File No.	140556	Committee Item No	7
		Board Item No.	

## COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CO	JNTENTS LIST
Committee: Rules	<b>Date</b> <u>July 10, 2014</u>
Board of Supervisors Meeting	Date
Cmte Board	
Motion Resolution Ordinance Legislative Digest Budget and Legislative Anal Youth Commission Report Introduction Form Department/Agency Cover L MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commiss Award Letter Application Public Correspondence	etter and/or Report
OTHER (Use back side if additional s	space is needed)
Charter Amendment  Roancial Analysis, old 6/30/  CEQA Determination, dld 5/3	
Completed by: Alisa Miller Completed by:	Date July 3, 2014 Date

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

Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco to adjust the required annual appropriation from the General Fund to the Transportation Fund annually to reflect increases in the population of San Francisco, subject to discontinuation by the Mayor if the voters enact a new general tax on vehicles registered to a San Francisco address, at an election to be held on November 4, 2014; and making environmental findings.

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

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

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

Additions are <u>single-underline italics Times New Roman font</u>.

Deletions are <u>strike-through italics Times New Roman font</u>.

Asterisks (\* \* \* \*) indicate the omission of unchanged Charter subsections.

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

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Agency, which shall be called the Municipal Transportation Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended, or used by the Agency solely and exclusively for the operation

including, without limitation, capital improvements, management, supervision, maintenance, extension, and day-to-day operation of the Agency, including any division subsequently created or incorporated into the Agency and performing transportation-related functions. Monies in the Fund may not be used for any other purposes than those identified in this Section.

- (b) Beginning with the fiscal year 2000-2001 and in each fiscal year thereafter, there is hereby set aside to the Municipal Transportation Fund the following:
- 1. An amount (the "Base Amount") which shall be no less than the amount of all appropriations from the General Fund, including all supplemental appropriations, for the fiscal year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and County commissions, departments and agencies providing services to the Municipal Railway, including the Department of Human Resources and the Purchasing Department, for the provision of those services. The Base Amount for the Department of Parking and Traffic and the Parking Authority shall be established in the same fashion but using fiscal years 2000-2001 and 2001-2002 for the services being incorporated into the Agency.
- 2. Subject to the limitations and exclusions in Sections 4.113, the revenues of the Municipal Railway, and, upon their incorporation into the Agency, the revenues of the Department of Parking and Traffic, and the Parking Authority; and
- 3. All other funds received by the City and County from any source, including state and federal sources, for the support of the Agency.
- (c) The Base Amount shall initially be determined by the Controller. Adjustments to the Base Amount shall be made as follows:
- 1. The Base Amount shall be adjusted for each year after fiscal year 2000-2001 by the Controller based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and

County discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by adjustment in the next year's estimate.

- 2. An adjustment shall also be made for any increases in General Fund appropriations to the Agency in subsequent years to provide continuing services not provided in the Base Year, but excluding additional appropriations for one-time expenditures such as capital expenditures or litigation judgments and settlements.
- 3. Commencing with the fiscal year beginning on July 1, 2015, the Controller shall also adjust the Base Amount annually by the percentage increase in the San Francisco population based on data from the source(s) the Controller, in his or her sole discretion, finds most reliable for the most recent available calendar year. The Controller's population growth adjustment shall be based on the greater of the increase in daytime or night-time population. For any year in which the Controller determines that neither the daytime nor night-time population has increased, the Controller shall make no adjustment under this subparagraph 3 to the Base Amount. For purposes of the initial adjustment for the year commencing July 1, 2015, the Controller shall adjust the Base Amount based on the increase in City daytime or night-time population for the most recent ten-year period for which data are available instead of the most recent available calendar year. The Agency shall use the amount of any increase in the Base Amount resulting from the adjustment required by this subparagraph 3 exclusively as follows: 75 per cent shall be used to make transit system improvements to the Municipal Railway to improve the system's reliability, frequency of service, capacity, and state of good repair, and 25 per cent shall be used for transportation capital expenditures to improve street safety for all users.

