

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Mayor's Office  
Jon Givner, Deputy City Attorney, Office of the City Attorney  
John Arntz, Director, Department of Elections  
LeeAnn Pelham, Executive Director, Ethics Commission  
Naomi Kelly, City Administrator, Office of the City Administrator  
Ed Reiskin, Executive Director, Municipal Transportation Agency  
Phil Ginsburg, General Manager, Department of Recreation and Parks  
Maria Su, Director, Department of Children, Youth and Their Families  
Luis Herrera, City Librarian, Public Library  
Kate Hartley, Acting Director, Mayor's Office of Housing and Community Development  
Vincent C. Matthews, Ed.D., Superintendent, San Francisco Unified School District  
Shireen McSpadden, Executive Director, Department of Aging and Adult Services  
Mohammed Nuru, Director, Public Works  
Tom DeCaigny, Director of Cultural Affairs, Arts Commission  
Susan Pontious, Director of Public Art Program, Arts Commission

FROM: *ll*  
*bn* Alisa Somera, Legislative Deputy Director, Rules Committee  
Board of Supervisors

DATE: December 20, 2017

SUBJECT: CHARTER AMENDMENT INTRODUCED  
June 5, 2018 Election

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The Board of Supervisors' Rules Committee has received the following Charter Amendment for the June 5, 2018, Election, introduced by Supervisor Tang on December 12, 2017. This matter is being referred to you in accordance with Rules of Order 2.22.4.

**File No. 171310 Charter Amendment - Budget Set-Asides and Baselines**

**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that whenever the City's projected budget deficit for the upcoming fiscal year exceeds \$200 million, the City is not required to increase funding for the Municipal Transportation Fund; the Park, Recreation and Open Space Fund; the Children and Youth Fund; the Library Preservation Fund; the Housing Trust Fund; the Public Education Enrichment Fund; the Dignity Fund; the Street Tree Maintenance Fund; the Controller's Audit Fund; the Asian Art Museum; the California Academy of Sciences; the Fine Arts Museums; the War Memorial and Performing Arts Center; the Library; the Recreation and Park Commission; or community cultural centers; to provide that money in these funds in future years that remain unspent or uncommitted at the end of the fiscal year will be returned to the City's General Fund; and to eliminate the requirement that the City provide funding to maintain a symphony orchestra; at an election to be held on June 5, 2018.**

Please review 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) 554-7711 or email: [alisa.somera@sfgov.org](mailto:alisa.somera@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: Shahde Tavakoli, Mayor's Office  
Kyle Kundert, Ethics Commission  
Lynn Khaw, Office of the City Administrator  
Lihmeei Leu, Office of the City Administrator  
Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Dillon Auyoung, Municipal Transportation Agency  
Viktoriya Wise, Municipal Transportation Agency  
Sarah Madland, Department of Recreation and Parks  
Eugene Flannery, Mayor's Office of Housing and Community Development  
Amy Chan, Mayor's Office of Housing and Community Development  
Viva Mogi, San Francisco Unified School District  
Esther Casco, San Francisco Unified School District  
Bridget Badasow, Department of Aging and Adult Services  
David Steinberg, Public Works  
Jeremy Spitz, Public Works  
Jennifer Blot, Public Works  
John Thomas, Public Works  
Lena Liu, Public Works  
Rebekah Krell, Arts Commission  
Sharon Page Ritchie, Arts Commission



1 [Charter Amendment - Budget Set-Asides and Baselines]

2

3 **Describing and setting forth a proposal to the voters at an election to be held on June 5,**

4 **2018, to amend the Charter of the City and County of San Francisco to provide that**

5 **whenever the City’s projected budget deficit for the upcoming fiscal year exceeds \$200**

6 **million, the City is not required to increase funding for the Municipal Transportation**

7 **Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the**

8 **Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment**

9 **Fund, the Dignity Fund, the Street Tree Maintenance Fund, the Controller’s Audit Fund,**

10 **the Asian Art Museum, the California Academy of Sciences, the Fine Arts Museums, the**

11 **War Memorial and Performing Arts Center, the Library, the Recreation and Park**

12 **Commission, or community cultural centers; to provide that money in these funds in future**

13 **years that remain unspent or uncommitted at the end of the fiscal year will be returned to**

14 **the City’s General Fund; and to eliminate the requirement that the City provide funding to**

15 **maintain a symphony orchestra.**

16

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

18 and County, at an election to be held on June 5, 2018, a proposal to amend the Charter of the

19 City and County by revising Sections 8A.105, 16.106, 16.107, 16.108, 16.109, 16.110, 16.123-2,

20 16.128-3, 16.129, and F1.113, to read as follows:

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

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

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

24 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Charter

25 subsections.

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

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

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

11 1. An amount (the "Base Amount") which shall be no less than the amount of all  
12 appropriations from the General Fund, including all supplemental appropriations, for the fiscal  
13 year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as  
14 provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and  
15 County commissions, departments and agencies providing services to the Municipal Railway,  
16 including the Department of Human Resources and the Purchasing Department, for the provision  
17 of those services. The Base Amount for the Department of Parking and Traffic and the Parking  
18 Authority shall be established in the same fashion but using fiscal years 2000-2001 and 2001-  
19 2002 for the services being incorporated into the Agency.

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

23 3. All other funds received by the City and County from any source, including  
24 state and federal sources, for the support of the Agency.  
25



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

3 1. The Base Amount shall be adjusted for each year after fiscal year 2000-2001  
4 by the Controller based on calculations consistent from year to year, by the percentage increase  
5 or decrease in aggregate City and County discretionary revenues, *except as provided in*  
6 *subsection (g) of this Section 8A.105*. In determining aggregate City and County discretionary  
7 revenues, the Controller shall only include revenues received by the City which are unrestricted  
8 and may be used at the option of the Mayor and the Board of Supervisors for any lawful City  
9 purpose. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be  
10 corrected by adjustment in the next year's estimate.

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

15 3. Commencing with the fiscal year beginning on July 1, 2015, *except as*  
16 *provided in subsection (g) of this Section 8A.105*, the Controller shall also adjust the Base  
17 Amount annually by the percentage increase in the San Francisco population based on data from  
18 the source(s) the Controller, in his or her sole discretion, finds most reliable for the most recent  
19 available calendar year. The Controller's population growth adjustment shall be based on the  
20 greater of the increase in daytime or night-time population. For any year in which the Controller  
21 determines that neither the daytime nor night-time population has increased, the Controller shall  
22 make no adjustment under this subparagraph 3 to the Base Amount. For purposes of the initial  
23 adjustment for the year commencing July 1, 2015, the Controller shall adjust the Base Amount  
24 based on the increase in City daytime or night-time population for the most recent ten-year  
25 period for which data are available instead of the most recent available calendar year. The

1 Agency shall use the amount of any increase in the Base Amount resulting from the adjustment  
2 required by this subparagraph 3 exclusively as follows: 75 per cent shall be used to make transit  
3 system improvements to the Municipal Railway to improve the system's reliability, frequency of  
4 service, capacity, and state of good repair, and 25 per cent shall be used for transportation capital  
5 expenditures to improve street safety for all users.

