

1 [Administrative Code - Monitoring of Nonprofits that Contract with the City]

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3 **Ordinance amending the Administrative Code to clarify the Controller’s audit and**
4 **monitoring responsibilities with respect to nonprofit organizations contracting with the**
5 **City; directing the Controller to establish measurable performance goals for contracts**
6 **with nonprofit organizations; directing the Controller to periodically review and, as**
7 **necessary, revise policies regarding contractors’ compliance with City requirements;**
8 **and requiring the Controller to perform an annual review of departments’ compliance**
9 **with policies for auditing and monitoring nonprofit organizations.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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15 Be it ordained by the People of the City and County of San Francisco:

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17 Section 1. Background and Findings.

18 (a) Nonprofit organizations currently deliver approximately \$1.4 billion in essential
19 services on behalf of the City and County of San Francisco. The City currently relies on more
20 than 600 nonprofits that contract with various City departments to deliver a variety of services,
21 including, but not limited to, health services, early education services, family support services,
22 and homelessness and housing services.

23 (b) City departments contracting with nonprofits are responsible for monitoring the
24 delivery and quality of services under the terms of the contract. While most nonprofits deliver
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1 high-quality services in alignment with contracted expectations, there are some nonprofits that
2 are not performing adequately.

3 (c) There is a need to enhance oversight of nonprofits providing services on behalf of
4 the City to ensure the City is receiving high quality results from nonprofit contractors.

5 (d) There is currently a lack of clarity among some nonprofits and City departments
6 regarding appropriate escalation processes and tools for underperforming nonprofits. Further,
7 many nonprofit service providers have reported that it is difficult to do business with the City
8 due to burdensome compliance and reporting requirements. Such requirements have the
9 potential to discourage nonprofits from seeking contracts with the City or to even abandon
10 existing contracts.

11 (e) The City has an obligation to manage and monitor nonprofit contractors'
12 compliance and performance, to adopt policies and practices that support these nonprofit
13 organizations in their performance under City contracts, and to ensure the City meets its
14 contractual obligations for timely payment, contract processing, and adequate flexibility to
15 enable nonprofits to perform their work.

16 (f) The City has taken steps to standardize and coordinate fiscal and compliance
17 monitoring practices across departments that contract with nonprofits to ensure consistent
18 oversight of essential services. But the City does not currently have a standardized or
19 coordinated programmatic and performance monitoring policy.

20 (g) The Controller's efforts to standardize and coordinate the City's business practices
21 with nonprofits have been and will continue to be informed by community involvement and a
22 Racial eEquity lens, as that term is defined in Section 12A.19 of the Administrative Code.

23 (h) To address these issues, this ordinance adds Administrative Code Section 10.6-1,
24 which requires the Controller to establish standards for measurable performance goals for
25 contracts with nonprofit organizations, create a standardized Citywide programmatic and

1 performance monitoring policy, and perform an annual review of departments' compliance
2 with the program. Consistent with the City's Government Operations Recovery Program, this
3 ordinance will promote transparency, efficiency, and equity in the City's contracting
4 processes, fostering a collaborative environment that uplifts all communities and ensures the
5 responsible use of public resources. This ordinance also requires that departments
6 contracting with nonprofits adhere to the standards established by the Controller when
7 entering into and managing their agreements.

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9 Section 2. Article I of Chapter 10 of the Administrative Code is hereby amended by
10 revising Section 10.6 and adding Section 10.6-1, to read as follows:

11 **SEC. 10.6. AUDITS AND INVESTIGATIONS BY CONTROLLER – TO BE**
12 **PERFORMED AS REQUIRED BY CHARTER.**

13 The Controller shall audit the accounts, operations, and activities of all boards,
14 commissions, offices officers, and employees departments of the City and County, charged in any
15 manner with the custody, collection, or disbursement of funds, as provided by Section ~~3.303~~
16 3.105 of the Charter. ~~He or she~~ The Controller shall monitor the level and effectiveness of services
17 rendered ~~investigate the unit cost of all work done~~ by the City and County as provided in ~~Section~~
18 ~~3.301~~ of the Charter and shall also make all investigations and reports provided for ~~in Chapter 6~~
19 ~~of this Code by ordinance.~~

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21 **SEC. 10.6-1. MONITORING OF NONPROFITS CONTRACTING WITH THE CITY.**

22 (a) By ~~September~~ November 1, 2024, the Controller shall adopt Citywide standards that
23 departments must comply with when contracting with nonprofit organizations. The standards shall
24 include requirements that contracts with nonprofit organizations include performance measures;
25 guidance for how departments should engage contractors in the development and monitoring

1 of such measures; for establishing the measurable objectives to be included in contracts with
2 nonprofits; regular financial and performance reporting requirements applicable to nonprofits;
3 standard reporting timeframes and expected elements for ongoing departmental monitoring of
4 nonprofits; a process departments must follow when entering into and managing their contracts with
5 nonprofits and reporting monitoring results to the Controller; and recommendations for departments
6 with the goal of making it easier for nonprofits to do business with the City. The Controller shall have
7 discretion to revise these standards as the Controller deems necessary to achieve the goals of
8 standardizing and ensuring adequate Citywide programmatic and performance monitoring of nonprofit
9 organizations and clarifying departments' obligation to appropriately monitor their contracts with
10 nonprofits.

11 (b) The Controller shall be responsible for administering a Citywide nonprofit contractor
12 corrective action policy to ensure compliance with City funding requirements, accountability, and
13 reliable service delivery. By ~~September~~ November 1, 2024, the Controller shall engage with City
14 departments and nonprofit contractors in ~~conduct~~ a review of current standards for corrective
15 action and issue a Citywide policy that establishes clear procedures for identifying areas of concern or
16 poor performance by nonprofit contractors. The policy may include, among other things, specific
17 procedures for identifying nonprofit contractors in need of technical assistance, multi-departmental
18 coordination, and/or escalation protocols including but not limited to audits of nonprofit performance
19 or financial practices.

20 (c) By ~~September~~ November 1, 2024, the Controller shall complete a review of the publicly
21 available information the City has about its nonprofit contracted services, including spending,
22 performance, and types of services provided. At the conclusion of the review, the Controller shall issue
23 a report to the Mayor and the Board of Supervisors recommending any policy changes that the
24 Controller concludes would improve public access to this information in the future. Concurrent with
25 the ~~September~~ November 1, 2024 report, the Controller shall publish a directory webpage

1 documenting where and how to access existing public information about nonprofit contracted services.
2 The Controller shall maintain and update this directory webpage as additional public information is
3 made transparent through the recommendations in the report, including information gathered by the
4 Controller through the annual review required in subsection (d) below.

5 (d) Each fiscal year, beginning with Fiscal Year 2025-2026, the Controller shall conduct a
6 review of department compliance with the Controller's established ~~performance~~ contract monitoring
7 standards and shall submit a report summarizing the review to the Mayor and the Board of
8 Supervisors. The Controller may limit the annual review to specific departments, service areas, or
9 contracts as the Controller deems appropriate to achieve the goal of ensuring adequate Citywide
10 programmatic and performance monitoring of nonprofit organizations.

11 (e) Starting with Fiscal Year ~~2024-2025~~2023-2024, nonprofit organizations that received a
12 total of at least \$750,000 in funding from the City in ~~any~~ fiscal year must submit to the City an audited
13 balance sheet and the related statement of income and cash flows for that fiscal year within six
14 months after the end of the fiscal year, certified by an independent accounting firm as accurately
15 presenting the financial position of the organization. The Controller shall establish procedures and
16 deadlines for submission of such audit materials to the City and distribution of such audit materials to
17 City departments, provided that March 31, 2026 shall be the deadline for the submission of the
18 audit materials for Fiscal Year 2024-2025. This subsection (e) does not limit the authority of the
19 City, through the Controller or any other part of City government, as otherwise authorized by law, to
20 conduct a fiscal review or require alternate documents demonstrating sound financial controls in the
21 absence of an audit, including for nonprofit organizations receiving less than a total of \$750,000 from
22 the City within a fiscal year.

23 (f) The Controller shall publicly issue on its website a draft version of any proposed
24 policy, standard, or guidance required in subsections (a), (b), and (e) of this Section 10.6-1,
25 and shall provide an opportunity for members of the public to review and provide written

1 comments about the draft for at least 15 days prior to final adoption. In the public review
2 process, the Controller shall make good-faith efforts to ensure community involvement and
3 racial equity in its outreach efforts. Outreach and engagement for public review shall include
4 engaging organizations, regardless of size, with a focus on fostering the growth of new,
5 smaller institutions reflecting the experiences of historically underserved communities,
6 including but not limited to African American communities, Asian American communities,
7 disabled communities, Latinx communities, LGBTQIA+ communities, Native American
8 communities, Pacific Islander communities, and women.

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10 Section 3. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor’s veto of the ordinance.

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15 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the “Note” that appears under
20 the official title of the ordinance.

21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/ Kate G. Kimberlin
24 KATE G. KIMBERLIN
Deputy City Attorney

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