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- (d) The Treasurer shall set aside and maintain the amounts required to be set aside by this Section, together with any interest earned thereon, in the Municipal Transportation Fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward, together with interest thereon, to the next fiscal year for the purposes specified in this Article.
- (e) It is the policy of the City and County of San Francisco to use parking-related revenues to support public transit. To that end, the following parking-related revenues deposited in the Transportation Fund shall be used to support the capital and operating expenses arising from the Agency's transit functions:
- 1. Revenues from parking meters, except those amounts collected from parking meters operated by the Recreation and Park Department and the Port Commission and except to the extent that they are required by law to be dedicated to other traffic regulation and control functions:
- 2. Revenues from off-street parking facilities under the jurisdiction of the Agency (excluding facilities owned by the Parking Authority), including facilities leased to private owners and non-profit corporations, except those amounts generated from any parking on or below any land or facilities under the jurisdiction of the Recreation and Park Department and except those amounts obligated by contract executed before 1993 to pay debt service;
- 3. Revenues from fines, forfeited bail, or penalties for parking violations, except those amounts to be credited to the courthouse construction fund as provided in Administrative Code Section <u>10.100-353.</u><del>10.117-35.</del>
- (f) In addition, there is hereby set aside from the general revenues of the City and County and deposited in the Transportation Fund to support the Agency's transit services an amount equivalent to 80 percent of the revenues received from the City's tax on occupation of parking spaces. Additional amounts appropriated as a result of this subsection after July 1, 2008 which were not previously available to support transit service shall be used exclusively to:

- 1. support implementation of the transit service improvements recommended by the Transit Effectiveness Project or any subsequent system-wide route and service evaluation, with first priority given to the hiring of full time on-going staff and expansion of training for Agency employees, supervisors and managers; and
- 2. support the creation of a Labor-Management Implementation and Service Improvement Committee consisting of the Director of Transportation and a designated representative of each union representing Agency employees. This committee shall meet quarterly to discuss implementation of this Section and ongoing system challenges.

Section 3. For any fiscal year commencing after the San Francisco voters approve imposition of a Voter Approved Local Assessment (as authorized by Part 5.7 of Division 2 of the California Revenue and Taxation Code) on vehicles registered to a San Francisco address as a new general tax generating revenues to be deposited in the City's General Fund and used for any lawful City purpose, as appropriated by the Mayor and the Board of Supervisors, the Mayor, after consulting with the Director of Transportation, the Mayor's Budget Director and the Controller, and after taking into account the City's projected revenues and expenditures in the City's financial plans, may by January 1 discontinue permanently further population-based adjustments to the Base Amount as prescribed in Subsection 8A.105(c)(3) by issuing a written notice to the Director of Transportation, the Board of Supervisors and the Controller. The Mayor's issuance of this notice shall be irrevocable and upon issuance of the notice the Controller's duties under Subsection 8A.105(c)(3) shall cease. Thereafter, the Controller shall return the Base Amount to the amount it would have been if Subsection 8A.105(c)(3) had not been enacted and continue to adjust the Base Amount only according to the terms of Subsections 8A.105(c)(1) and 8A.105(c)(2) and any other applicable law. The Mayor's issuance of this

notice shall have the effect of repealing Subsection 8A.105(c)(3), making it thereafter inoperative with no further force and effect. Following the Mayor's issuance of the notice, the City Attorney shall take all actions necessary to remove Subsection 8A.105(c)(3) from the City Charter.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: Julia M. C. Friedlander
Deputy City Attorney

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### **LEGISLATIVE DIGEST**

(Second Draft, 6/30/2014)

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

Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco to adjust the required annual appropriation from the General Fund to the Transportation Fund annually to reflect increases in the population of San Francisco, subject to discontinuation by the Mayor if the voters enact a new general tax on vehicles registered to a San Francisco address, at an election to be held on November 4, 2014; and making environmental findings.

### **Existing Law**

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

### Amendments to Current Law

The proposed Charter Amendment would:

- 1. require the Controller to increase the Base Amount each year when there has been an increase in the City's daytime or night-time population; and
- 2. require the SFMTA to use 75% of any additional revenues to the Agency to make transit system improvements to the Municipal Railway to improve the system's reliability, frequency of service, capacity, and state of good repair and 25% of any additional revenues for capital expenditures to improve street safety for all users; and
- 3. authorize the Mayor to suspend population-based increases in the Base Amount and return the Base Amount to what it would have been if this measure had not been approved if the voters enact a local assessment on vehicles registered to a San Francisco address as a new general tax generating revenues to be deposited in the City's General Fund.