6 (d) The Treasurer shall set aside and maintain the amounts required to be set aside by  
7 this Section, together with any interest earned thereon, in the Municipal Transportation Fund,  
8 and, except as provided in subsection (h) of this Section 8A.105, any amounts unspent or  
9 uncommitted at the end of any fiscal year shall be carried forward, together with interest thereon,  
10 to the next fiscal year for the purposes specified in this Article.

11 \* \* \* \*

12 (f) In addition, there is hereby set aside from the general revenues of the City and  
13 County and deposited in the Municipal Transportation Fund to support the Agency's transit  
14 services an amount equivalent to 80 percent of the revenues received from the City's tax on  
15 occupation of parking spaces, except as provided in subsection (g) of this Section 8A.105.  
16 Additional amounts appropriated as a result of this subsection after July 1, 2008 which were not  
17 previously available to support transit service shall be used exclusively to:

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

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



1           (g) Notwithstanding any other provision in this Section 8A.105, the City may freeze the  
2 City's annual contribution to the Municipal Transportation Fund for any fiscal year after fiscal  
3 year 2017-2018 at the then-current amount when the City's projected budget deficit for the  
4 upcoming fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as  
5 prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors'  
6 Budget Analyst exceeds \$200 million, adjusted annually beginning with fiscal year 2017-2018 by  
7 the percentage increase or decrease in aggregate City discretionary revenues, as determined by  
8 the Controller, based on calculations consistent from year to year. In determining aggregate  
9 City discretionary revenues, the Controller shall include only revenues received by the City that  
10 are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for  
11 any lawful City purpose.

12           In calculating adjustments to the Base Amount in subsection (c) for any fiscal year  
13 following such a freeze, the City shall base the adjustments on increases or decreases to  
14 discretionary revenue or population in that fiscal year only and shall disregard any increases or  
15 decreases in the previous fiscal year in which the City froze contributions under this subsection  
16 (g).

17           (h) Beginning in fiscal year 2018-2019, for any fiscal year, any monies that the City is  
18 required under this Section 8A.105 to deposit in the Municipal Transportation Fund during that  
19 fiscal year, and that are not expended or encumbered by the end of the fiscal year, shall revert to  
20 the City's General Fund or to any other fund to which reversion is legally required.

21  
22           **SEC. 16.106. CULTURAL, EDUCATIONAL AND RECREATIONAL**  
23 **APPROPRIATIONS.**

24           The Board of Supervisors shall annually appropriate:  
25

1           ~~1. To the Arts Commission, the revenue from a tax of one-eighth of one cent (\$0.00125)~~  
2 ~~per one hundred dollars (\$100) of taxable assessed valuation in the City and County for~~  
3 ~~maintaining a symphony orchestra;~~

4           12. To the Asian Art Commission, an amount sufficient for the purpose of maintaining,  
5 displaying, and providing for the security of the City and County's collection of Asian art;

6           23. To the California Academy of Sciences, funds necessary for the maintenance,  
7 operation and continuance of the Steinhart Aquarium; the Board of Supervisors shall have the  
8 power to furnish to the California Academy of Sciences such funds as the Board shall deem  
9 proper for the maintenance, operation and continuance of any or all other of the buildings and  
10 improvements placed under the control of the California Academy of Sciences;

11           34. To the Fine Arts Museums Board of Trustees, an amount sufficient for the purpose  
12 of maintaining, operating, providing for the security of, expanding and superintending the fine  
13 arts museums and for the purchase of objects of art, literary productions and other personal  
14 property;

15           45. To the War Memorial and Performing Arts Center Board of Trustees, an amount  
16 sufficient to defray the cost of maintaining, operating and caring for the War Memorial and  
17 Performing Arts Center;

18           56. To the Library Commission, the revenue from a minimum tax of one cent (\$0.01)  
19 per hundred dollars (\$100) of taxable assessed valuation for constructing, maintaining and  
20 improving the library system of the City and County;

21           67. To the Recreation and Park Commission, the revenue from a minimum tax of two  
22 and one-half cents (\$0.025) per one hundred dollars (\$100) of taxable assessed valuation for  
23 constructing, maintaining and improving parks and squares, and the revenue from a minimum  
24 tax of one and three quarter cents (\$0.0175) per one hundred dollars (\$100) of taxable assessed  
25 valuation for constructing, maintaining and improving playgrounds; and



1           78. To the Arts Commission, for the City and County-owned Community Cultural  
2 Centers, an amount sufficient for the purpose of maintaining, operating, providing for the  
3 security and superintending of their facilities and grounds, and for the purchase of objects of art,  
4 literary productions, and other property, and for their expansion and continuance in the City and  
5 County of San Francisco.

6           Notwithstanding any other provision in this Section 16.106, the City may freeze the City's  
7 contribution to the funds listed in this Section for any fiscal year after fiscal year 2017-2018 at  
8 the then-current amount when the City's projected budget deficit for the upcoming fiscal year at  
9 the time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the  
10 Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds  
11 \$200 million, adjusted annually beginning with fiscal year 2017-2018 by the percentage increase  
12 or decrease in aggregate City discretionary revenues, as determined by the Controller, based on  
13 calculations consistent from year to year. In determining aggregate City discretionary revenues,  
14 the Controller shall include only revenues received by the City that are unrestricted and may be  
15 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

16           Beginning in fiscal year 2018-2019, for any fiscal year, any monies that the City is  
17 required to contribute to these departments during that fiscal year under this Section 16.106, and  
18 that are not expended or encumbered by the end of the fiscal year, shall revert to the City's  
19 General Fund or to any other fund to which reversion is legally required.

20  
21           **SEC. 16.107. PARK, RECREATION AND OPEN SPACE FUND.**

22           (a) **Establishment of Fund.** There is hereby established the Park, Recreation and Open  
23 Space Fund ("Fund") to be administered by the Recreation and Park Department ("Department")  
24 as directed by the Recreation and Park Commission ("Commission"). Monies in the Fund shall  
25 be expended or used solely by the Department, subject to the budgetary and fiscal provisions of

1 the Charter, to provide park and recreational services and facilities. The Department embraces  
2 socio-economic and geographic equity as a guiding principle and commits to expending the  
3 funds across its open space and recreational programs to provide park and recreational access to  
4 all of San Francisco's diverse neighborhoods and communities.

