File No.	131130	Committee Item No	4	
		Board Item No.	3	_

COMMITTEE/BOARD OF SUPERVISORS

	AGENDA PACKET CONT	ENTS LIST
Committee:	Budget and Finance Committee	Date: 1/8/2014
Board of Su	pervisors Meeting	Date: 1/14/14
Cmte Boa	rd	
	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Legislative Analyst Report Youth Commission Report Introduction Form Department/Agency Cover Lette MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence	
OTHER	(Use back side if additional space	e is needed)
Completed become		Date January 3, 2014 Date (/ʔ/۱ၦ

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Resolution establishing the appropriations limit for FY2013-2014 pursuant to California Constitution, Article XIII B.

[California Constitution Appropriations Limit - FY2013-2014]

WHEREAS, Article XIII B of the California Constitution provides that the annual appropriations of the City and County of San Francisco which are subject to said Article may not exceed the appropriations limit for the prior year, with adjustments as provided in said Article XIII B; and,

WHEREAS, The California Government Code, Section 7901, defines the terms, and Section 7902(b) sets forth the equations to be used to determine the City and County of San Francisco's annual appropriations limit, according to the following formula:

(b)"...the appropriations limit of the state and each local jurisdiction shall equal the appropriations limit for the prior fiscal year multiplied by the product of the change in cost of living, as defined in paragraph (2) of subdivision (e) of Section 8 of Article XIII B of the California Constitution, and the change in population of the local jurisdiction for the calendar year preceding the beginning of the fiscal year for which the appropriations limit is to be determined, and adjusted for other changes required or permitted by Article XIII B of the California Constitution;" and,

WHEREAS, Article XIII B, Section 8(e)(2) of the California Constitution authorizes for the calculation of the cost of living, the use of either the percentage change in California per-capita personal income from the preceding year, or the percentage change in the local assessment roll from the preceding year for the jurisdiction due to the addition of local nonresidential new construction; and,

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II

WHEREAS, The change in California per-capita personal income from FY2012-13 is 5.12%, while the percentage change in the local assessment roll from 2012 due to the addition of local non-residential new construction was 0.08%; and,

WHEREAS, The percentage change in population during calendar year 2012 for the City and County of San Francisco according to the State Department of Finance was 1.08%; and,

WHEREAS, The resulting calculation establishing the City and County of San Francisco's FY2013-14 appropriations limit is:

\$2,634,687,668 X 1.0512 X 1.0108 = \$2,799,495,180; and,

WHEREAS, This matter has been considered at a regularly scheduled meeting of the Board of Supervisors for the City and County of San Francisco; and,

WHEREAS, The documentation used to determine the appropriations limit for the City and County of San Francisco for FY2013-2014 was available for public inspection in the Office of the Clerk of the Board of Supervisors for at least 15 days prior to said regularly scheduled meeting; now, therefor, be it

RESOLVED, That the City and County of San Francisco elects to use the change in California per-capita personal income from FY2012-13 and elects to use the annual percent change in population as measured by the San Francisco City and County population growth from the previous year for the purpose of computation of its appropriations limit pursuant to Article XIII B of the California Constitution for FY2012-2013; and, be it

Supervisor Farrell

BOARD OF SUPERVISORS

FURTHER RESOLVED, That the net appropriations limit for FY 2013-2014 is established at \$2,799,495,180.

Recommended:

Ben Rosenfield,

Controller

Item 4	Department:
File 13-1130	San Francisco Controller's Office (Controller)

EXECUTIVE SUMMARY

Legislative Objectives

 Resolution establishing the City and County's appropriations limit for FY 2013-14 pursuant to Article XIIIB of the California Constitution.

Key Points

- The proposed resolution would establish the City's appropriations limit in FY 2013-14 at \$2,799,495,180 pursuant to Article XIIIB of the California Constitution.
- According to the California Constitution Article XIIIB, the appropriations limit does not apply
 to any tax proceeds appropriated due to (a) voter-approved indebtedness, (b) federallymandated services, (c) qualified capital outlays, and (d) various hazardous waste programs
 administered by the Department of Public Health. The terms and the calculation to be used
 in setting the appropriations limit are defined by California Government Code Sections 7901
 and 7902(b), respectively.
- For FY 2013-14, based on the Controller's calculation, the City's net tax proceeds subject to the FY 2013-14 appropriations limit are \$2,696,388,530 or \$103,106,650 less than the appropriations limit of \$2,799,495,180, as calculated by the Controller.

