

File No. 091430

Committee Item No. 6

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

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules Date March 4, 2010

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                                   |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <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                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Charter Amendment</u> |
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Completed by: Alisa Somera Date February 26, 2010

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file and the online version.

[Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors.]

CHARTER AMENDMENT

PROPOSITION \_\_\_\_\_

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; (2) require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (3) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 8, 2010, a proposal to amend the Charter of the City and County by amending Sections 9.103 and 9.104 to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*;  
deletions are *strike-through italics Times New Roman*.

**SEC. 9.103. ADOPTION OF APPROPRIATION ORDINANCES; MANDATED  
REDUCTION OF EXPENDITURES TO PROGRAM SERVICES DESIGNATED BY THE  
BOARD OF SUPERVISORS.**

(a) The Board of Supervisors may amend the annual proposed budget and appropriation ordinances as follows:

1. After review of the Controller's analysis of the Mayor's revenue estimates, the Board of Supervisors may reduce estimated revenues;

2. The Board of Supervisors may increase or decrease any proposed expenditure in the General Fund or any special, sequestered or other fund so long as the aggregate changes do not cause the expenditures from each fund to exceed the amount proposed for expenditures by the Mayor from any such fund; and

3. The Board of Supervisors may increase or decrease any proposed expenditure for Capital Improvements.

*(b) An appropriation is an authorization, but not a mandate, to expend funds for a designated use or purpose. Nevertheless, the Board of Supervisors may designate appropriations for particular City services, functions, or programs as mandates, subject to the limitation in subsection (c), and the department or office of the City to which the appropriation is made must expend, or enter into a legally-binding obligation to expend, such appropriations for those City services, functions, or programs during the fiscal year. No later than 45 days after the adoption of the appropriation, the department or office must report to the Board on its plan for making the mandated expenditures. This requirement to expend funds for a particular City service, function, or program shall apply only to appropriations so designated and in the amount so designated, and not to other funds appropriated for the same purpose.*

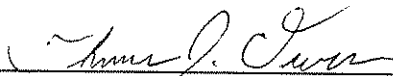
*(c) The value of all mandates established in a given fund by the Board of Supervisors during its consideration of the annual budget may not exceed the total amount by which the Board has reduced expenditures in the Mayor's proposed budget from that fund, as determined by the Controller. In calculating the value of the expenditure reductions, the Controller shall disregard any reductions to the Mayor's proposed budget made by the Board but subsequently restored to the same department, fund, and character of spending. Mandates that the Board of Supervisors imposes through the supplemental appropriation process may not exceed expenditure reductions approved in the same ordinance.*

(d) The Board of Supervisors may rescind the designation of an appropriation as a mandate by resolution adopted by a majority vote. The designation of an appropriation as a mandate shall expire with the underlying appropriation.

**SEC. 9.104. VETO OF APPROPRIATIONS.**

By exercising a veto, ~~The~~ the Mayor may reduce or reject any expenditure authorized by the Board of Supervisors, except appropriations for bond interest, redemption or other fixed charges, within ten days after the Board of Supervisors' adoption of a final annual or supplemental appropriations ordinance. The designation of an appropriation as a mandatory expenditure under Section 9.103(b) shall not affect the Mayor's ability to reduce or reject the underlying expenditure. In particular, the Mayor may reject the Board of Supervisors' designation of the appropriation as a mandatory expenditure in conjunction with exercise of a veto reducing or rejecting the underlying appropriation, or the Mayor may reject such designation alone, without reducing or rejecting the underlying appropriation. Within ten days of receipt of the Mayor's veto message, the Board of Supervisors may, by a vote of two-thirds of its members, reinstate, (i) in whole or in part, any expenditure reduced or rejected by the Mayor and (ii) any designation of an appropriation as a mandatory expenditure rejected by the Mayor, by a vote of two-thirds of its members. In overriding any Mayoral veto, the Board of Supervisors shall not cause the aggregate expenditures for the General Fund or any special, sequestered or other fund in the appropriation ordinances to exceed the Mayor's revenue estimate as allocated to such funds.

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

By:   
THOMAS J. OWEN  
Deputy City Attorney

Supervisor Avalos  
BOARD OF SUPERVISORS

**LEGISLATIVE DIGEST**  
(Third Draft, dated 2/9/2010)

[Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors.]

**A proposal to amend the Charter of the City and County of San Francisco at an election to be held on June 8, 2010, by amending Sections 9.103 and 9.104 to: allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.**

Existing Law

An appropriation of money to a City department or office in the annual appropriation ordinance or supplemental appropriation ordinance authorizes the department or office to spend money for the purpose specified. The appropriation ordinance does not require City departments or offices to expend the money appropriated to them.

The Mayor may veto an appropriation, rejecting either all or part of it, and the Board may override the Mayor's veto and restore the appropriation, in whole or in part, by a two-thirds' vote.

Amendments to Current Law

The proposal would amend the Charter to allow the Board of Supervisors to designate appropriations for specific programs or activities as mandates, and require the City department or office receiving the appropriation to spend the money for the designated purpose. The requirement to expend funds would apply only to the specific appropriations designated as mandates; the requirement would not apply to other funds appropriated for the same purpose.

The value of all mandates in a given fund established by the Board of Supervisors during its consideration of the annual budget could not exceed the total amount by which the Board had reduced expenditures in the Mayor's proposed budget from that fund, as determined by the Controller. Mandates that the Board of Supervisors imposed as part of a

supplemental appropriation ordinance could not exceed expenditure reductions approved in the same ordinance.