5 (b) **Annual Set-aside.** The City will continue to set aside from the annual tax levy, for a  
6 period of forty-five years starting with the fiscal year 2000-2001 and through and including fiscal  
7 year 2045-2046, an amount equivalent to an annual tax of two and one-half cents (\$0.025) for  
8 each \$100 assessed valuation. Beginning in fiscal year 2016-2017, revenues from the set-aside,  
9 together with interest, shall be deposited into the Park, Recreation and Open Space Fund.  
10 Revenues from the set-aside shall be in addition to the baseline appropriation required by  
11 subsection (c).

12 The Controller shall set aside and maintain such an amount, together with any interest  
13 earned thereon, in the Fund, and, except as provided in this paragraph, any amount unspent or  
14 uncommitted at the end of the fiscal year shall be carried forward to the next fiscal year and,  
15 subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or  
16 thereafter for the purposes specified in this Section 16.107. Beginning in fiscal year 2018-2019,  
17 for any fiscal year, any monies that the City is required to deposit in the Fund during that fiscal  
18 year under this subsection (b) of Section 16.107, and that are not expended or encumbered by  
19 the end of the fiscal year, shall revert to the City's General Fund or to any other fund to which  
20 reversion is legally required.

21 Notwithstanding any other provision in this Section 16.107, the City may freeze the City's  
22 Annual Set-Aside for any fiscal year after fiscal year 2017-2018 at the then-current amount when  
23 the City's projected budget deficit for the upcoming fiscal year at the time of the Joint Report or  
24 Update to the Five Year Financial Plan as prepared jointly by the Controller, the Mayor's  
25 Budget Director, and the Board of Supervisors' Budget Analyst exceeds \$200 million, adjusted



1 annually beginning with fiscal year 2017-2018 by the percentage increase or decrease in  
2 aggregate City discretionary revenues, as determined by the Controller, based on calculations  
3 consistent from year to year. In determining aggregate City discretionary revenues, the  
4 Controller shall include only revenues received by the City that are unrestricted and may be  
5 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

6 (c) **Baseline Maintenance of Effort.** The annual set-aside shall be used exclusively to  
7 increase the aggregate City appropriations to and expenditures by the Recreation and Park  
8 Department for Department purposes. To this end, beginning in fiscal year 2016-2017 and  
9 thereafter through fiscal year 2045-2046, the City shall not reduce the baseline general fund  
10 support amount appropriated to the Department below the amount appropriated in fiscal year  
11 2015-2016, as calculated by the Controller, except that the baseline amount shall be adjusted as  
12 follows:

13 (1) Each year in fiscal years 2016-2017 through 2025-2026, the City shall  
14 increase the baseline appropriation by \$3 million over the prior year, except as provided in  
15 subsection (c)(3).

16 (2) Each year in fiscal years 2026-2027 through 2045-2046, the City shall adjust  
17 the baseline by the percentage increase or decrease in aggregate City discretionary revenues, as  
18 determined by the Controller, based on calculations consistent from year to year. In determining  
19 aggregate City discretionary revenues, the Controller shall ~~only~~ include only revenues received  
20 by the City which are unrestricted and may be used at the option of the Mayor and the Board of  
21 Supervisors for any lawful City purpose. The Controller is authorized to increase or reduce  
22 budgetary appropriations as required by this subsection (c) to align the baseline amount to the  
23 amount required by formula based on actual revenues received during the fiscal year.

24 (3) ~~The City may suspend growth in the baseline funding pursuant to subsection~~  
25 ~~(e)(1) in fiscal year 2016-2017 if the City's projected budget deficit for that year at the time of~~

1 ~~the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the Controller,~~  
2 ~~the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds 200 million.~~  
3 ~~For fiscal year 2017-2018 through fiscal year 2045-2046, the City may suspend growth in~~  
4 ~~baseline funding pursuant to subsections (c)(1) and (c)(2) when the projected budget deficit for~~  
5 ~~the upcoming fiscal year at the time of the Joint Report or Update to the Five Year Financial~~  
6 ~~Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the Board of~~  
7 ~~Supervisors' Budget Analyst exceeds \$200 million adjusted annually by changes in aggregate~~  
8 ~~City discretionary revenues. Notwithstanding any other provision in this Section 16.107, the City~~  
9 ~~may freeze the City's baseline funding under subsection (c) for any fiscal year after fiscal year~~  
10 ~~2017-2018 at the then-current amount when the City's projected budget deficit for the upcoming~~  
11 ~~fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared~~  
12 ~~jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget~~  
13 ~~Analyst exceeds \$200 million, adjusted annually beginning with fiscal year 2017-2018 by the~~  
14 ~~percentage increase or decrease in aggregate City discretionary revenues, as determined by the~~  
15 ~~Controller, based on calculations consistent from year to year. In determining aggregate City~~  
16 ~~discretionary revenues, the Controller shall include only revenues received by the City that are~~  
17 ~~unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any~~  
18 ~~lawful City purpose.~~

19 In calculating adjustments to the baseline amount in this subsection (c) for any fiscal  
20 year following such a freeze, the City shall base the adjustments on increases or decreases  
21 required under subsections (c)(1) and (c)(2) for that fiscal year only and shall disregard any  
22 increases or decreases in the previous fiscal year in which the City froze contributions under this  
23 subsection (c)(3).

24 (4) Monies from the baseline appropriation required by this subsection (c) shall  
25 not be appropriated or expended for services provided to the Recreation and Park Department by



1 other City departments and agencies unless: (A) the City department or agency charged the  
2 Recreation and Park Department for that service in fiscal year 2015-2016 and the amount the  
3 Recreation and Park Department paid the City department or agency for that service was  
4 included in the baseline amount for fiscal year 2015-2016, although increases in the cost of such  
5 services may be paid out of the baseline appropriation, or (B) the Recreation and Park  
6 Department requests or agrees to a new service from a City department or agency.

7 (5) At the end of the fiscal year 2015-2016 and every year thereafter, any excess  
8 general fund Departmental revenue, including any Department expenditure savings or revenue  
9 surpluses deposited prior to fiscal year 2015-2016, shall be reserved to be used for one-time  
10 Departmental expenditures. "General fund Departmental revenue" is defined as all revenues  
11 credited to the Department's general fund budget other than the baseline contribution defined in  
12 subsection (c).