Policy Consideration

- Per California Constitution Article XIIIB Section 8(e)2, when calculating the cost of living adjustment to the appropriations limit, the Controller may use either (1) the percentage change in California per-capita income from the preceding year or (2) the percentage change in the local assessment roll from the preceding year due to the change in local nonresidential new construction.
- For the FY 2013-14 appropriations limit, the Controller elected to use the percentage change in California per-capita income from the preceding year, consequently calculating the appropriations limit at \$2,799,495,180. Had the Controller elected to use the percentage change in the local assessment roll due to non-residential new construction from the preceding year, the appropriations limit would have been calculated at \$2,665,272,809, which is (1) \$134,222,371 less than the proposed appropriations limit of \$2,799,495,180 and (2) \$31,115,721 less than the Controller's estimate of net tax proceeds subject to the appropriations limit of \$2,696,388,530.

Recommendation

Approve the proposed resolution.

MANDATE STATEMENT / BACKGROUND

Mandate Statement

California Constitution Article XIIIB states that each local government must set an annual appropriations limit as calculated using the preceding year's appropriations limit adjusted for (1) the change in population and (2) the change in the cost of living.

Background

On November 6, 1979, California voters approved Proposition 4, known as the Gann Initiative, which added Article XIIIB to the California Constitution. Article XIIIB (later amended by State Proposition 111, as approved by the voters in June of 1990) places annual limits on the appropriations of tax proceeds made by the State, school districts, and local governments in California. The annual appropriations limit is set to the appropriations limit for the preceding year as adjusted for (1) the change in population and (2) the change in the cost of living. Additionally, California Government Code Sections 7901 and 7902(b) define the terms and the calculation to be used in setting the appropriations limit, respectively.

Per Article XIIIB Section 9 and California Government Code Section 7901, the appropriations limit does not apply to any tax proceeds appropriated for (a) debt service, (b) federally-mandated services, (c) qualified capital outlays, and (d) various hazardous waste programs administered by the Department of Public Health.

California Government Code Section 7901(b) defines the change in population as the population growth for the calendar year preceding the beginning of the fiscal year for which the appropriations limit is to be determined. According to the California Department of Finance, in calendar year 2012, San Francisco's population growth was 1.08 percent.

California Constitution Article XIIIB Section 8(e)2 allows the local government to use one of the two following definitions to calculate the cost of living adjustment:

Definition 1: The percentage change in California per-capita personal income from the preceding year, estimated to be 5.12 percent in 2012, or

Definition 2: The percentage change for the local jurisdiction in the assessment roll from the preceding year due to non-residential new construction, estimated to be 0.08 percent in 2012.

DETAILS OF PROPOSED LEGISLATION

The proposed resolution would establish the City's FY 2013-14 appropriations limit at \$2,799,495,180 as calculated by the Controller. The appropriations limit for FY 2013-14 is based

on the amount of the FY 2012-13 appropriations limit and adjusted to reflect changes in (1) the population and (2) cost of living adjustment (calculated using the per capita increase in personal income).

FISCAL IMPACT

Per California Constitution Article XIIIB, the appropriations limit does not apply to tax proceeds appropriated for: (a) debt service, (b) federally-mandated services, (c) qualified capital outlays, and (d) various hazardous waste programs administered by the Department of Public Health. Consequently, the Controller excluded \$285,875,094 from the City's total FY 2013-14 tax proceeds of \$2,982,263,624 as shown in Table 1 below.

Table 1: Tax Proceeds Subject to the Proposed Appropriations Limit

FY 2013-14 Total Tax Proceeds	\$2,982,263,624
Exclusions	
(a) Debt Service	(218,201,356)
(b) Federally-Mandated Services	(64,380,048)
(c) Qualified Capital Outlays	(183,227)
(d) Hazardous Waste Program	(3,110,463)
Subtotal Exclusions	(\$285,875,094)
FY 2013-14 Net Tax Proceeds Subject to Appropriations Limit	\$2,696,388,530

The City's FY 2013-14 net proceeds of taxes, as determined by the Controller, are \$2,696,388,530 as shown in Table 1 above. As shown in Table 2 below, the proposed resolution would establish the City's appropriations limit in FY 2013-14 at \$2,799,495,180, as calculated by the Controller.

Table 2: Proposed FY 2013-14 Appropriations Limit Calculated by the Controller's Office

FY 2012-13 Appropriations Limit	\$2,634,687,668
Adjustment Factors	· • • • •
Increase in Population	1.08%
Increase in Per-Capita Personal Income (Cost of Living)	5.12%
FY 2013-14 Appropriations Limit ^a	\$2,799,495,180
a ¢2 624 697 669 v 1 0109 v 1 0512 occupio ¢2 700 405 400	

^a \$2,634,687,668 x 1.0108 x 1.0512 equals \$2,799,495,180.

