it may reject but not
21 modify the budget amendment by a seven-elevenths' vote taken within 30 days after its
22 submission to the Board of Supervisors.

23 (e) Notwithstanding any other provisions of this Charter or requirements of the Annual
24 Salary Ordinance, the Controller may authorize the Agency to move funds within its budget and
25 hire personnel without specific Controller approval so long as the Agency's periodic and

1 verifiable projections of spending by the Agency show the Controller that the Agency's spending
2 will be within the approved budget. However, should the projections show that the Agency
3 spending is likely to exceed its budget, the Controller may impose appropriate controls in ~~his or~~
4 ~~her~~ the Controller's discretion to keep the Agency within budget.

5
6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/ _____
9 JON GIVNER
Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment - Mayor Approval Required for Certain SFMTA Budget Proposals]

Describing and setting forth a proposal to the voters at an election to be held on March 5, 2024, to amend the Charter of the City and County of San Francisco to provide that the Mayor must affirmatively approve in writing certain San Francisco Municipal Transportation Agency (SFMTA) proposals as part of the SFMTA's proposed budget or budget amendment; proposals subject to the approval requirement include changes to fares, parking meter maximum rates, and hours or days of parking meter operation.

Existing Law

Under current law, the San Francisco Municipal Transportation Agency (SFMTA) has exclusive jurisdiction over setting transit fares subject to the ability of the Board of Supervisors to reject a change in fares with a vote of seven out of 11 members. The Mayor does not have a role under the Charter in setting transit fares.

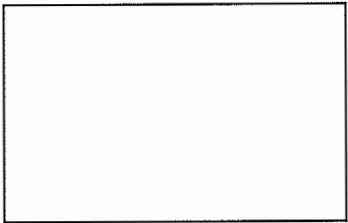
The SFMTA also has exclusive jurisdiction to set parking meter maximum rates and hours and days of parking meter operation. Under the Charter, the Board of Supervisors and the Mayor do not have a role in setting parking meter rates or hours or days of operation.

Amendments to Current Law

This legislation amends the Charter to provide that the Mayor must affirmatively approve in writing certain SFMTA proposals as part of the SFMTA's budget or budget amendment. The proposals that are subject to this approval are changes to: (1) SFMTA fares; and (2) parking meter maximum rates; and (3) hours or days of parking meter operation.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor _____ inquires..."
- 5. City Attorney Request
- 6. Call File No. _____ from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. _____
- 9. Reactivate File No. _____
- 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Ahsha Safai

Subject:

Charter Amendment - Mayor Approval Required for Certain SFMTA Budget Proposals

Long Title or text listed:

Describing and setting forth a proposal to the voters at an election to be held on March 5, 2024, to amend the Charter of the City and County of San Francisco to provide that the Mayor must affirmatively approve in writing certain San Francisco Municipal Transportation Agency (SFMTA) proposals as part of the SFMTA's proposed budget or budget amendment; proposals subject to the approval requirement include changes to fares, parking meter maximum rates, and hours or days of parking meter operation.

Signature of Sponsoring Supervisor:

From: [Chung, Lauren \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Carrillo, Lila \(BOS\)](#); [Buckley, Jeff \(BOS\)](#); [Barnes, Bill \(BOS\)](#)
Subject: Introduction - Charter Amendment
Date: Monday, September 18, 2023 4:30:00 PM
Attachments: [01704416.DOCX](#)
[01704223.docx](#)
[SIGNED Introduction Form.pdf](#)
[Charter Amendment for introduction.msg](#)

Hello,

Please see attached for an introduction from Supervisor Safai for the Board of Supervisors meeting tomorrow, September 19, 2023. Below and attached you will find the City Attorney's approval.

Let me know if you have any questions.

Thank you,

Lauren

Lauren Chung 鍾洛藍 | Legislative Aide
Office of District 11 **Supervisor Ahsha Safai**
1 Dr. Carlton B. Goodlett Pl, San Francisco
Direct: 415-554-7910 | **Office:** 415-554-6975

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From: Givner, Jon (CAT) <Jon.Givner@sfcityatty.org>
Sent: Tuesday, September 12, 2023 4:50 PM
To: Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; CLEVELAND-KNOWLES, SUSAN (CAT) <Susan.Cleveland-Knowles@sfcityatty.org>; ZAREFSKY, PAUL (CAT) <Paul.Zarefsky@sfcityatty.org>; BUTA, ODAYA (CAT) <Odaya.Buta@sfcityatty.org>
Subject: Charter Amendment for introduction

Hi Lauren. I'm attaching the Charter amendment and legislative digest. The /s/ in the signature line of the Charter amendment indicates the City Attorney's approval as to form.
Jon

Jon Givner (he/him)
Deputy City Attorney



Office of City Attorney David Chiu
1 Dr. Carlton B. Goodlett Place, Suite 234
San Francisco, CA 94102
phone: (415) 554-4694

www.sfcityattorney.org

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From: [Peskin, Aaron \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Yan, Calvin \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#)
Subject: RE: Confirm Co-Sponsor
Date: Tuesday, September 19, 2023 5:35:29 PM
Attachments: [image001.png](#)

Confirmed.
Aaron

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, September 19, 2023 5:28 PM
To: Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Yan, Calvin (BOS) <calvin.yan@sfgov.org>
Cc: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Confirm Co-Sponsor

Hello D3,

During today's Roll Call for Introduction Supervisor Safai introduced a Charter Amendment [Charter Amendment - Mayor Approval Required for Certain SFMTA Budget Proposals] and mentioned President Peskin as a co-sponsor. Kindly confirm President Peskin is a co-sponsor for this item.

Thank you.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



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