13 \* \* \* \*

14  
15 **SEC. 16.108. CHILDREN AND YOUTH FUND.**

16 \* \* \* \*

17 (b) **Fund for Children and Youth Services.** Operative July 1, 2001, there is hereby  
18 established a fund to expand children's services, which shall be called the Children and Youth  
19 Fund ("Fund"). Monies in the Fund shall be expended or used only to provide services for  
20 children and youth as provided in this ~~s~~Section 16.108.

21 \* \* \* \*

22 (d) **Amount.** ~~There is hereby set aside for the Fund, from the revenues of the property~~  
23 ~~tax levy, revenues in an amount equivalent to an annual tax of three cents (\$.03) per one~~  
24 ~~hundred dollars (\$100) of assessed valuation for each fiscal year beginning with July 1, 2001-~~  
25 ~~June 30, 2002, and ending with July 1, 2014-June 30, 2015.~~

1           ~~For Fiscal Year 2015-2016, there is hereby set aside for the Fund, from the revenues of~~  
2 ~~the property tax levy, revenues in an amount equivalent to an annual tax of three and one-~~  
3 ~~quarter cents (\$.0325) per one hundred dollars (\$100) of assessed valuation for each fiscal year.~~

4           ~~For Fiscal Year 2016-2017, there is hereby set aside for the Fund, from the revenues of~~  
5 ~~the property tax levy, revenues in an amount equivalent to an annual tax of three and one half~~  
6 ~~cents (\$.0350) per one hundred dollars (\$100) of assessed valuation for each fiscal year.~~

7           ~~For Fiscal Year 2017-2018, there is hereby set aside for the Fund, from the revenues of~~  
8 ~~the property tax levy, revenues in an amount equivalent to an annual tax of three and three~~  
9 ~~quarters cents (\$.0375) per one hundred dollars (\$100) of assessed valuation for each fiscal~~  
10 ~~year.~~

11           For Fiscal Year 2018-2019, and every fiscal year thereafter through Fiscal Year 2040-  
12 2041, there is hereby set aside for the Fund, from the revenues of the property tax levy, revenues  
13 in an amount equivalent to an annual tax of four cents (\$.04) per one hundred dollars (\$100) of  
14 assessed valuation for each fiscal year.

15           Notwithstanding any other provision in this Section 16.108, the City may freeze the City's  
16 annual contribution to the Fund for any fiscal year after fiscal year 2017-2018 at the then-  
17 current amount when the City's projected budget deficit for the upcoming fiscal year at the time  
18 of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the  
19 Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds  
20 \$200 million, adjusted annually beginning with fiscal year 2017-2018 by the percentage increase  
21 or decrease in aggregate City discretionary revenues, as determined by the Controller, based on  
22 calculations consistent from year to year. In determining aggregate City discretionary revenues,  
23 the Controller shall include only revenues received by the City that are unrestricted and may be  
24 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.



1           Beginning in fiscal year 2018-2019, for any fiscal year, any monies that the City is  
2 required to deposit in the Fund during that fiscal year under this subsection (d) of Section  
3 16.108, and that are not expended or encumbered by the end of the fiscal year, shall revert to the  
4 City's General Fund or to any other fund to which reversion is legally required.

5           The Fund shall be maintained separate and apart from all other City and County funds  
6 and appropriated by annual or supplemental appropriation.

7           \* \* \* \*

8           (h) **Baseline.** The Fund shall be used exclusively to increase the aggregate City  
9 appropriations and expenditures for those services for children and Disconnected Transitional-  
10 Aged Youth that are eligible to be paid from the Fund (exclusive of expenditures mandated by  
11 state or federal law). To this end, the City shall not reduce the amount of such City  
12 appropriations for eligible services (not including appropriations from the Fund and exclusive of  
13 expenditures mandated by state or federal law) under this section below the amount so  
14 appropriated for the fiscal year 2000-2001 ("the base year") as set forth in the Controller's  
15 baseline budget, as adjusted ("the base amount").

16           The Controller shall calculate City appropriations made in fiscal year 2013-2014 for  
17 services for Disconnected Transitional-Aged Youth aged 18 through 24 years. Beginning with  
18 fiscal year 2014-2015, that amount shall be added to the base amount and adjusted as provided  
19 below. The City shall not reduce the amount of such City appropriations for services for  
20 Disconnected Transitional-Aged Youth (not including appropriations from the Fund and  
21 exclusive of expenditures mandated by state or federal law) under this section below the amount  
22 so appropriated for fiscal year 2013-2014, as adjusted.

23           The base amount shall be adjusted for each year after the base year by the Controller  
24 based on calculations consistent from year to year by the percentage increase or decrease in  
25 aggregate City and County discretionary revenues. In determining aggregate City and County

1 discretionary revenue, the Controller shall only include revenues received by the City and  
2 County that are unrestricted and may be used at the option of the Mayor and the Board of  
3 Supervisors for any lawful City purpose. The method used by the Controller to determine  
4 discretionary revenues shall be consistent with method used by the Controller to determine the  
5 Library and Children's Baseline Calculations dated June 20, 2000, which the Controller shall  
6 place on file with the Clerk of the Board in File No. 000952. Errors in the Controller's estimate  
7 of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year's  
8 estimate. Within 90 days following the end of each fiscal year through Fiscal Year 2040-2041,  
9 the Controller shall calculate and publish the actual amount of City appropriations for services  
10 for children and Disconnected Transitional-Aged Youth that would have been eligible to be paid  
11 from the Fund but are paid from other sources, separately identifying expenditures mandated by  
12 state or federal law.

13 Notwithstanding any other provision in this Section 16.108, the City may freeze the City's  
14 base amount required by this subsection (h) for any fiscal year after fiscal year 2017-2018 at the  
15 then-current amount when the City's projected budget deficit for the upcoming fiscal year at the  
16 time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the  
17 Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds  
18 \$200 million, adjusted annually beginning with fiscal year 2017-2018 by the percentage increase  
19 or decrease in aggregate City discretionary revenues, as determined by the Controller, based on  
20 calculations consistent from year to year. In determining aggregate City discretionary revenues,  
21 the Controller shall include only revenues received by the City that are unrestricted and may be  
22 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

23 In calculating adjustments to the base amount for any fiscal year following such a freeze,  
24 the City shall base the adjustments on increases or decreases to discretionary revenue in that  
25



1 fiscal year only and shall disregard any increases or decreases in the previous fiscal year in  
2 which the City froze contributions under this subsection (h).

3 Beginning in fiscal year 2018-2019, for any fiscal year, any monies that the City is  
4 required to deposit in the Fund during that fiscal year under this subsection (h) of Section  
5 16.108, and that are not expended or encumbered by the end of the fiscal year, shall revert to the  
6 City's General Fund or to any other fund to which reversion is legally required.