As shown in Table 1 and Table 2 above, the City's FY 2013-14 net tax proceeds of \$2,696,388,530 are \$103,106,650 less than the proposed FY 2013-14 appropriations limit of \$2,799,495,180.

POLICY CONSIDERATION

As noted in the background section, the Controller has discretion to calculate the cost of living adjustment factor using one of two following definitions:

Definition 1: The percentage change in California per-capita personal income from the preceding year, estimated to be 5.12 percent in 2012, or

Definition 2: The percentage change for the local jurisdiction in the assessment roll from the preceding year due to local non-residential new construction, estimated to be 0.08 percent in 2012.

Table 3 below shows the FY 2013-14 appropriations limit using both definitions.

Table 3: The FY 2013-14 Appropriations Limit Can Vary Depending on Definition

	Definition 1	Definition 2
	Per-Capita Personal Income ^a	Local Assessment Roll from Non- Residential New Construction ^b
FY 2012-13 Appropriations Limit	\$2,634,687,668	\$2,634,687,668
Adjustment Factors		
Increase in Population	1.08%	1.08%
Increase in Per-Capita Personal Income	5.12%	-
Increase in Local Assessment Roll	· <u>-</u>	0.08%
FY 2013-14 Appropriations Limit	\$2,799,495,180	\$2,665,272,809

^a \$2,634,687,668 x 1.0108 x 1.0512 equals \$2,799,495,180.

For the FY 2013-14 appropriations limit, the Controller elected to use the percentage change in California per-capita personal income from the preceding year to calculate the cost of living adjustment, consequently calculating the appropriations limit at \$2,799,495,180, as shown in Table 2 above. Had the Controller elected to use the percentage change in the local assessment roll from the preceding year, the appropriations limit, as shown in Table 3 above, would have been calculated at \$2,665,272,809, which is (a) \$134,222,371 less than the proposed appropriations limit of \$2,799,495,180 and (b) \$31,115,721 less than the Controller's estimate of net tax proceeds subject to the appropriations limit of \$2,696,388,530, as shown in Table 1 above.

RECOMMENDATION

Approve the proposed resolution.

^b \$2,634,687,668 x 1.0108 x 1.0008 equals \$2,665,272,809.



RECEIVED
BOARD OF SUPERVISORS
SAH FRANCISCO

Ben Rosenfield Controller

2013 NOV 15 PM 2: 4,9

Monique Zmuda Deputy Controller

November 8, 2013

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

RE:

Legislation to Establish the Appropriation Limit for Fiscal Year 2013-14, Pursuant to California Constitution Article XIIIB.

Dear Ms. Calvillo:

Enclosed is the above referenced resolution to set the City and County's appropriation limit for fiscal year 2013-14, as required by Government Code Section 7910. The necessary supporting documentation prepared by the Controller's Office is also enclosed.

This information must be posted and available for public inspection for fifteen days prior to a public hearing. Our working papers are available upon request at Controller's Office, Room 316.

Please contact Michele Allersma at (415) 554-4792 if you have any further questions regarding this matter.

Sincerely,

Ben Rosenfield

Controller

Enclosures

1) California Spending Limit Resolution

2) Transmittal to Mayor and Board of Supervisors

3) Supporting Documents - Exhibits



Ben Rosenfield Controlle Monique Zmuda Deputy Controller

November 8, 2013

Mayor Edwin M. Lee
City and County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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

RE: Appropriations Limit for Fiscal Year 2013-14

Dear Mayor Lee and Board Members:

In accordance with Article XIII B of the State Constitution, attached is the resolution establishing the City and County's annual appropriation limit for fiscal year 2013-14. We estimate City and County appropriations are approximately \$103.1 million below the statemendated appropriation limit.

Background

Article XIII B of the State Constitution provides that annual appropriations of the City and County of San Francisco, which are funded from "Proceeds of Taxes," may not exceed the City and County's appropriation limit. This limit is equal to the prior year's limit adjusted for changes in population and inflation.

Our computation of proceeds of taxes is in accordance with California Government Code Section 7900, and conforms to the "Proposition 4, Article XIII B, California Constitution, Procedural Guidelines" prepared by the County Accounting Standards and Procedures Committee of the State Controller's Office (See Exhibit A).