### **Background Information**

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

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Ben Rosenfield Controller

Monique Zmuda Deputy Controller

June 30, 2014

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

RE: File 140556 – Charter amendment regarding additional adjustments to the Municipal Transportation Agency given population growth

Dear Ms. Calvillo,

Should the proposed charter amendment be approved by the voters, in my opinion, it would have a significant impact on the cost of government. The proposed measure would set aside additional funds for transit system improvements and capital expenditures that would otherwise be available for any public purpose.

The proposed Charter amendment would, beginning in fiscal year (FY) 2015-16, increase voter-adopted baseline funding for the Municipal Transportation Agency (MTA) by the percentage growth in the city's population growth during the past ten years, or approximately \$22 million. Further, the MTA baseline would be adjusted in future years when city population grows, resulting in additional average annual increases of approximately \$1.5 million given average annual historical population growth. The proposed measure would set aside these funds for transit system improvements and capital expenditures. The proposed baselines adjustments would be in addition to existing voter-adopted set-asides for the MTA, which are generally indexed to changes in City discretionary revenues.

The Controller's Office will work with the Mayor, Board of Supervisors and City departments to clarify the financial effects of the proposed Charter amendment as it is considered for the ballot.

Sincerely,

Ben Rosenfie 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.



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

May 29, 2014

File No. 140556

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

Dear Ms. Jones:

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

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

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

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Miller, Committee Clerk Rules Committee

### Attachment

 John Rahaim, Director, Planning Department AnMarie Rodgers, Planning Department Aaron Starr, Planning Department Joy Navarrete, Environmental Planner Jeanie Poling, Environmental Planner Not defined as a project under CEAD Schons 15378 + 15060(c)(2) because it does not result in a physical change in the environment

DIY NAVORAGIE



June 30, 2014

Supervisor Scott Wiener 1 Dr. Carlton B. Goodlett Place City Hall, Room. 244 San Francisco, Ca 94102-4689

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

Dear Supervisor Wiener,

I am writing to express the Sierra Club's support of the proposed Charter Amendment to add a population-based adjustment to the General Fund set aside for the Municipal Transportation Fund.

The Muni transit system has long been vital to economic and social life of San Francisco, and contributes to the reduction of millions of tons of carbon by reducing car trips.

Muni is in dire need of increased funding. The MTA has identified billions of dollars of need. The system suffers from over crowding, gaps in service and reliability, at a time when need for service is growing.

Increasing population has been putting further stress on the system. And as population grows, so does city revenue. Therefore, an increase in the voter-mandated set-aside based on population growth is a logical and fair way to fund at least some of increase in demand caused by increased population.

The Sierra Club supports placing the measure on the ballot, including its mandate that 75 percent be used to make transit system improvements to the Municipal Railway, and 25 percent to be used for transportation capital expenditures.

Thank you for creating this measure.

Sincerely,

Political Chair

Sierra Club San Francisco Bay Chapter

### SAN FRANCISCO TRANSIT RIDERS UNION

PO Box 193341 · San Francisco CA 94119 www.sftru.org

June 25, 2014

To: Rules Committee Members: Supervisor Norman Yee, Supervisor Katy Tang and Supervisor David Campos

Re: Proposed Population-Based Adjustment to General Fund Appropriation to Transportation Fund

Dear Members of the Rules Committee,

The San Francisco Transit Riders Union (<u>www.sftru.org</u>) is writing you to ask that you support Supervisor Wiener's amendment to the City Charter that would allow for Population-based adjustments to the general fund appropriation to the Transportation Fund. We applaud the recognition that Muni will need to expand as the City grows, and this amendment directly responds to that.

Muni has been severely underfunded for years—both the capital budget and the service budget. We strongly support an amendment that addresses that, especially with no legislation proceeding this year for the Vehicle License Fee (VLF), and with the suspension of Sunday metering.

Just as we strongly endorse both service and capital needs being addressed in this proposed amendment, we urge the board to likewise see that both are addressed in any legislation for the VLF. This becomes essential if future passage of a VLF is intended to supersede the Transportation Fund adjustments proposed in this amendment.

Given the uncertainty of future passage of a Vehicle License Fee, it is essential that measures such as this based on alternative funding strategies be put in place.

For those reasons, the San Francisco Transit Riders Union urges the Rules Committee to pass this proposed Charter Amendment to the full Board with a **Do Pass** recommendation.