7 \* \* \* \*

8  
9 **SEC. 16.109. LIBRARY PRESERVATION FUND.**

10 (a) **Establishment of Fund.** There is hereby established the Library Preservation Fund  
11 ("the Fund") to be administered by the Library Department as directed by the Library  
12 Commission. Monies therein shall be expended or used solely by the Library Department,  
13 subject to the budgetary and fiscal provisions of the Charter, to provide library services and to  
14 construct, maintain and operate library facilities.

15 (b) **Annual Set-Aside.** The City will continue to set aside from the annual property tax  
16 levy, for a period of fifteen years starting with the fiscal year 2008-2009 an amount equivalent to  
17 an annual tax of two and one-half cents (\$0.025) for each one hundred dollars (\$100) assessed  
18 valuation ("Annual Set-Aside"), except as provided in subsection (h) of this Section 16.109.

19 The Controller shall set aside and maintain such an amount, together with any interest  
20 earned thereon, in the Fund, Revenues obtained from the Annual Set-Aside shall be in addition  
21 to, and not in place of, any General Fund monies appropriated to the Library pursuant to  
22 subsection (c).

23 Beginning in fiscal year 2018-2019, for any fiscal year, any monies that the City is  
24 required to deposit in the Fund during that fiscal year by this subsection (b) of Section 16.109.  
25

1 and that are not expended or encumbered by the end of the fiscal year, shall revert to the City's  
2 General Fund or to any other fund to which reversion is legally required.

3 (c) **Baseline Maintenance of Effort.** The Annual Set-Aside shall be used exclusively to  
4 increase the aggregate City appropriations and expenditures for services, materials, facilities and  
5 equipment that will be operated by the Library for Library purposes. To this end, in any of the  
6 fifteen years during which funds are required to be set aside under this Section, the City shall not  
7 reduce the Baseline for the Library Department below the fiscal year 2006-2007 Required  
8 Baseline Amount (as calculated by the Controller), except that the Baseline shall be adjusted as  
9 provided below.

10 The Baseline shall be adjusted for each year after fiscal year 2006-2007 by the Controller  
11 based on calculations consistent from year to year, by the percentage increase or decrease in  
12 aggregate City and County discretionary revenues, except as provided in subsection (h) of this  
13 Section 16.109. In determining aggregate City and County discretionary revenues, the Controller  
14 shall only include revenues received by the City which are unrestricted and may be used at the  
15 option of the Mayor and the Board of Supervisors for any lawful City purpose. Errors in the  
16 Controller's estimate of discretionary revenues for a fiscal year shall be corrected by adjustment  
17 in the next year's estimate. For purposes of this subsection, (i) aggregate City appropriations  
18 shall not include funds granted to the City by private agencies or appropriated by other public  
19 agencies and received by the City, and (ii) Library Department appropriations shall not include  
20 funds appropriated to the Library Department to pay for services of other City departments or  
21 agencies, except for departments or agencies for whose specific services the Library Department  
22 was appropriated funds in fiscal year 2006-2007. Within 180 days following the end of each  
23 fiscal year through fiscal year 2023-2024, the Controller shall calculate and publish the actual  
24 amount of City appropriations for the Library Department.



1           The Controller shall set aside and maintain such baseline amounts, together with any  
2 interest earned thereon, in the Fund.

3           ~~*At the end of each fiscal year, the Controller shall pro-rate any monies from the annual*~~  
4 ~~*Baseline and the Annual Set Aside that remain uncommitted in the Fund, and the Baseline*~~  
5 ~~*portion of such amount shall be returned to the General Fund. The Annual Set Aside portion of*~~  
6 ~~*such amount shall be carried forward to the next fiscal year and shall be appropriated then or*~~  
7 ~~*thereafter for the purposes specified in this Section. Beginning in fiscal year 2018-2019, for any*~~  
8 ~~*fiscal year, any monies that the City is required to deposit in the Fund during that fiscal year*~~  
9 ~~*under this subsection (c) of Section 16.109, and that are not expended or encumbered by the end*~~  
10 ~~*of the fiscal year, shall revert to the City's General Fund or to any other fund to which reversion*~~  
11 ~~*is legally required.*~~

12           Adjustments in the Controller's estimate of the Baseline, including any baseline changes  
13 required from increases or decreases to City revenues after budget adoption, along with  
14 adjustments to the Annual Set-Aside for a fiscal year shall be corrected by credits or adjustment  
15 to be carried forward and added to the annual City appropriation for next fiscal year and, subject  
16 to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for  
17 the purposes specified in this Section.

18           \* \* \* \*

19           *(h) Notwithstanding any other provision in this Section 16.109, the City may freeze the*  
20 *Baseline and Annual Set-Aside for any fiscal year after fiscal year 2017-2018 at the then-current*  
21 *amounts when the City's projected budget deficit for the upcoming fiscal year at the time of the*  
22 *Joint Report or Update to the Five Year Financial Plan as prepared jointly by the Controller, the*  
23 *Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds \$200 million.*  
24 *adjusted annually beginning with fiscal year 2017-2018 by the percentage increase or decrease*  
25 *in aggregate City discretionary revenues, as determined by the Controller, based on calculations*

1 consistent from year to year. In determining aggregate City discretionary revenues, the  
2 Controller shall include only revenues received by the City that are unrestricted and may be  
3 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

4 In calculating adjustments to the Baseline under subsection (c) for any fiscal year  
5 following such a freeze, the City shall base the adjustments on increases or decreases to  
6 discretionary revenue in that fiscal year only and shall disregard any increases or decreases in  
7 the previous fiscal year in which the City froze contributions under this subsection (h).

8  
9 **SEC. 16.110. HOUSING TRUST FUND.**

10 (a) **Creation of Fund.** There is hereby established a Housing Trust Fund to support  
11 creating, acquiring and rehabilitating affordable housing and promoting affordable home  
12 ownership programs in the City, as provided in this Section 16.110.

13 \* \* \* \*

14 (c) **Funding.**

15 (1) In the Fiscal Year 2013-2014 budget, the City shall appropriate to the  
16 Housing Trust Fund \$20 million.

17 (2) Except as provided by subsection (c)(9) of this Section 16.110, ~~for~~ the next  
18 11 fiscal years, in each of the annual budgets for Fiscal Year 2014-2015 through Fiscal Year  
19 2024-2025, the City shall appropriate to the Housing Trust Fund an amount increasing by \$2.8  
20 million per year, until ~~the annual appropriation required by this Section reaches \$50.8 million in~~  
21 the Fiscal Year 2024-2025 budget.