Annual Appropriations Limit Adjustments

Each year the City and County of San Francisco adjusts its appropriation limit based upon two factors: population growth and inflation as determined by the California Government Code. Population growth is determined by using the change in San Francisco City and County population. According to the California Department of Finance, in calendar year 2012, the San Francisco City and County population growth was 1.08%. This growth factor is being used in the calculation. Inflation is determined by using either the change in California per capita personal income or the increase in the local assessment roll due to the addition of non-residential new construction. The fiscal year 2013-14 change in per capita income was 5.12%,

California Constitution Spen g Limit November 8, 2013 Page 2

while the local assessment growth due to non-residential new construction was 0.08%. The fiscal year 2013-14 change in per capita income is used in the calculation (See Exhibit B).

Adjustments to Proceeds of Taxes

There are a series of downward adjustments to proceeds of taxes allowed by Article XIII B. The following exclusions are factored into our calculation of Net Proceeds of Taxes:

- (1) \$218.2 million is excluded as voter-approved bonded indebtedness (Article XIIIB, Section 9(a));
- (2) \$64.4 million is excluded as the federal mandate for Social Security and Medicare payroll taxes (Article XIIIB, Section 9(b));
- (3) \$0.2 million is excluded under the determination of "qualified capital outlay" (Article XIIIB Section 9(e)); and,
- (4) \$3.1 million is excluded for the hazardous waste program (Governmental Code Section 7901(i) (2)).

City and County Appropriations are well under the Limit

Our appropriation limit for FY 2013-14 is \$2,799,495,180. We estimate that our appropriations subject to limitation will be \$2,696,388,530. Thus, the Controller projects that the City and County will be \$103,106,650 below its limit in the current fiscal year.

It is the Controller's responsibility to monitor this appropriation limit each year for compliance. When the fiscal year in question has been audited, we will compare the actual appropriations to the budgeted appropriations and the actual mandate costs to the estimates. If the total adjusted appropriations funded from proceeds of taxes exceed the statutory limit, such excess must be returned to the taxpayers within two years.

Sincerely,

Ben Rosenfield Controller

Attachments

cc: Kate Howard, Mayor's Budget Office Dennis Herrerra, City Attorney Buck Delventhal, Deputy City Attorney Angela Calvillo, Clerk of the Board Harvey Rose, Budget Analyst

California Constitution Article XIIIB Appropriation Limit Fiscal Year 2013-14 Final Budget Exhibit A - Appropriations Funded by Proceeds of Taxes Subject to Limit

	GENERAL FUND	OTHER GOVERNMENTAL FUNDS	MUNICIPAL TRANSPORTATIO N FUND	TOTAL
Property Taxes Business Taxes Other Local Taxes Interest (1) Rents & Concessions (1) Grants - State (2) (3) (4) TOTAL PROCEEDS OF TAXES	1,153,417,389 532,988,000 846,924,000 8,110,270 1,797,778 90,675,000 \$2,633,912,437	345,313,356 1,000,000 - 775,831 - 1,262,000 \$348,351,187	- - - - - - - - \$0	1,498,730,745 533,988,000 846,924,000 8,886,101 1,797,778 91,937,000 \$2,982,263,624
LESS: Voted approved indebtedness fu (Article XIIIB Section 9(a) exclu		tax		(218,201,356)
Federal Mandate for Social Secu (Article XIIIB Section 9(b) exclu	-			(64,380,048)
Qualified Capital Outlay (Article XIIIB Section 9(d) exclu	usion)			(183,227)
Hazardous Waste (Government Code Section 790	1(i)(2)exclusion)		•	(3,110,463)
NET PROCEEDS OF TAXES	•			\$2,696,388,530
Adjusted Appropriations Limit 2013-	14 - Exhibit B	• •		2,799,495,180
Less: Estimated Appropriations from FY 2013-14 Appropriations Under (0				(2,696,388,530) \$103,106,650

California Constitution Article XIIIB Appropriation Limit Fiscal Year 2013-14 Final Budget Exhibit B - Calculation

Fiscal Year 2013-14:			•
CA Per-Capita Personal Income change			5.12%
Population percentage change -			
County of San Francisco (1)			1.08%
CA Per-Capita Personal Income Change converted to ratio	5.12+ 100	_	1.05120
art of Supra resonal mostle change converted to ratio	100		1.00120
	. 100		•
Population Change converted to ratio	1.08 + 100	=	1.01080
	100	-	
Calculation of Appropriations Limit:			
Ratio Change	1.0512 x 1.01080	=	1.062553
Appropriations Limit FY 2012-13			\$2,634,687,668
X Ratio Change			1.062553
Appropriations Limit FY 2013-14		_	\$2,799,495,180
		-	1 - 7 7 7 7 7

⁽¹⁾ Per Capita Personal Income and Population Percentage Changes provided by the California Department of Finance.