Under the proposal, the Mayor could veto an appropriation designated as mandatory by reducing or rejecting it. The Mayor could also veto the designation of the appropriation as mandatory with or without reducing the amount of the appropriation. The Board could override such vetoes by a two-thirds' vote.

The Board of Supervisors could rescind the designation of an appropriation as a mandate by resolution adopted by a majority vote of the Board. The designation of an appropriation as a mandate would expire with the underlying appropriation at the end of the fiscal year.

\* \* \*

*The only significant difference between this Third Draft, dated 2/9/2010, and the Second Draft on file, dated 1/28/2010, is in the proposed new title for Charter Section 9.103:*

- *The Second Draft reads, in relevant part: "SEC. 9.103. ADOPTION OF APPROPRIATION ORDINANCES; MANDATED PROGRAMMING."*
- *The Third Draft reads: "SEC. 9.103. ADOPTION OF APPROPRIATION ORDINANCES; MANDATED REDUCTION OF EXPENDITURES TO PROGRAM SERVICES DESIGNATED BY THE BOARD OF SUPERVISORS."*

*The expanded section title is intended by the Board to better explain the effect of the proposed amendment.*

*C: Rules members*



**CITY AND COUNTY OF SAN FRANCISCO**  
**OFFICE OF THE CONTROLLER**

**Ben Rosenfield**  
**Controller**

**Monique Zmuda**  
**Deputy Controller**

January 19, 2010

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place Room 244  
San Francisco, CA 94102-4689

RE: File 091430 – Charter amendment allowing the Board of Supervisors to designate certain appropriations as mandates to expend the money appropriated


Dear Ms. Calvillo,

Should the proposed Charter amendment be approved, in my opinion, it would not in and of itself affect the cost of government. The amendment allows the Board of Supervisors to designate items in the City's annual budget as mandates that must be expended during the fiscal year. Currently, the Board of Supervisors' approval of the budget authorizes, but does not mandate, that any particular item be expended. The Board's authority to mandate expenditures would be subject to certain limitations and to the normal veto and override processes. In particular, the amendment provides the Board of Supervisors is limited to mandating expenditures up to the total amount of funds that they reallocated during their budget amendment process.

Each year, some items and programs authorized in the City budget are not actually expended. This can occur for a variety of reasons including revenue shortfalls, decisions by City management, disagreement on priorities, delays in hiring or approvals, and other financial, legal or planning issues. At the end of the fiscal year, the authorization for those items either ends or is continued to a future fiscal year, largely depending on the type of fund source. Similarly, unexpended monies at the end of the fiscal year either become part of any available balance in that fund or continue to be held for expenditure in a subsequent year.

The City typically has unexpended monies at year end and has been able to use those to balance subsequent years' budgets. The proposed amendment would make it less likely that there would be unexpended monies at the end of the fiscal year for this purpose. In effect, the amendment would cause the City to spend more funds in some years and less in others, but would not affect the aggregate amount of City expenditures

Sincerely,

  
Ben Rosenfield  
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

**Office of the Mayor**  
City & County of San Francisco



BOS-11  
File # 091430  
Gavin Newsom

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

February 1, 2010

Members, Board of Supervisors  
San Francisco City Hall  
1 Carlton B. Goodlett Place  
San Francisco, California 94102

Dear Supervisors:

I strongly oppose the Charter Amendment (file number 091430) that would mandate that the Executive Branch spend government dollars. Historically, under the Charter an appropriation has always been an authorization to spend, not a requirement to spend. Subsequently, the Mayor has always had the authority to make spending adjustments as needed so as to expediently address critical budget needs within the City and County of San Francisco. This Charter Amendment fundamentally changes the structure of government which has served us well for more than half a century.

I am opposed to the measure for the following reasons:

1. In tight economic times, we must ensure that dollars are being spent efficiently and effectively. The measure discourages responsible fiscal and management practices by mandating that a department spend certain designated funds in their entirety, whether or not they are needed.
2. Currently, San Francisco has the ability to act immediately when fiscal challenges arise – anticipated or unexpected. This measure limits the ability of the Mayor and departments to appropriately manage trade-offs and act decisively under changing circumstances.
3. As a result, this measure threatens San Francisco's strong bond rating, as the City's ability to make rapid adjustments to address mid-year budget problems is seen as a key ratings driver by bond rating agencies. A strong bond rating allows the City to procure better interest rates on loans and better positions in the bond market, which allows us to do more for the City with our money while keeping costs lower for taxpayers.
4. This Charter Amendment is unnecessary because the Mayor's Office and the Board traditionally have worked together not only to maintain funding for the priority programs that represent the bulk of the budget, but also to restore additional Board priorities – which last year amounted to a record \$43.7 million in funding. As Mayor, I have maintained my commitment to spend these restorations, despite mid-year budget shortfalls.





San Francisco's Legislative and Executive branches of government have historically worked together – consistently approving a balanced budget on time that reflects the shared priorities of the Mayor, the Board of Supervisors, City and County departments, and San Francisco residents. One of San Francisco's greatest strengths as a government is our ability to wisely invest in the policies, programs, and services that the people of San Francisco need, during good times and bad.

I ask the Board of Supervisors not to submit this Charter Amendment to the ballot. We do not need to enshrine in the Charter a more combative process between my office and the Board, injure our City's bond rating, and reduce our ability to respond quickly and creatively to changing economic conditions.

Sincerely,

Gavin Newsom  
Mayor

cc: Angela Calvillo, Clerk of the Board of Supervisors