22 (3) In the annual budgets for Fiscal Year 2025-2026 through Fiscal Year 2042-  
23 43, the City shall appropriate to the Housing Trust Fund an amount equal to the prior year's  
24 appropriation, adjusted by the percentage increase or decrease in General Fund Discretionary  
25



1 Revenues budgeted for the year compared to the prior year's original budgeted amount of  
2 General Fund Discretionary Revenues.

3 (4) Should the City adopt a fixed two-year budget under Charter Section 9.101,  
4 the adjustment for the Housing Trust Fund appropriation for the two years of the two-year  
5 budget shall be based on the amount of General Fund Discretionary Revenues estimated for the  
6 two-year period included in the budget.

7 (5) During Fiscal Years 2025-2026 through 2042-2043, if the Controller submits  
8 a revised estimate of General Fund Discretionary Revenues for a given Fiscal Year or two-year  
9 budget period that is lower than the amount originally budgeted for that period, then the Board  
10 may, by ordinance, reduce the appropriation to the Housing Trust Fund for that budget period in  
11 an amount that does not exceed the amount proportionate to the percentage shortfall in the  
12 discretionary revenue projection.

13 (6) The Controller's method of calculating the amount of and changes in General  
14 Fund Discretionary Revenues shall be consistent from fiscal year to fiscal year and with the  
15 Controller's method for calculating those figures under Charter Sections 8A.105, 16.108, and  
16 16.109. The Controller shall treat General Fund appropriations to the Housing Trust Fund as  
17 reductions in General Fund Discretionary Revenues when calculating other funding allocations  
18 that are tied to General Fund Discretionary Revenues, including funding allocations under  
19 Charter Sections 8A.105, 16.108, and 16.109. The Controller shall correct errors in the estimate  
20 of discretionary revenues for a fiscal year through an adjustment to the next fiscal year's  
21 estimate.

22 (7) In any year during the term of this Section, the City may, in its discretion,  
23 reduce its annual contribution to the Housing Trust Fund for that year by an amount equal to or  
24 less than 56.7% of the annual debt service required to service any SB2113 Affordable Housing  
25 Bonds issued after January 1, 2013. "SB2113 Affordable Housing Bonds" are bonds issued by

1 the City to support the acquisition and creation of replacement affordable housing citywide using  
2 property tax increment from former Redevelopment project areas under California Health and  
3 Safety Code Section 33333.7

4 (8) The Controller shall set aside and maintain the amounts appropriated to the  
5 Housing Trust Fund under this Section, together with any interest earned thereon, and, except as  
6 provided in this subsection (c)(8), any amount unexpended or uncommitted at the end of the  
7 fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal  
8 limitations of this Charter, shall be appropriated for the purposes specified in this Section.

9 Beginning in fiscal year 2018-2019, for any fiscal year, any monies that the City is required by  
10 this Section 16.110 to deposit in the Housing Trust Fund during that fiscal year, and that are not  
11 expended or encumbered by the end of the fiscal year, shall revert to the City's General Fund or  
12 to any other fund to which reversion is legally required.

13 (9) Notwithstanding any other provision in this Section 16.110, the City may  
14 freeze the City's annual contribution to the Housing Trust Fund for any fiscal year after fiscal  
15 year 2017-2018 at the then-current amount when the City's projected budget deficit for the  
16 upcoming fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as  
17 prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors'  
18 Budget Analyst exceeds \$200 million, adjusted annually beginning with fiscal year 2017-2018 by  
19 the percentage increase or decrease in aggregate City discretionary revenues, as determined by  
20 the Controller, based on calculations consistent from year to year. In determining aggregate  
21 City discretionary revenues, the Controller shall include only revenues received by the City that  
22 are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for  
23 any lawful City purpose.

24 In calculating adjustments required by this subsection (c) for any fiscal year following  
25 such a freeze, the City shall base the adjustments on increases or decreases required under



1 subsection (c) for that fiscal year only and shall disregard any increases or decreases in the  
2 previous fiscal year in which the City froze contributions under this subsection (c)(9).

3 \* \* \* \*

4  
5 **SEC. 16.123-2. PUBLIC EDUCATION ENRICHMENT FUND.**

6 (a) **Creating the Fund.** There shall be a Public Education Enrichment Fund. The City  
7 shall each year appropriate monies to the Public Education Enrichment Fund according to  
8 subsections (b), (c), and (d), below.

9 (b) **Baseline Appropriations.** The Fund shall be used exclusively to increase the  
10 aggregate City appropriations to and expenditures for the San Francisco Unified School District.  
11 To this end, the City shall not reduce the amount of such City appropriations (not including  
12 appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in  
13 any year during which funds are required to be set aside under this Section below the amount so  
14 appropriated for Fiscal Year 2002-2003 ("the base year"). These baseline appropriations shall be  
15 separate from the City's annual contributions to the Public Education Enrichment Fund under  
16 subsection (c), and shall be appropriated by the City to the School District each year through and  
17 including Fiscal Year 2040-2041.

18 The amount of the City's baseline appropriations to the School District shall be adjusted  
19 for each year after the base year by the Controller based on calculations consistent from year to  
20 year by the percentage increase or decrease in City and County discretionary General Fund  
21 revenues, except as provided in subsection (d) of this Section 16.123-2. In determining City and  
22 County discretionary General Fund revenues, the Controller shall only include revenues received  
23 by the City and County that are unrestricted and may be used at the option of the Mayor and the  
24 Board of Supervisors for any lawful City purpose. Errors in the Controller's estimate of  
25 discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year's

1 estimate. Using audited financial results for the prior fiscal year, the Controller shall calculate  
2 and publish the actual amount of City appropriations that would have been required under this  
3 baseline for the School District.

4 (c) **Annual Contributions to the Fund** ~~FY 2005-2006 through FY 2009-2010~~. In  
5 addition to the annual baseline appropriation provided above, the City shall, for ~~years two~~  
6 ~~through six of this measure~~ Fiscal Year 2009-2010, contribute ~~the following amounts~~ \$60 million  
7 to the Public Education Enrichment Fund. ~~±~~

8 ~~Fiscal Year 2005-06 \$10 million~~

9 ~~Fiscal Year 2006-07 \$20 million~~

10 ~~Fiscal Year 2007-08 \$30 million~~

11 ~~Fiscal Year 2008-09 \$45 million~~

12 ~~Fiscal Year 2009-10 \$60 million~~

13 ~~(d) Annual Contributions to the Fund FY 2010-11 and Thereafter~~. For Fiscal Years  
14 2010-11 and thereafter, the City's annual contribution to the Public Education Enrichment Fund  
15 shall equal its total contribution for the prior year, beginning with Fiscal Year 2009-2010,  
16 adjusted for the estimated increase or decrease in discretionary General Fund revenues for the  
17 year, except as provided in subsection (d) of this Section 16.123-2.

18 (d) Notwithstanding any other provision in this Section 16.123-2, the City may freeze the  
19 baseline appropriations and annual contributions to the Public Education Enrichment Fund for  
20 any fiscal year after fiscal year 2017-2018 at the then-current amounts when the City's projected  
21 budget deficit for the upcoming fiscal year at the time of the Joint Report or Update to the Five  
22 Year Financial Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the  
23 Board of Supervisors' Budget Analyst exceeds \$200 million, adjusted annually beginning with  
24 fiscal year 2017-2018 by the percentage increase or decrease in aggregate City discretionary  
25 revenues, as determined by the Controller, based on calculations consistent from year to year. In



1 determining aggregate City discretionary revenues, the Controller shall include only revenues  
2 received by the City that are unrestricted and may be used at the option of the Mayor and the  
3 Board of Supervisors for any lawful City purpose.

4 In calculating adjustments required by subsections (b) and (c) for any fiscal year  
5 following such a freeze, the City shall base the adjustments on increases or decreases required  
6 under subsections (b) and (c) for that fiscal year only and shall disregard any increases or  
7 decreases in the previous fiscal year in which the City froze contributions under this subsection  
8 (d).

9 Beginning in fiscal year 2018-2019, for any fiscal year, any monies that the City is  
10 required by this Section 16.123-2 to deposit in the Public Education Enrichment Fund during  
11 that fiscal year, and that are not expended or encumbered by the end of the fiscal year, shall  
12 revert to the City's General Fund or to any other fund to which reversion is legally required.

13 \* \* \* \*

14  
15 **SEC. 16.128-3. ANNUAL CONTRIBUTIONS TO THE FUND.**

16 (a) **Annual Baseline Contributions to the Fund.** Each year during the term of Charter  
17 Sections 16.128-1et seq., the City shall make an annual baseline contribution to the Fund in the  
18 amount of \$38 million, representing the amount the City spent in fiscal year 2016-2017 to  
19 provide eligible services as identified in Section 16.128-4 to Seniors and Adults with  
20 Disabilities.

21 (b) **Additional Contributions for FY 2017-2018 through FY 2026-2027.** For fiscal  
22 year 2017-2018, the City shall increase its contribution to the Fund over the baseline amount in  
23 subsection (a) by \$6 million. For each fiscal year from 2018-2019 through 2026-2027, the City  
24 shall increase its additional contribution to the Fund under this subsection (b) by \$3 million over  
25 the prior year.

1 (c) **Projected Budget Deficits.** Notwithstanding the provisions of subsection (b), the  
2 City may freeze the City's annual contribution to the Fund for any fiscal year 2017-2018 through  
3 2026-2027 at the then-current amount when the City's projected budget deficit for the upcoming  
4 fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared  
5 jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget  
6 Analyst exceeds \$200 million, adjusted annually beginning with fiscal year 2017-2018 by the  
7 percentage increase or decrease in aggregate City discretionary revenues, as determined by the  
8 Controller, based on calculations consistent from year to year. In determining aggregate City  
9 discretionary revenues, the Controller shall only include revenues received by the City that are  
10 unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any  
11 lawful City purpose.

12 In calculating adjustment required by subsection (b) for any fiscal year following such a  
13 freeze, the City shall base the adjustments on increases or decreases required under subsection  
14 (b) for that fiscal year only and shall disregard any increases that would have been required in  
15 the previous fiscal year in which the City froze contributions under this subsection (c).

16 \* \* \* \*

17 (f) The Controller shall maintain the Fund separate and apart from all other City funds.  
18 Except as provided in this subsection (f), any amount in the Fund unspent or uncommitted at  
19 the end of the fiscal year shall be carried forward to the next fiscal year and, subject to the  
20 budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the  
21 services and purposes specified in Section 16.128-4. Beginning in fiscal year 2018-2019, for any  
22 fiscal year, any monies that the City is required by this Section 16.128-3 to deposit in the Fund  
23 during that fiscal year, and that are not expended or encumbered by the end of the fiscal year,  
24 shall revert to the City's General Fund or to any other fund to which such reversion is legally  
25 required.



1  
2           **SEC. 16.129. STREET TREE MAINTENANCE.**

3           \* \* \* \*

4           **(f) Creating the Street Tree Maintenance Fund; Annual City Contributions.** There  
5 shall be a Street Tree Maintenance Fund (the "Fund"). Each fiscal year, beginning in fiscal year  
6 2017-2018, the City shall contribute \$19 million to the Fund. The Fund shall also include any  
7 other monies appropriated or allocated to the Fund. Beginning in fiscal year 2018-2019, the  
8 Controller shall adjust the amount of the City's annual \$19 million contribution to the Fund  
9 under this subsection (f) by the percentage increase or decrease in aggregate City discretionary  
10 revenues, as determined by the Controller, based on calculations consistent from year to year. In  
11 determining aggregate City discretionary revenues, the Controller shall only include revenues  
12 received by the City that are unrestricted and may be used at the option of the Mayor and the  
13 Board of Supervisors for any lawful City purpose. The method used by the Controller to  
14 determine discretionary revenues shall be the same as the method used by the Controller to  
15 determine the Library and Children's Fund Baseline calculations, as provided in Charter Section  
16 16.108(h). The change in aggregate discretionary revenues will be adjusted following the end of  
17 the fiscal year when final revenues are known. The Controller is authorized to increase or reduce  
18 budgetary appropriations as required under this subsection (f) to reflect changes in aggregate  
19 discretionary revenues following the end of the fiscal year when final revenues are known. The  
20 Controller shall set aside and maintain the above amounts, together with any interest earned  
21 thereon, in the Fund, which shall be subject to appropriation. Except as provided in subsection  
22 (g) of this Section 16.129, any amount unspent or uncommitted at the end of the fiscal year  
23 shall be deemed to have been devoted exclusively to a specified purpose within the meaning of  
24 Charter Section 9.113(a), shall be carried forward to the next fiscal year, and, subject to the  
25

1 budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the  
2 purposes set forth in this Section 16.129.

3 ~~(g) Beginning in fiscal year 2018-2019, the City may suspend growth in the City's \$19~~  
4 ~~million contribution to the Fund under subsection (f) of this Section 16.129 if the City's projected~~  
5 ~~budget deficit for the upcoming fiscal year at the time of the Joint Report or Update to the five-~~  
6 ~~year financial plan as prepared jointly by the Controller, the Mayor's Budget Director, and the~~  
7 ~~Board of Supervisors' Budget Analyst exceeds \$200 million adjusted annually by changes in~~  
8 ~~aggregate discretionary revenues as defined in subsection (f) of this Section 16.129.~~

9 (1) Notwithstanding any other provisions in this Section 16.129, the City may freeze the  
10 City's annual contribution to the Fund under subsection (f) of this Section 16.129 for any fiscal  
11 year after fiscal year 2017-2018 at the then-current amount when the City's projected budget  
12 deficit for the upcoming fiscal year at the time of the Joint Report or Update to the Five Year  
13 Financial Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the  
14 Board of Supervisors' Budget Analyst exceeds \$200 million, adjusted annually beginning with  
15 fiscal year 2017-2018 by the percentage increase or decrease in aggregate City discretionary  
16 revenues, as determined by the Controller, based on calculations consistent from year to year. In  
17 determining aggregate City discretionary revenues, the Controller shall include only revenues  
18 received by the City that are unrestricted and may be used at the option of the Mayor and the  
19 Board of Supervisors for any lawful City purpose.

20 In calculating adjustments required by subsection (f) for any fiscal year following such a  
21 freeze, the City shall base the adjustments on increases or decreases required under subsection  
22 (f) for that fiscal year only and shall disregard any increases or decreases in the previous fiscal  
23 year in which the City froze contributions under this subsection (g).

24 (2) In any fiscal year beginning in fiscal year 2018-2019, any monies that the City is  
25 required by this Section 16.129 to deposit in the Fund during that fiscal year, and that are not



1 expended or encumbered by the end of the fiscal year, shall revert to the City's General Fund or  
2 to any other fund to which such reversion is legally required.

3 \* \* \* \*

4  
5 **F1.113. CONTROLLER'S AUDIT FUND.**

6 Notwithstanding any other provision of this Charter, the Mayor and Board of Supervisors  
7 shall be required to budget an amount equal to at least two-tenths of one percent (0.2%) of the  
8 City's overall budget, apportioned by fund and excluding bond related debt, to implement this  
9 provision. This amount shall be referred to as the Controller's Audit Fund, and shall be used  
10 exclusively to implement the duties and requirements of this Appendix, and shall not be used to  
11 displace funding for the non-audit related functions of the Controller's Office existing prior to the  
12 date this provision is enacted. If the funds are not expended or encumbered by the end of the  
13 fiscal year, the balance in the fund shall revert to the General Fund or the enterprise funds where  
14 it originated.

15 Notwithstanding any other provisions in this Section F1.113, the City may freeze the  
16 City's annual contribution to the Controller's Audit Fund for any fiscal year after fiscal year  
17 2017-2018 at the then-current amount when the City's projected budget deficit for the upcoming  
18 fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared  
19 jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget  
20 Analyst exceeds \$200 million, adjusted annually beginning with fiscal year 2017-2018 by the  
21 percentage increase or decrease in aggregate City discretionary revenues, as determined by the  
22 Controller, based on calculations consistent from year to year. In determining aggregate City  
23 discretionary revenues, the Controller shall include only revenues received by the City that are  
24 unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any  
25 lawful City purpose.

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Section 2.

(a) The voters find that it is critical for the City to address the challenges of mandatory dedicated City spending of existing revenues in a comprehensive manner.

(b) This Proposition supplants in its entirety any other City proposition related to the allocation of existing City tax revenues, including allocation of previously authorized transient occupancy tax revenues, that the voters may approve at the June 5, 2018 election. If the voters adopt this Proposition and any other such proposition and this Proposition receives more votes, then the other proposition shall not become operative in any respect.

(c) If another proposition related to allocation of existing City tax revenues receives more votes than this Proposition at the June 5, 2018 election, Section 1 of this Proposition shall nonetheless become operative in all respects.

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

By:   
\_\_\_\_\_  
JON GIVNER  
Deputy City Attorney

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**LEGISLATIVE DIGEST**  
(First Draft, 12/12/2017)

[Charter Amendment - Budget Set-Asides and Baselines]

**Describing and setting forth a proposal to the voters at an election to be held on June 5, 2018, to amend the Charter of the City and County of San Francisco to provide that whenever the City's projected budget deficit for the upcoming fiscal year exceeds \$200 million, the City is not required to increase funding for the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, the Street Tree Maintenance Fund, the Controller's Audit Fund, the Asian Art Museum, the California Academy of Sciences, the Fine Arts Museums, the War Memorial and Performing Arts Center, the Library, the Recreation and Park Commission, or community cultural centers; to provide that money in these funds in future years that remain unspent or uncommitted at the end of the fiscal year will be returned to the City's General Fund; and to eliminate the requirement that the City provide funding to maintain a symphony orchestra.**

Existing Law

The Charter provides for guaranteed annual funding in a number of special funds, including: the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, the Street Tree Maintenance Fund, and the Controller's Audit Fund. The Charter also requires funding to support the Asian Art Museum, the California Academy of Sciences, the Fine Arts Museums, the War Memorial and Performing Arts Center, the Library, the Recreation and Park Commission, community cultural centers, and the symphony. These funding requirements are commonly known as "baselines" (where the Charter sets a base amount of funding for a particular purpose) and "set-asides" (where the Charter requires that a certain level of funding be set aside and appropriated each year). In adopting the annual budget, the Board of Supervisors and the Mayor have no discretion to provide lower amounts of funding than the Charter-mandated baselines and set-asides require.

These funding requirements in the Charter include different but often overlapping provisions. Some of these sections provide that money in a fund that remains unspent or uncommitted at the end of the fiscal year carries over in the fund for the next fiscal year; others require that the remaining funds revert back to the City's General Fund. Some of these sections allow the City to suspend mandatory funding increases in years during which there is a deficit of \$200 million or more; others do not include such a suspension trigger.

Amendments to Current Law

The proposed Charter amendment would provide that mandatory increases to all existing set-asides and baselines may be suspended in years during which there is a deficit of \$200 million or more. For all set-asides and baselines other than set-asides calculated as a percentage of City revenues, such a suspension would result in a decrease in the City's contributions to the fund in future years.

The proposed measure would also provide that in future years, any funds appropriated under a Charter-mandated baseline or set-aside that are not spent or committed by the end of the fiscal year will return the General Fund or to any other fund required by law.

The proposed measure would also eliminate the set-aside to support the symphony orchestra.

Finally, the proposed measure would provide that if the voters approve both this measure and a measure allocating previously authorized hotel tax revenues at the June 5, 2018 election, and this measure receives more votes, then the other measure will not become operative in any respect.

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