California Constitution Article XIIIB Appropriation Limit Fiscal Year 2013-14 Final Budget Exhibit C - Annual Changes FY 1980-81 to FY 2013-14

•	Base Year Limit					421,812,990
		ar Voter-Approved ness funded from Proc	eeds	of Taxes		(11,347,967)
	Franchise	e Fees in Base Year		•		(1,405,000)
	Revised Base Ye	ear Limit				409,060,023
	Tropicou Buso I c					
	Schedule of Ann	ual Changes:		•		
	1980-81:	Base Year	X	1.261700	=	\$516,111,031
	1981-82	516,111,031	X	1,103200	=	569,373,689
	1982-83	569,373,689	X	1.080800	=	615,379,083
	1983-84	615,379,083	X	1.040300	=	640,178,860
	1984-85	640,178,860	χ.	1.061900	=	679,805,931
	1985-86	679,805,931	X	1.055300	=	717,399,199
	1986-87	717,399,199	Х	1.058500	=	759,367,052
	1987-88	759,367,052	X	1.047430	=	795,383,831
	1988-89	795,383,831	х	1.062090	=	844,769,213
	1989-90	844,769,213	х	1.068520	=	902,652,799
	1990-91	902,652,799	х	1.060650	=	957,398,691
	1991-92	957,398,691	х	1.060350	=	1,015,177,702
	1992-93	1,015,177,702	Х	1.010590	=	1,025,928,434
	1993-94	1,025,928,434	х	1.044560	=	1,071,643,477
	1994-95	1,071,643,477	х	1.018782	=	1,091,771,470
	1995-96	1,091,771,470	X	1.061651	=	1,159,080,666
	1996-97	1,159,080,666	х	1.051410	=	1,218,669,177
	1997-98	1,218,669,177	х	1.076426	=	1,311,807,188
	1998-99	1,311,807,188	X	1.062538	=	1,393,845,379
	1999-200		Х	1.060248	=	1,477,821,483
	2000-01	1,477,821,483	x	1.062319	=	1,569,917,337
	2001-02	1,569,917,337	х	1.093726	=	1,717,059,535
	2002-03	1,717,059,535	х	1.020090	=	1,751,554,849
	2003-04	1,751,554,849	X	1.031899	=	1,807,427,102
	2004-05	1,807,427,102	X	1.041062	=	1,881,644,397
	2005-06	1,881,644,397	X	1.061968	=	1,998,246,400
	2006-07	1,998,246,400	X	1.048541	=	2,095,242,399
	2007-08	2,095,242,399	x	1.056313	= '	2,213,231,198
	2008-09	2,213,231,198	X	1.058648	=	2,343,032,316
	2009-10	2,343,032,316	x	1.022929	=	2,396,755,118
	2010-11	2,396,755,118	Х	1.018682	=	2,441,531,489
	2011-12	2,441,531,489	X	1.035043	=	2,527,091,225
	2012-13	2,527,091,225	Х	1.042577	=	2,634,687,668
	2013-14	2,634,687,668	Х	1.062553	=	2,799,495,180
	_0.01.	_,,_,		-		

Assessor Recorder FY 2013-2014 Gann Limit August 15, 2013 (Unaudited)

				FY12-13 vs FY 11-12
		2012-13	2011-12	Change
Basis of Levy (with SBE Roll) Less: Roll Increase Due to		173,136,510,972	159,303,239,998	13,833,270,974
Non-residential New construction	49-	(122,433,694)		
In-Progress Assessment	₩.	(1,317,007,571)		
Adjusted Basis of Levy		171,697,069,707	159,303,239,998	13,833,270,974

Source: MIS Report

Non Residential New Construction divided by prior year Basis of Levy

Reference Section

Non-Residential New Construction Growth Factor William

CA Constitution Artivle XIII B Section 8, e-2

- (e) (1) "Change in the cost of living" for the State, a school district, or a community college district means the percentage change in California per capita personal income from the preceding year.
 - (2) "Change in the cost of living" for an entity of local government, other than a school district or a community college district, shall be either (A) the percentage change in California per capita personal income from the preceding year, or (B) the percentage change in the local assessment roll from the preceding year for the jurisdiction due to the addition of local nonresidential new construction. Each entity of local government shall select its change in the cost of living pursuant to this paragraph annually by a recorded vote of the entity's governing body.

Ben Rosenfield Controller Monique Zmuda Deputy Controller

November 8, 2013

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

RE:

Legislation to Establish the Appropriation Limit for Fiscal Year 2013-14,

Pursuant to California Constitution Article XIIIB.

Dear Ms. Calvillo:

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Sincerely,

Ben Rosenfield

Controller

Enclosures

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