Sincerely,

Thea Selby

Interim Chair, SFTRU

Cc: Supervisor Scott Wiener



June 30, 2014

Supervisor Scott Wiener 1 Dr. Carlton B. Goodlett Place City Hall, Room. 244 San Francisco, Ca 94102-4689

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

Dear Supervisor Wiener,

I am writing to express Walk San Francisco's support of the proposed Charter Amendment to add a population-based adjustment to the General Fund set aside for the Municipal Transportation Fund.

A great city like San Francisco deserves a great transportation system. However, three people are hit by cars everyday simply while walking. San Francisco currently and historically lacks the funding needed to build safe streets that prevent collisions and traffic deaths.

Increasing population has been putting further stress on the system. And as population grows, so does city revenue. Therefore, an increase in the voter-mandated set-aside based on population growth is a logical and fair way to fund at least some of increase in demand caused by increased population.

Walk San Francisco supports placing the measure on the ballot, including its mandate that 25 percent will be used for safety improvements to implement the city's Vision Zero goal to eliminate traffic fatalities in 10 years. We also support that 75 percent be used to make transit system improvements to the Municipal Railway, and encourage this revenue to integrate the Municipal Transportation Agency's recent transit equity analysis.

Sincerely,

Nicole Schneider Executive Director



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

### MEMORANDUM

TO:

Ben Rosenfield, City Controller

FROM:

Alisa Miller, Clerk, Rules Committee

**Board of Supervisors** 

DATE:

May 29, 2014

SUBJECT:

CHARTER AMENDMENT INTRODUCED

November 4, 2014 Election

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

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

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

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

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

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



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

May 29, 2014

File No. 140556

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

Dear Ms. Jones:

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

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Miller, Committee Clerk Rules Committee

### Attachment

c: John Rahaim, Director, Planning Department AnMarie Rodgers, Planning Department Aaron Starr, Planning Department Joy Navarrete, Environmental Planner Jeanie Poling, Environmental Planner



City Hall
Dr. Carlton B. Goodlett Place, Room 244
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TDD/TTY No. 554-5227

### MEMORANDUM

TO:

Jason Elliott, Mayor's Office

Jon Givner, Office of the City Attorney

Naomi Kelly, City Administrator

John St. Croix, Executive Director, Ethics Commission

John Arntz, Director, Department of Elections Harvey Rose, Budget and Legislative Analyst

Ed Reiskin, Executive Director, Municipal Transportation Agency

Jose Cisneros, Treasurer/Tax Collector

Micki Callahan, Director, Department of Human Resources

FROM:

Alisa Miller, Clerk, Rules Committee

**Board of Supervisors** 

DATE:

May 29, 2014

SUBJECT:

CHARTER AMENDMENT INTRODUCED

November 4, 2014 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 4, 2014 Election, introduced by Supervisor Wiener on May 20, 2014. This matter is being referred to you in accordance with Rules of Order 2.22.4.

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

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

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

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

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

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

Print Form

# **Introduction Form**

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):	or meeting date
□ 1. For reference to Committee.	
An ordinance, resolution, motion, or charter amendment.	
2. Request for next printed agenda without reference to Committee.	
3. Request for hearing on a subject matter at Committee.	
4. Request for letter beginning "Supervisor	inquires"
5. City Attorney request.	
6. Call File No. from Committee.	
7. Budget Analyst request (attach written motion).	
8. Substitute Legislation File No.	
9. Request for Closed Session (attach written motion).	
☐ 10. Board to Sit as A Committee of the Whole.	
11. Question(s) submitted for Mayoral Appearance before the BOS on	
Please check the appropriate boxes. The proposed legislation should be forwarded to the follow  Small Business Commission Youth Commission Ethics Comm	
☐ Planning Commission ☐ Building Inspection Commission	on
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative	
Sponsor(s):	
Supervisor Wiener	
Subject:	
Charter Amendment - Population-Based Adjustment to General Fund Appropriation to Transport	ation Fund
The text is listed below or attached:	
Describing and setting forth a proposal to the voters to amend the Charter of the City and County adjust the required annual appropriation from the General Fund to the Transportation Fund annual increases in the population of San Francisco at an election to be held on November 4, 2014; and renvironmental findings.	lly to reflect
Signature of Sponsoring Supervisor:	e

For Clerk's Use Only: