

File No. 150940

Committee Item No. 2-- 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

January 14, 2016
Date December-10,-2015

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Charter Amendment</u> |
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Completed by: Derek Evans Date December 4, 2015
 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.

1 [Charter Amendment - Park, Recreation and Open Space Fund]

2
3 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
4 **County of San Francisco to require an annual baseline appropriation for the Park,**
5 **Recreation and Open Space Fund based on City spending for park and recreation purposes**
6 **in FY2015-2016, and modify the Recreation and Park Department's planning obligations,**
7 **at an election to be held on June 7, 2016.**

8
9 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
10 and County, at an election to be held on June 7, 2016, a proposal to amend the Charter of the
11 City and County by revising Section 16.107, to read as follows:

12 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
13 **Additions** are *single-underline italics Times New Roman font.*
14 **Deletions** are ~~*strike-through italics Times New Roman font.*~~
15 **Asterisks (* * * *)** indicate the omission of unchanged Charter
16 subsections.

17 **SEC. 16.107. PARK, RECREATION AND OPEN SPACE FUND.**

18 (a) Establishment of Fund. There is hereby established the Park, Recreation and Open
19 Space Fund ("Fund") to be administered by the Recreation and Park Department ("Department")
20 as directed by the Recreation and Park Commission ("Commission"). Monies *in the Fund*
21 ~~*therein*~~ shall be expended or used solely by the Department, subject to the budgetary and fiscal
22 provisions of the Charter, to provide ~~*enhanced*~~ park and recreational services and facilities. *The*
23 *Department embraces socio-economic and geographic equity as a guiding principle and*
24 *commits to expending the funds across its open space and recreational programs to provide park*
25 *and recreational access to all of San Francisco's diverse neighborhoods and communities.*

1 (b) Annual Set-aside. The City will continue to set aside from the annual tax levy, for a
2 period of thirty years starting with the fiscal year 2000-2001, an amount equivalent to an annual
3 tax of two and one-half cents (\$0.025) for each ~~one hundred dollars~~ (\$100) assessed valuation.
4 Beginning in fiscal year 2016-2017, revenues from the set-aside, together with interest, shall be
5 deposited into the Park, Recreation and Open Space Fund. Revenues ~~obtained thereby from the~~
6 set-aside shall be in addition to the baseline appropriation required by subsection (c), and not in
7 place of, any sums normally budgeted for the Department and, together with interest, shall be
8 deposited into the Park, Recreation and Open Space Fund.

9 The Controller shall set aside and maintain such an amount, together with any interest
10 earned thereon, in the Fund, and any amount unspent or uncommitted at the end of the fiscal year
11 shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations
12 of this Charter, shall be appropriated then or thereafter for the purposes specified in this
13 Section 16.107.

14 (c) Baseline Maintenance of Effort. The annual set-aside shall be used exclusively to
15 increase the aggregate City appropriations to and expenditures by the Recreation and Park
16 Department for Department purposes. To this end, beginning in fiscal year 2016-2017 and
17 thereafter through fiscal year 2030-2031, the City shall not reduce the baseline general fund
18 support amount appropriated to the Department below the amount appropriated in fiscal
19 year 2015-2016, as calculated by the Controller, except that the baseline amount shall be
20 adjusted as follows:

21 (1) Each year in fiscal years 2016-2017 through 2025-2026, the City shall
22 increase the baseline appropriation by \$3 million over the prior year.

23 (2) Each year in fiscal years 2026-2027 through 2030-2031, the City shall adjust
24 the baseline by the percentage increase or decrease in aggregate City discretionary revenues, as
25 determined by the Controller, based on calculations consistent from year to year. In determining

1 aggregate City discretionary revenues, the Controller shall only include revenues received by
2 the City which are unrestricted and may be used at the option of the Mayor and the Board of
3 Supervisors for any lawful City purpose. The Controller is authorized to increase or reduce
4 budgetary appropriations as required by this subsection (c) to align the baseline amount to the
5 amount required by formula based on actual revenues received during the fiscal year.

6 (3) The City may suspend growth in the baseline funding pursuant to
7 subsection (c)(1) in fiscal year 2016-2017 if the City's projected budget deficit for that year at
8 the time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the
9 Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds
10 \$200 million. For fiscal year 2017-2018 through fiscal year 2030-2031, the City may suspend
11 growth in baseline funding pursuant to subsections (c)(1) and (c)(2) when the 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 by changes in
15 aggregate City discretionary revenues.

16 (4) Monies from the baseline appropriation required by this subsection (c) shall
17 not be appropriated or expended for services provided to the Recreation and Park Department
18 by other City departments and agencies unless: (1) the City department or agency charged the
19 Recreation and Park Department for that service in fiscal year 2015-2016 and the amount the
20 Recreation and Park Department paid the City department or agency for that service was
21 included in the baseline amount for fiscal year 2015-2016, although increases in the cost of such
22 services may be paid out of the baseline appropriation, or (2) the Recreation and Park
23 Department requests or agrees to a new service from a City department or agency.

24 (5) At the end of the fiscal year 2015-2016 and every year thereafter, any excess
25 general fund Departmental revenue, including any Department expenditure savings or revenue

1 surpluses deposited prior to fiscal year 2015-2016, shall be reserved to be used for one-time
2 Departmental expenditures. "General fund Departmental revenue" is defined as all revenues
3 credited to the Department's general fund budget other than the baseline contribution defined in
4 subsection (c).

5 ~~(e) Enhanced Revenue and Efficiency Incentives for the Department. It is the policy of~~
6 ~~the City and County of San Francisco to give the Department greater incentives to improve~~
7 ~~operational efficiencies and to increase revenue. Increases in revenues and savings shall be~~
8 ~~dedicated as follows:~~

9 ~~1. Actual net increases in Department-generated revenues, compared to the~~
10 ~~previous fiscal year, shall be dedicated to capital and/or facility maintenance improvements to~~
11 ~~park and recreational facilities; and,~~

12 ~~2. New revenues from outside sources, such as grant or foundation support, shall~~
13 ~~be used only for enhancement of park and recreational programs, including, but not limited to,~~
14 ~~capital and/or facility maintenance improvements ; and~~

15 ~~3. Overall Department expenditure savings shall be retained by the Department~~
16 ~~to be dedicated to one-time expenditures.~~

17 (d) The City shall implement its efforts to increase revenues in a manner consistent with
18 the City's policy of charging City residents a lower fee than that charged nonresidents for the use
19 and enjoyment of Department property.

20 (e) ~~(d)~~ Revenue Bond Authority. Notwithstanding the limitations set forth in
21 Sections 9.107, 9.108, and 9.109 of this Charter, the Commission may request, and upon
22 recommendation of the Mayor the Board of Supervisors may authorize, the issuance of revenue
23 bonds or other evidences of indebtedness, or the incurrence of other obligations, secured by the
24 Park, Recreation and Open Space Fund for acquisition, construction, reconstruction,
25

1 rehabilitation and/or improvement of real property and/or facilities and for the purchase of
2 equipment.

3 ~~(f)~~ ~~(e)~~ Fund Expenditures on Commission Property. Any real property acquired with
4 monies from the Fund, including the proceeds of obligations issued pursuant to subsection ~~(e)~~
5 ~~(d)~~, above, shall be placed under the jurisdiction of the Commission within the meaning of
6 Section 4.113. Fund expenditures to improve, construct, reconstruct or rehabilitate real property
7 shall be limited to property under the jurisdiction of the Commission or property under the
8 jurisdiction of another City department or public agency and subject to an agreement with the
9 Department for its use, management and maintenance.

10 ~~(g)~~ ~~(f)~~ Use and Allocation of the Fund. Each year, the Commission shall adopt a budget
11 for the allocation and expenditure of the Fund in compliance with the budget and fiscal
12 provisions of the Charter, ~~which shall be adopted by the Commission only after a written~~
13 ~~determination by the Planning Department of conformity with the City's General Plan.~~

14 The annual budget for allocation of the Fund that is adopted by the Commission and
15 submitted by the Mayor to the Board of Supervisors shall include:

16 ~~(1-)~~ Allocations for after-school recreation programs, urban forestry, community
17 gardens, volunteer programs, and a significant natural areas management program in the amounts
18 allocated for each of those programs from the Park and Open Space Fund in the Department's
19 fiscal year ~~1999-2000~~ 2015-2016 budget, to the extent that such programs are not so funded in
20 the Department's operating budget or in the budget of another City department.

21 ~~(2-)~~ An allocation necessary to ensure that 3% of the monies to be deposited in
22 the Fund during the upcoming fiscal year pursuant to subsection (b), above, be available at the
23 start of the fiscal year as an undesignated contingency reserve. No later than September 1, 2017,
24 the Commission shall adopt a policy for expenditures from the contingency reserve. Thereafter,
25 the Commission shall submit a report to the Mayor and the Board of Supervisors on any

1 expenditures from the contingency reserve during the previous budget cycle along with its
2 proposed budget for allocation of the Fund.

3 (3-) An allocation of not less than 5% of the monies to be deposited in the Fund
4 during the upcoming fiscal year pursuant to subsection (b), above. These monies shall be
5 dedicated to the acquisition of real property identified in the Capital Plan discussed in
6 subsection (h)(2) (g), below. Any portion of these monies that remains unspent or uncommitted
7 at the end of any fiscal year shall be carried forward, with interest thereon, to the next fiscal year
8 for the purposes set forth herein. ~~The 5% allocation need not be included in the budget~~
9 ~~submitted to the Board of Supervisors for an upcoming fiscal year to the extent that the total City~~
10 ~~expenditure for acquisition of property to be placed under the jurisdiction of the Commission for~~
11 ~~the period commencing with fiscal year 2000-2001-2000-01 and ending with the close of the~~
12 ~~immediately preceding fiscal year exceeds an amount equal to 5% of the total amount~~
13 ~~appropriated, or to be appropriated, to the Fund for the period commencing with fiscal~~
14 ~~year 2000-2001-2000-01 and ending with the close of the upcoming fiscal year.~~

15 Prior to the adoption of the annual budget by the Recreation and Park Commission, the
16 Department, in conjunction with the Citizens Parks, Recreation, and Open Space Advisory
17 Committee discussed in subsection (i) (h), below, shall conduct two public hearings in the
18 evenings or on weekends to permit the public to comment on the Department's full budget and
19 programming allocations.

20 (h) (g) Planning and Reporting Measures. The Commission shall adopt several
21 long-term plans that include, but are not limited to, the following:

22 (1-) Strategic Plan. By January 1, 2017, and every five years thereafter
23 December 1, 2000, the Department shall prepare, for Commission consideration and approval, a
24 five-year Strategic Plan, ~~to be updated annually~~, that establishes or reaffirms the mission, vision,
25 goals and objectives for the Department. The Department shall submit the proposed Strategic

1 Plan to the Parks, Recreation, and Open Space Advisory Committee for its review and comment
2 before submitting the Plan to the Commission for its approval.

3 The Department will use the approved Strategic Plan to guide its work over each
4 five-year period. Every two years after the approval of a Strategic Plan, the Department shall
5 report to the Commission on the Department's progress under the Plan and, subject to the
6 Commission's approval, shall amend the Plan as appropriate. This Strategic Plan will be used
7 to guide the Department's work over the next five years.

8 (2-) Capital Plan. The Department shall cooperate in the development of the
9 City's Capital Expenditure Plan under Administrative Code 3.20, as amended, or any successor
10 legislation. Before the Department submits its capital priorities for consideration as part of the
11 Capital Expenditure Plan, the Department shall propose a plan, including development,
12 renovation, replacement and maintenance of capital assets and acquisitions, to the Parks,
13 Recreation, and Open Space Advisory Committee discussed in subsection (i) for review and to
14 the Commission for approval. The Capital Plan shall include the deferred maintenance plan,
15 which takes into consideration the following: (A) physical condition of Department assets;
16 (B) needs that, if continued to be left unaddressed, would result in additional costs and hazards
17 in the future; (C) prioritization of highly utilized assets; (D) Citywide community input;
18 (E) geographic equity; and (F) socio-economic equity. The Capital Expenditure Plan shall also
19 address irrigation, water conservation, and urban forestry, on park lands.

20 By December 1, 2000, the Department shall prepare, for Commission
21 consideration and approval, a five-year Capital Plan, to be updated annually, for the
22 development, renovation, replacement and maintenance of capital assets, and the acquisition of
23 real property. In its Capital Plan the Department shall propose specific properties to be
24 acquired for open space, recreation facilities, significant natural areas, and other recreational
25 purposes and shall prioritize capital and maintenance improvements and provide budgets

1 ~~associated with such improvements. Capital and acquisition projects will be designated by the~~
2 ~~Department based upon needs identified by the Department and the community. Capital projects~~
3 ~~will include the planning, design and construction of projects that rehabilitate, restore or~~
4 ~~replace existing facilities or that develop new facilities. Acquisition projects will include, but~~
5 ~~will not be limited to, purchase, lease, exchange, eminent domain, license or any other vehicle~~
6 ~~giving the City a right, whether revocable or not, to use real property, or any interest therein, or~~
7 ~~any improvement or development rights thereon, for recreational purposes, including, but not~~
8 ~~limited to, protection of natural resources, development of community gardens and development~~
9 ~~of urban trails, provided that, notwithstanding anything herein to the contrary, no acquisition of~~
10 ~~less than fee simple title may be for a term of less than ten years.~~

11 (3-) Operational Plan. By February 1, 2017, and for each annual or biennial
12 budgetary cycle thereafter, as determined under Charter Section 9.101, the Department shall
13 prepare, for Commission consideration and approval, an Operational Plan. The Department
14 shall base the Operational Plan on the then-current Strategic Plan, and the Operational Plan
15 shall be in addition to the Department's budget. The Department shall include in the
16 Operational Plan a statement of the objectives and initiatives within the Strategic Plan that the
17 Department plans to undertake and/or accomplish during the next budgetary period, including
18 performance indicators and targets. The Operational Plan shall include an equity analysis of
19 Recreation and Park Department programs and resources. The analysis shall compare existing
20 and proposed programs and resources for low-income neighborhoods and disadvantaged
21 communities with programs and resources available to the City as a whole. Each Operational
22 Plan shall include an assessment of the Department's progress on the previous Operational
23 Plan.

24 The Department shall submit the proposed Operational Plan to the Parks,
25 Recreation, and Open Space Advisory Committee for its review and comment before submitting

1 the Plan to the Commission for its approval. Following Commission approval, the Department
2 shall file a copy of the Operational Plan with the Mayor and the Board of Supervisors.

3 The Department shall allocate and the Board of Supervisors shall appropriate, as a
4 separate line item, funds required for preparation, monitoring, and evaluation of the plans
5 required under this subsection (h).

6 ~~By December 1, 2001, the Department shall prepare, for Commission~~
7 ~~consideration and approval, a five-year Operational Plan, to be updated annually, detailing~~
8 ~~proposed improvements to the Department's services and responsiveness to customer needs. The~~
9 ~~annual Operational Plan will serve as a tool for improving the operational efficiency of the~~
10 ~~Department and will include measurable performance standards for the Department. The~~
11 ~~Department shall prepare the initial Operational Plan after conducting a performance audit of~~
12 ~~Departmental operations. Thereafter, the Department will conduct periodic performance audits.~~

13 The Commission shall establish a community input process, which shall may include the
14 Parks, Recreation, and Open Space Citizens Advisory Committee discussed in section (i) (h),
15 below, through which citizens of the City and County of San Francisco will provide assistance to
16 the Commission as it develops criteria and establishes the plans required by this subsection.
17 Prior to the adoption of any Strategic Plan each five-year plan, the Department shall conduct at
18 least five hearings in locations distributed geographically throughout the City to receive and to
19 consider the public's comments upon the plan. The Commission shall ensure that at least two of
20 these hearings are held in the evenings or on weekends for the public's convenience.

21 ~~The Department shall report regularly annually, as a part of the City's budget process, to~~
22 ~~the Mayor and to the Board of Supervisors, on the status of the plans and on the status of~~
23 ~~Department goals, objectives and capital project timelines for the current fiscal year, as well as~~
24 ~~provide reports on performance measures required by this Section.~~

1 In the fourth year of each Strategic Plan under subsection (h)(1), the Controller's City
2 Services Auditor shall conduct a performance audit of the Department to assess the
3 Department's progress under the Strategic Plan and to inform the development of the
4 Department's next Strategic Plan. The audit shall include an analysis of the Department's
5 compliance with the planning and reporting measures in this subsection (h). The costs of the
6 audit may be charged to the baseline established in subsection (c).

7 If the audit finds that the Department has not complied with the requirements in this
8 subsection (h), the Board of Supervisors may place up to 5% of the baseline appropriation under
9 subsection (c) for the next fiscal year on reserve, pending subsequent release of the reserve by
10 Board action upon finding progress toward these requirements. The preceding sentence is not
11 intended to modify the Board's authority under the fiscal and budgetary provisions of the
12 Charter.

13 The Commission may modify any deadlines contained in this subsection (h) by resolution
14 adopted by a two-thirds vote of its members, and a resolution adopted by the Board of
15 Supervisors and approved by the Mayor.

16 (i) ~~(h)~~ Parks, Recreation, and Open Space Citizens Advisory Committee. The Board of
17 Supervisors shall establish, by ordinance, a Parks, Recreation, and Open Space Citizens
18 Advisory Committee, such as the committee established in Park Code Section 13.01, as
19 amended, or any successor legislation.

20 (j) ~~(i)~~ Environmental and Design Guidelines. The Department Commission shall
21 maintain ~~adopt~~ written environmental and design guidelines for new facilities, parks, and open
22 spaces and the renovation or rehabilitation of existing facilities, parks, and open spaces. ~~These~~
23 guidelines shall be consistent with any applicable standards of the Art and Planning
24 Commissions.

1 ~~(k) (f)~~ Capital Projects. Notwithstanding the provisions of Section 3.104 of this Charter,
2 the Commission shall have the authority to prepare and approve the plans, specifications and
3 estimates for all contracts and orders, and to award, execute and manage all contracts and orders,
4 for capital projects on real property under its jurisdiction or management. Capital projects
5 supported by the Fund, other than those projects identified by the Department as long-term
6 projects, must be fully constructed within three years of the initial budget allocation for those
7 projects. Long-term projects must be fully constructed within five years of the initial budget
8 allocation. Any exceptions to this provision must be authorized by a two-thirds vote of the
9 Commission.


10 ~~The Recreation and Park Department and the Department of Public Works ("DPW")~~
11 ~~shall establish a committee to develop a written, capital implementation program, for the~~
12 ~~consideration of both Departments, that will govern DPW's involvement in capital projects~~
13 ~~undertaken by the Recreation and Park Department. In developing this program, the committee~~
14 ~~shall consider the Capital Plan discussed in subsection (g), above, staffing levels in both~~
15 ~~Departments, and the availability of other resources.~~

16 ~~(k) Unspent Funds. All unspent funds in the Park and Open Space Fund on June 30,~~
17 ~~2000 shall continue to be held for the use and benefit of the Department. These monies shall be~~
18 ~~expended in a manner consistent with the general purposes for which they were originally~~
19 ~~appropriated.~~

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1 (1) In addition to the requirements set forth by this Section 16.107, all expenditures from
2 the Fund shall be subject to the budget and fiscal provisions of the Charter.
3
4

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

7
8 By: 
9 THOMAS J. OWEN
 Deputy City Attorney

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LEGISLATIVE DIGEST

(Second Draft, dated 11/12/2015 [rev.])

[Charter Amendment - Park, Recreation and Open Space Fund]

Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.

Existing Law

The voters adopted the current Park, Recreation and Open Space Fund ("Fund") in March, 2000. Each year, the City pays into the Fund a portion of the property tax equal to two and one-half cents for each \$100 of assessed valuation. The Fund and the set-aside will expire at the end of fiscal year 2030-2031. The set-aside is in addition to, and not in place of, any sums normally budgeted for the Recreation and Park Department ("Department"), but the Charter does not specify how the "normally budgeted" level of spending is to be calculated or require the City to appropriate a particular amount to the Department in addition to the set-aside.

The Recreation and Park Commission ("Commission") must annually adopt five-year strategic, capital, and operating plans for the Fund.

Amendments to Current Law

The proposal is a Charter amendment that would make a number of changes to the Fund.

The proposal would add a requirement that beginning in fiscal year 2016-2017 the City would annually appropriate a "baseline amount" to the Department measured by the amount of general fund support appropriated to the Department in fiscal year 2015-2016 and increased annually by \$3 million for fiscal years 2016-2017 through 2025-2026. In fiscal years 2026-2027 through 2030-2031, the Controller would adjust the baseline each year by the percentage increase or decrease in aggregate City discretionary revenues.

The City could suspend growth in the baseline for any year in which the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst project a budget deficit of \$200 million or more in the upcoming fiscal year.

The proposal would require that any excess general fund Department revenue at the end of the fiscal year, including any Departmental expenditure savings and revenue surpluses deposited prior to fiscal year 2015-2016, be reserved for one-time Departmental expenditures.

The proposal would remove the existing requirement that Department expenditure savings and new revenue from outside sources be used only for enhancement of park and recreational programs, including, but not limited to, capital and/or facility maintenance improvements and other one-time expenditures.

The proposal would require the Department to propose a Capital Plan to inform the City's Capital Expenditure Plan and include plans addressing the development, renovation, replacement and maintenance of capital assets and acquisitions as part of the Capital Plan. The Department's Capital Plan would also include a deferred maintenance plan.

The proposal would require the Commission to adopt an Operational Plan for each budget cycle. The Commission would base the Operational Plan on the current Strategic Plan and include a statement of the objectives and initiatives within the Strategic Plan that the Department plans to undertake and/or accomplish during the budgetary period, including performance indicators and targets. The Operational Plan would also include an equity analysis comparing existing and proposed Departmental programs and resources for low-income neighborhoods and disadvantaged communities with programs and resources available to the City as whole.

The proposal would require that the budget for the Fund include a separate line item for preparation, monitoring, and evaluation of the Department's Strategic, Capital, and Operational Plans.

And, the proposal would add a requirement that beginning in fiscal year 2020-21, and every third year thereafter, the Controller's City Services Audit Unit conduct a performance audit of the Department's adherence to its Strategic Plan. The costs of the audit would be charged to the Fund.



DENNIS J. HERRERA
City Attorney

THOMAS J. OWEN
Deputy City Attorney

Direct Dial: (415) 554-4679
Email: thomas.owen@sfgov.org

MEMORANDUM

TO: Derek Evans
Office of the Clerk of the Board of Supervisors

FROM: Thomas J. Owen
Deputy City Attorney

DATE: November 12, 2015

RE: *Park, Recreation and Open Space Fund*
Charter Amendment, Second Draft, with committee changes, dated 11/12/2015
(Board File No. 150940; Our File No. 1500695)

Enclosed are the signed original and two copies of the Second Draft of the Charter Amendment, including the changes made in committee, dated 11/12/2015, as well as a legislative digest. I will also send you electronic copies separately.

Encl.

cc (by e-mail): Margaux Kelly
Jon Givner
Paul Zarefsky
Melissa Millsaps
Drew Murrell
Katie Petrucione

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CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

November 16, 2015

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

RE: File 150940 – Charter amendment regarding Recreation and Park Funding

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 amendment would change the current Parks, Recreation and Open Space Fund requirements in the Charter by creating a new baseline maintenance of effort funding requirement that would grow over time. Overall, the City's general fund contribution to parks, recreation and open space would grow by approximately \$49 million over the 15 year period from FY2016-2017 through the end of FY2030-2031.

The current set-aside of property taxes for parks, recreation and open space is two and one-half cents per hundred dollars of assessed property value, equal to \$47 million as of FY 2015-16. The amendment would not change the current set-aside.

The new baseline maintenance of effort requirement would be established based on the amount of general fund support currently appropriated for Recreation and Parks, approximately \$64 million in the FY2015-16 budget. The baseline would be increased by \$3 million each year for the ten year period from FY2016-17 to FY2025-26. Subsequently the baseline would be increased at the same rate of growth as the City's discretionary revenues, estimated to be about 3.7% annually, for the five year period from FY2026-27 to FY2030-2031. By the end of FY2030-2031, the baseline amount is estimated to grow to \$113 million.

General fund revenue is currently available for any public purpose and as these funds are shifted to parks, recreation and open space, other City spending would have to be reduced or new revenues identified to maintain current service levels. The Charter amendment allows the City to temporarily suspend growth in the baseline funding in years when a City budget deficit of \$200 million or greater is forecast.

The amendment specifies that Recreation and Park may not increase its workorder budgets with other City departments unless those departments provided services to Recreation and Park in FY2015-16 or for new requested services going forward.

The amendment requires Recreation and Park to develop a strategic plan for each five year period and an operational plan for each annual or biennial budget cycle. These plans would set goals and measures and guide expenditures from the Parks, Recreation and Open Space Fund, and the plans must be approved by the Recreation and Park Commission, Mayor and Board of Supervisors. A performance audit of the Department's compliance with the goals and measures in these plans is required from the Controller's City Services Auditor in the fourth year of the strategic plan cycle.

The proposed measure would set aside funds for recreation and parks that would otherwise be available for any public purpose. The amendment does not identify new revenue sources for this set-aside and other City spending would therefore have to be reduced or new sources of funding identified to maintain current service levels. This proposed Charter amendment is not in compliance with a non-binding, voter-adopted city policy which states that any new set-aside shall identify adequate new revenue sources to cover its cost and shall expire after ten years.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Rosenfield', is written over a large, horizontal, oval-shaped scribble.

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.

Evans, Derek

From: Carpenter, Adele
Sent: Tuesday, November 17, 2015 5:11 PM
To: Evans, Derek
Cc: Guzman, Monica (BOS); Calvillo, Angela (BOS)
Subject: YC Referral Responses to 150940, 150944, 151109
Attachments: 1516-RBM-08.pdf; 1516-RBM-09.pdf; 1516-RBM-10.pdf

Hi, Derek,

Happy Tuesday. Attached, please find three YC responses to three pieces of legislation under consideration by the BOS Rules committee (150940, 150944, 151109): the Parks Charter Amendment, Sexual Assault Task Force Ordinance, and the Filipino Heritage District Resolution. Please let me know if you have any questions or I can provide any further documentation.

Best,

Adele Failes-Carpenter
Director
San Francisco Youth Commission
Office: (415) 554-7112 | Fax: (415) 554-6140

Visit the official [Youth Commission site](#) and [YC facebook page](#).
Sign up for [our newsletter](#).

Complete a Board of Supervisors [Customer Satisfaction form](#).

Youth Commission
 City Hall ~ Room 345
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4532



(415) 554-6446
 (415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION

MEMORANDUM

TO: Derek Evans, Clerk, Rules Committee
FROM: Youth Commission
DATE: Tuesday, November 17, 2015
RE: Referral response to BOS Files No. 150940

At our **Monday, November 16, 2015 meeting**, the Youth Commission voted to support the following motion:

To support BOS File No. 150940—Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.

During discussion on this item, youth commissioners submitted the following comments regarding this legislation:

Creating a parks and open space equity analysis was among youth commissioners 2014-15 priorities. Youth commissioners are strongly supportive of bringing an equity lens to funding for parks. Youth commissioners are hopeful increasing the size and stability of funds for the Recreation and Park department will reduce the department's revenue-generating demands that have led to reservation policies that reduce youth access to popular facilities. Youth commissioners recommended that safety considerations be included in the foregoing considerations about priorities for the fund, noting that safety concerns reduce young people's access to parks, and specifically citing concerns following the shooting death of a Balboa student in the Excelsior's McLaren park earlier this year, as well as safety concerns in District 10 parks in general.

Youth Commissioners thank the Board of Supervisors for their attention to issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in cursive script, appearing to read "Luis Avalos-Nunez".

Chair, Luis Avalos-Nunez
 Adopted on November 16, 2015
 2015-2016 San Francisco Youth Commission

BOARD of SUPERVISORS



City Hall
1 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: Adele Failes-Carpenter, Director, Youth Commission
FROM: Derek Evans, Clerk, Rules Committee
DATE: November 13, 2015
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following legislation, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 150940

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.

Please return this cover sheet with the Commission's response to **Derek Evans, Clerk, Rules Committee.**

RESPONSE FROM YOUTH COMMISSION Date: _____

No Comment

Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



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

November 12, 2015

File No. 150940

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

Dear Ms. Jones:

On September 22, 2015, Supervisor Farrell introduced, and the Rules Committee amended on November 12, 2015, the following proposed Charter Amendment for the June 7, 2016, Election:

File No. 150940 Charter Amendment - Park, Recreation and Open Space Fund

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Derek Evans".

By: Derek Evans, Committee Clerk
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

BOARD of SUPERVISORS



City Hall
1 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: Derek Evans, Clerk, Rules Committee
Board of Supervisors

DATE: November 12, 2015

SUBJECT: CHARTER AMENDMENT INTRODUCED
June 7, 2016 Election

The Board of Supervisors Rules Committee has received the following Charter Amendment for the June 7, 2016, Election, introduced by Supervisor Farrell on September 22, 2015, and amended by the Rules Committee on November 12, 2015. 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. 150940 Charter Amendment - Park, Recreation and Open Space Fund

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.

Please review 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: 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.

Rec'd in Committee 11/12/15 File No. 150940
Amendments by Supervisor Farrell

Page 1. Line 21

(a) Establishment of Fund. There is hereby established the Park, Recreation and Open Space Fund ("Fund") to be administered by the Recreation and Park Department ("Department") as directed by the Recreation and Park Commission ("Commission"). Monies *in the Fund therein* shall be expended or used solely by the Department, subject to the budgetary and fiscal provisions of the Charter, to provide *enhanced* park and recreational services and facilities. *The Department embraces socio-economic and geographic equity as a guiding principle and commits to expending the funds across its open space and recreational programs to provide park and recreational access to all of San Francisco's diverse neighborhoods and communities.*

The Operational Plan shall include an equity analysis of Recreation and Park Department programs and resources. The analysis shall compare existing and proposed programs and resources for low-income neighborhoods and disadvantaged communities with programs and resources available to the City as a whole.

File 150940

Charter Amendment – Park, Recreation and Open Space Fund
Amendment proposed by Supervisor Tang

Page 6-7 – Capital Plan

2. Capital Plan. *The Department shall cooperate in the development of the City's Capital Expenditure Plan under Administrative Code 3. 20, as amended, or any successor legislation. Before the Department submits its capital priorities for consideration as part of the Capital Expenditure Plan, the Department shall propose a plan, including development, renovation, replacement and maintenance of capital assets and acquisitions, to the Parks, Recreation, and Open Space Advisory Committee discussed in subsection (i) for review and to the Commission for approval. The Capital Expenditure Plan shall include the deferred maintenance plan, which takes into consideration the following: a) Physical condition of Department assets; b) needs that, if continued to be left unaddressed, would result in additional costs and hazards in the future; c) prioritization of highly utilized assets; d) citywide community input; e) geographic equity; and f) socio-economic equity. The Capital Expenditure Plan shall also address irrigation, water conservation, and urban forestry, on park lands.*

November 2015

Dear Supervisor:

San Franciscans love our beautiful parks. On public opinion surveys, residents consistently rank parks as a very important contributor to quality of life in the City. And yet, City funding for our parks has failed to keep pace with needs. City funding for the Recreation and Park Department has stagnated compared to the growth in the overall City budget -- in the period between 2001-02 and 2015-16, the City's General Fund grew 43 percent, but general operating support for parks only grew 30 percent. And yet, a recent study of the economic benefits of the park system demonstrated that San Francisco's parks generate almost \$1 billion in economic benefits annually.

This stagnation has hurt the park department's ability to keep on top of routine maintenance--fixing swings, re-roofing buildings, resurfacing paths and basketball courts--as well as caring for trees and other important assets of the park system. Analysis of the Recreation and Park Department budget has found that the vast majority of maintenance spending now goes toward emergency needs, not routine upkeep. Over the past few months the Parks Alliance has heard from hundreds of community members that better care of parks is a priority. In two separate polls, more than three-quarters of voters surveyed said they would support a ballot measure to stabilize and increase park funding.

Parks need a sustainable, stable source of revenue so that the City can offer every resident access to a clean, safe, fun and beautiful park and recreation system in San Francisco. That's why we are strongly supporting Supervisor Farrell's park funding charter amendment introduced September 22. This legislation will provide much needed fiscal stability for the Recreation and Park Department, and improve accountability by adding more rigorous reporting and planning requirements.

We are grateful to Supervisor Farrell's co-sponsors (President Breed and Supervisors Cohen, Christensen, Mar, Tang, Wiener and Yee) for signing on to the measure, and urge remaining Supervisors to support it as well.

Sincerely,

The San Francisco Parks Alliance
The Recreation and Park Commission
San Francisco Parks Alliance Park Policy Council
Friends of Ina Coolbrith Park
Friends of West Portal Playground
Friends of Geneva Office Building and Powerhouse
Friends of the Japanese Tea Garden
Friends of Alta Plaza Park
Friends of Joe DiMaggio Playground
Residents For Noe Valley Town Square
Friends of Youngblood Coleman
Golden Gate Angling & Casting Club
San Francisco Lawn Bowling Club
Friends of Grattan Playground
Buena Vista Neighborhood Association
Jacqui Bos
Jen Fetner
Amanda Hamilton
Tom Kanaley
John Ware
Daniel Weaver
Tim Wirth
Lawrence Cuevas
Danny Bicknell

Andrew Dennis
Lee Anne Weldon
Bear Silber
Aaron Pope
Nan McGuire
Stephanie Linder
Linda Litehiser
Sheila Gropper-Nelson
Edward Sullivan
Janet Gamble
Marjorie Stanton
Kelly Nice
Christine Rahe
Queen Vanessa Banks
Chris Keene
David Burke
Lawrence Murphy
Matt O'Grady
Kitty Teerling
Daniel Gorelick
Steven Walker
Aaron Rezendez
David Burke

TO: BOARD OF SUPERVISORS RULES COMMITTEE
Attention: Derek Evans

For hearing November 12, 2015

Re: 150940

Draft language for charter amendment to address funding needs of the
Recreation and Park Department

Dear Committee members:

There are many flaws in this legislation that must be worked out before this measure is ready for the voters. This measure should not be voted out of Rules until a number of key provisions are examined more closely, for example,

1. Despite its stated purpose, there is nothing in the legislation that actually allocates money for maintenance in the parks;
2. the money designated for open space acquisition as voted by the electorate in 2000 should not be siphoned away from its intended purpose of acquiring new park land, as envisioned by the voters in creating the Open Space Fund.

Please put this matter over until there has been thorough outreach to the community. For example, our name is not on the list of community groups contacted by Supervisor Farrell and we have been speaking for park and recreation funding for more than forty years.

Everyone uses parks. Everyone wants new funding to be applied to maintenance of parks, but not at the expense of the Open Space acquisition fund.



Mary Anne Miller,
President, SPEAK
Sunset-Parkside Education and Action Committee

Evans, Derek

From: Denis Mosgofian <denismosgofian@gmail.com>
Sent: Thursday, November 12, 2015 1:24 AM
To: Evans, Derek
Cc: Linda D'Avirro
Subject: amendments to item 3, Rules, 11-12-15
Attachments: DM Amendments-Chart Amd-11-12-15.docx

Derek Evans,

This copy of Second draft of the proposed charter amendment contains proposed amendments highlighted in orange, and deletions highlighted in yellow.

For the Committee members and the record.

Thank you,

Denis Mosgofian
PROSAC D5 representative

Rec'd via email (Denis Moskofian)
11/12/15

1 [Charter Amendment - Park, Recreation and Open Space Fund]

2 **From: Denis Moskofian, PROSASC D5 representative**
3 **(Orange) Additions including retaining existing language** (Yellow) Deletions

4 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
5 **County of San Francisco to require an annual baseline appropriation for the Park,**
6 **Recreation and Open Space Fund based on City spending for park and recreation purposes**
7 **in fiscal year 2015-2016, and modify the Recreation and Park Department's planning**
8 **obligations, at an election to be held on June 7, 2016.**

9
10 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
11 and County, at an election to be held on June 7, 2016, a proposal to amend the Charter of the
12 City and County by revising Section 16.107, to read as follows:

13 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
14 **Additions** are *single-underline italics Times New Roman font.*
15 **Deletions** are ~~*strike-through italics Times New Roman font.*~~
16 **Asterisks (* * * *)** indicate the omission of unchanged Charter
17 subsections.

18 **SEC. 16.107. PARK, RECREATION AND OPEN SPACE FUND.**

19 (a) Establishment of Fund. There is hereby established the Park, Recreation and Open
20 Space Fund ("Fund") to be administered by the Recreation and Park Department ("Department")
21 as directed by the Recreation and Park Commission ("Commission"). Monies *in the Fund*
22 *therein* shall be expended or used solely by the Department, subject to the budgetary and fiscal
23 provisions of the Charter, to provide *enhanced* park and recreational services and facilities.

24 (b) Annual Set-aside. The City will continue to set aside from the annual tax levy, for a
25 period of thirty years starting with the fiscal year ~~2000-2001~~ 2016-2017, an amount equivalent to
an annual tax of two and one-half cents (\$0.025) for each *one hundred dollars* ~~(\$100)~~ assessed
valuation. *Beginning in fiscal year 2016-2017, revenues from the set-aside, together with*

1 interest, shall be deposited into the Park, Recreation and Open Space Fund. Revenues obtained
2 thereby from the set-aside shall be in addition to the baseline appropriation required by
3 subsection (c), and not in place of, any sums normally budgeted for the Department and,
4 together with interest, shall be deposited into the Park, Recreation and Open Space Fund.

5 The Controller shall set aside and maintain such an amount, together with any interest
6 earned thereon, in the Fund, and any amount unspent or uncommitted at the end of the fiscal year
7 shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations
8 of this Charter, shall be appropriated then or thereafter for the purposes specified in this
9 Section 16.107.

10 (c) Baseline Maintenance of Effort. The annual set-aside shall be used exclusively to
11 increase the aggregate City appropriations to and expenditures by the Recreation and Park
12 Department for Department purposes. To this end, beginning in fiscal year 2016-2017 and
13 thereafter through fiscal year 2030-2031, the City shall not reduce the baseline general fund
14 support amount appropriated to the Department below the amount appropriated in fiscal
15 year 2015-2016, as calculated by the Controller, except that the baseline amount shall be
16 adjusted as follows:

17 (1) Each year in fiscal years 2016-2017 through 2025-2026, the City shall
18 increase the baseline appropriation by \$3 million over the prior year.

19 (2) Each year in fiscal years 2026-2027 through 2030-2031, the City shall adjust
20 the baseline by the percentage increase or decrease in aggregate City discretionary revenues, as
21 determined by the Controller, based on calculations consistent from year to year. In determining
22 aggregate City discretionary revenues, the Controller shall only include revenues received by
23 the City which are unrestricted and may be used at the option of the Mayor and the Board of
24 Supervisors for any lawful City purpose. The Controller is authorized to increase or reduce
25

1 budgetary appropriations as required by this subsection (c) to align the baseline amount to the
2 amount required by formula based on actual revenues received during the fiscal year.

3 (3) The City may suspend growth in the baseline funding pursuant to subsections
4 (c)(1) and (c)(2) in fiscal year 2016-2017 if the City's projected budget deficit for that year at
5 the time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the
6 Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds
7 \$200-million 5% of the City overall budget. For fiscal year 2017-2018 through fiscal year
8 2030-2031, the City may suspend growth in baseline funding pursuant to subsections (c)(1) and
9 (c)(2) when the projected budget deficit for the upcoming fiscal year at the time of the Joint
10 Report or Update to the Five Year Financial Plan as prepared jointly by the Controller, the
11 Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds \$200-million
12 5% of the City overall budget adjusted annually by changes in aggregate City discretionary
13 revenues.

14 (4) The City shall not increase Departmental appropriations for services of other
15 City departments or agencies, except for departments or agencies for whose services the
16 Department appropriated funds in fiscal year 2015-2016 or for new requested services from
17 departments or agencies not provided to the Department in that year.

18 (5) At the end of the fiscal year 2015-2016 and every year thereafter, any excess
19 general fund Departmental revenue, including any Department retained expenditure savings and
20 revenue surpluses from prior fiscal years, shall be reserved to be used for one-time
21 Departmental expenditures; "General fund Departmental revenue" is defined as all revenues
22 credited to the Department's general fund budget other than the baseline contribution defined in
23 subsection (c).

24 (e) ~~Enhanced Revenue and Efficiency Incentives for the Department.~~ It is the policy
25 of the City and County of San Francisco to give the Department greater incentives to improve

1 *operational efficiencies and to increase revenue. ~~Increases in revenues and savings~~ At the end*
2 *of the fiscal year 2015-2016 and every year thereafter, any excess general fund Departmental*
3 *revenue, including any Department retained expenditure savings and revenue surpluses from*
4 *prior fiscal years, shall be reserved and ~~shall be~~ dedicated as follows:*

5 *1. Actual net increases in Department-generated revenues, compared to the*
6 *previous fiscal year, shall be dedicated to capital and/or facility maintenance improvements to*
7 *park and recreational facilities; and,*

8 *2. New revenues from outside sources, such as grant or foundation support,*
9 *shall be used only for enhancement of park and recreational programs, including, but not*
10 *limited to, capital and/or facility maintenance improvements; and*

11 *3. Overall Department expenditure savings shall be retained by the Department*
12 *to be dedicated to one-time expenditures.*

13 *(d)* The City shall implement its efforts to increase revenues in a manner consistent with
14 the City's policy of charging City residents a lower fee than that charged nonresidents for the use
15 and enjoyment of Department property.

16 *(e) ~~(d)~~* Revenue Bond Authority. Notwithstanding the limitations set forth in
17 Sections 9.107, 9.108, and 9.109 of this Charter, the Commission may request, and upon
18 recommendation of the Mayor the Board of Supervisors may authorize, the issuance of revenue
19 bonds or other evidences of indebtedness, or the incurrence of other obligations, secured by the
20 Park, Recreation and Open Space Fund for acquisition, construction, reconstruction,
21 rehabilitation and/or improvement of real property and/or facilities and for the purchase of
22 equipment.

23 *(f) ~~(e)~~* Fund Expenditures on Commission Property. Any real property acquired with
24 monies from the Fund, including the proceeds of obligations issued pursuant to subsection *(e)*
25 *~~(d)~~*, above, shall be placed under the jurisdiction of the Commission within the meaning of

1 Section 4.113. Fund expenditures to improve, construct, reconstruct or rehabilitate real property
2 shall be limited to property under the jurisdiction of the Commission or property under the
3 jurisdiction of another City department or public agency and subject to an agreement with the
4 Department for its use, management and maintenance.

5 ~~(g) (f)~~ Use and Allocation of the Fund. Each year, the Commission shall adopt a budget
6 for the allocation and expenditure of the Fund in compliance with the budget and fiscal
7 provisions of the Charter, *which shall be adopted by the Commission only after a written*
8 *determination by the Planning Department of conformity with the City's General Plan.*

9 The annual budget for allocation of the Fund that is adopted by the Commission and
10 submitted by the Mayor to the Board of Supervisors shall include:

11 ~~(1-)~~ Allocations for after-school recreation programs, urban forestry, community
12 gardens, volunteer programs, and a significant natural areas management program in the amounts
13 allocated for each of those programs from the Park and Open Space Fund in the Department's
14 fiscal year 2015-2016 ~~1999-2000~~ budget, to the extent that such programs are not so funded in
15 the Department's operating budget or in the budget of another City department.

16 ~~(2-)~~ An allocation necessary to ensure that 3% of the monies to be deposited in
17 the Fund during the upcoming fiscal year pursuant to subsection (b), above, be available at the
18 start of the fiscal year as an undesignated contingency reserve.

19 ~~(3-)~~ An allocation of not less than ~~5%~~ **20-25%** of the monies to be deposited in
20 the Fund during the upcoming fiscal year pursuant to subsection (b), above. These monies shall
21 be dedicated to the acquisition of real property identified in the Capital Plan discussed in
22 subsection ~~(h)(2) (g)~~, below. Any portion of these monies that remains unspent or uncommitted
23 at the end of any fiscal year shall be carried forward, with interest thereon, to the next fiscal year
24 for the purposes set forth herein. *The 5% allocation need not be included in the budget*
25 *submitted to the Board of Supervisors for an upcoming fiscal year to the extent that the total City*

1 ~~expenditure for acquisition of property to be placed under the jurisdiction of the Commission for~~
2 ~~the period commencing with fiscal year 2000-2001 2000-01 and ending with the close of the~~
3 ~~immediately preceding fiscal year exceeds an amount equal to 5% of the total amount~~
4 ~~appropriated, or to be appropriated, to the Fund for the period commencing with fiscal~~
5 ~~year 2000-2001 2000-01 and ending with the close of the upcoming fiscal year. Starting in fiscal~~
6 ~~year 2016-2017 and in any year thereafter through fiscal year 2030-2031, the Commission may~~
7 ~~use the property acquisition allocation under this subsection (g)(3) for the planning and~~
8 ~~construction of properties added to the Commission's jurisdiction through the Fund.~~

9 Prior to the adoption of the annual budget by the Recreation and Park Commission, the
10 Department, in conjunction with the Citizens Parks, Recreation, and Open Space Advisory
11 Committee discussed in subsection ~~(i)~~ ~~(h)~~, below, shall conduct two public hearings in the
12 evenings or on weekends to permit the public to comment on the Department's full budget and
13 programming allocations.

14 ~~(h)~~ ~~(g)~~ Planning and Reporting Measures. The Commission shall adopt several
15 long-term plans that include, but are not limited to, the following:

16 ~~(1-)~~ Strategic Plan. By January 1, 2017, and every five years thereafter
17 December 1, 2000, the Department shall **prepare for Parks, Recreation, and Open Space**
18 **Advisory Committee to review, and** for Commission consideration and approval, a five-year
19 Strategic Plan, ~~to be updated annually~~, that establishes or reaffirms the mission, vision, goals and
20 objectives for the Department. The Department will use this Strategic Plan to guide its work
21 over each five-year period. Every two years after the approval of a Strategic Plan, the
22 Department will report to the Commission on the Department's progress under the Plan and,
23 subject to the Commission's approval, shall amend the Plan as appropriate. This Strategic
24 Plan will be used to guide the Department's work over the next five years.

1 (2-) Capital Plan. The Department shall cooperate in the development of the
2 City's Capital Expenditure Plan under Administrative Code 3.20, as amended, or any successor
3 legislation. Before the Department submits its capital priorities for consideration as part of the
4 Capital Expenditure Plan, the Department shall propose a plan, including development,
5 renovation, replacement and maintenance of capital assets and acquisitions, to the Parks,
6 Recreation, and Open Space Advisory Committee discussed in subsection (i) for review and to
7 the Commission for approval. The Capital Expenditure Plan shall **address equitable**
8 **distribution of improvements and maintenance** for irrigation, water conservation, and urban
9 forestry, and park lands, **prioritized for high needs neighborhoods.**

10 ~~By December 1, 2000, the Department shall prepare, for Commission~~
11 ~~consideration and approval, a five-year Capital Plan, to be updated annually, for the~~
12 ~~development, renovation, replacement and maintenance of capital assets, and the acquisition of~~
13 ~~real property. In its Capital Plan the Department shall propose specific properties to be~~
14 ~~acquired for open space, recreation facilities, significant natural areas, and other recreational~~
15 ~~purposes and shall prioritize capital and maintenance improvements and provide budgets~~
16 ~~associated with such improvements. Capital and acquisition projects will be designated by the~~
17 ~~Department based upon highest needs identified by the Department and the community.~~
18 ~~Capital projects will include the planning, design and construction of projects that~~
19 ~~rehabilitate, restore or replace existing facilities or that develop new facilities. Acquisition~~
20 ~~projects will include, but will not be limited to, purchase, lease, exchange, eminent domain,~~
21 ~~license or any other vehicle giving the City a right, whether revocable or not, to use real~~
22 ~~property, or any interest therein, or any improvement or development rights thereon, for~~
23 ~~recreational purposes, including, but not limited to, protection of natural resources,~~
24 ~~development of community gardens and development of urban trails, provided that,~~
25

1 *notwithstanding anything herein to the contrary, no acquisition of less than fee simple title*
2 *may be for a term of less than ten years.*

3 *(3-) Operational Plan. By February 1, 2017, and for each annual or biennial*
4 *budgetary cycle thereafter, as determined under Charter Section 9.101, the Department shall*
5 *prepare, for Parks, Recreation, and Open Space Advisory Committee to review, and for*
6 *Commission consideration and approval, an Operational Plan. The Department shall base the*
7 *Operational Plan on the then-current Strategic Plan, and the Operational Plan shall be in*
8 *addition to the Department's budget. The Department shall include in the Operational Plan a*
9 *statement of the objectives and initiatives within the Strategic Plan that the Department plans to*
10 *undertake and/or accomplish during the next budgetary period, including performance*
11 *indicators and targets, prioritizing equity in park and facility improvements and maintenance.*
12 *Each Operational Plan shall include an assessment of the Department's progress on the*
13 *previous Operational Plan. Following Commission approval, the Department shall submit the*
14 *Operational Plan to the Mayor and the Board of Supervisors, as part of the Department's*
15 *justification for requested resources.*

16 *The Department shall appropriate, as a separate line item, funds required for*
17 *preparation, monitoring, and evaluation of the plans required under this subsection (h).*

18 *~~By December 1, 2001, the Department shall prepare, for Commission~~*
19 *~~consideration and approval, a five-year Operational Plan, to be updated annually, detailing~~*
20 *~~proposed improvements to the Department's services and responsiveness to customer needs. The~~*
21 *~~annual Operational Plan will serve as a tool for improving the operational efficiency of the~~*
22 *~~Department and will include measurable performance standards for the Department. The~~*
23 *~~Department shall prepare the initial Operational Plan after conducting a performance audit of~~*
24 *~~Departmental operations. Thereafter, the Department will conduct periodic performance audits.~~*

1 The Commission shall establish a community input process, which ~~shall~~ *may* include the
2 Parks, Recreation, and Open Space Citizens Advisory Committee discussed in section (i) ~~(A)~~,
3 below, through which citizens of the City and County of San Francisco will provide assistance to
4 the Commission as it develops criteria and establishes the plans required by this subsection.
5 Prior to the adoption of any Strategic Plan each five-year plan, the Department shall conduct at
6 least five hearings in locations distributed geographically throughout the City to receive and to
7 consider the public's comments upon the plan. The Commission shall ensure that at least two of
8 these hearings are held in the evenings or on weekends for the public's convenience.

9 ~~The Department shall report regularly annually, as a part of the City's budget process, to~~
10 ~~the Mayor and to the Board of Supervisors, on the status of the plans and on the status of~~
11 ~~Department goals, objectives and capital project timelines for the current fiscal year, as well as~~
12 ~~provide reports on performance measures required by this Section.~~

13 During the fourth year of each Strategic Plan under subsection (h)(1), the Controller's
14 City Services Auditor shall conduct a performance audit of the Department to assess the
15 Department's progress under the Strategic Plan and to inform the development of the
16 Department's next Strategic Plan. The audit shall include an analysis of the Department's
17 compliance with the planning and reporting measures in this subsection (h). The costs of the
18 audit may be charged to the baseline established in subsection (c).

19 If the audit finds that the Department has not complied with the requirements in this
20 subsection (h), the Board of Supervisors may place up to 5% of the baseline appropriation under
21 subsection (c) for the next fiscal year on reserve, pending subsequent release of the reserve by
22 Board action upon finding progress toward these requirements. The preceding sentence is not
23 intended to modify the Board's authority under the fiscal and budgetary provisions of the
24 Charter.

1 The Commission may modify any deadlines contained in this subsection (h) by resolution
2 adopted by a two-thirds' vote of its members, and a resolution recommended by the Mayor and
3 approved by the Board of Supervisors.

4 (i) ~~(h)~~ Parks, Recreation, and Open Space Citizens Advisory Committee. The Board of
5 Supervisors shall establish, by ordinance, a Parks, Recreation, and Open Space Citizens
6 Advisory Committee, such as the committee established in Administrative Code Section 13.01,
7 as amended, or any successor legislation.

8 (i) **Environmental and Design Guidelines.** *The Commission shall adopt written*
9 *general environmental and design guidelines for new facilities, parks, and open spaces and*
10 *the renovation or rehabilitation of existing facilities, parks, and open spaces. These guidelines*
11 *shall be immediately accessible to the public and shall be consistent with any applicable*
12 *standards of the Art and Planning Commissions.*

13 (j) Capital Projects. Notwithstanding the provisions of Section 3.104 of this Charter, the
14 Commission shall have the authority to prepare and approve the plans, specifications and
15 estimates for all contracts and orders, and to award, execute and manage all contracts and orders,
16 for capital projects on real property under its jurisdiction or management. Capital projects
17 supported by the Fund, other than those projects identified by the Department as long-term
18 projects, must be fully constructed within three years of the initial budget allocation for those
19 projects. Long-term projects must be fully constructed within five years of the initial budget
20 allocation. Any exceptions to this provision must be authorized by a two-thirds vote of the
21 Commission.

22 ~~Why is this deleted?—The Recreation and Park Department and the Department of Public~~
23 ~~Works ("DPW") shall establish a committee to develop a written, capital implementation~~
24 ~~program, for the consideration of both Departments, that will govern DPW's involvement in~~
25 ~~capital projects undertaken by the Recreation and Park Department. In developing this~~

1 *program, the committee shall consider the Capital Plan discussed in subsection (g), above,*
2 *staffing levels in both Departments, and the availability of other resources.*

3 *(k) Unspent Funds. All unspent funds in the Park and Open Space Fund on June 30,*
4 *2000 each fiscal year, shall continue to be held for the use and benefit of by the Department.*
5 *These monies shall be expended in a manner consistent with the general purposes for which*
6 *they were originally appropriated for deferred maintenance of parks and facilities, and for*
7 *increasing tree care.*

8 / / /

9 / / /

10 / / /

11 / / /

12 / / /

13 / / /

14 *(k) In addition to the requirements set forth by this Section 16.107, all expenditures from*
15 *the Fund shall be subject to the budget and fiscal provisions of the Charter.*

16
17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20
21 By: _____
22 THOMAS J. OWEN
23 Deputy City Attorney

24 n:\legana\as2015\1500695\01053168.docx

Evans, Derek

From: Hsieh, Frances (BOS)
Sent: Wednesday, November 11, 2015 11:57 PM
To: Evans, Derek
Subject: Fwd: Don't pass the park funding bill yet -- it needs more work

FYI

Begin forwarded message:

From: Sally Stephens <sally.stephens.sf@gmail.com>
Date: November 11, 2015 4:08:56 PM PST
To: frances.hsieh@sfgov.org
Subject: Don't pass the park funding bill yet -- it needs more work

Dear Supervisor Avalos,

We all know RPD has huge deferred maintenance requirements. RPD does indeed need a reliable source of sustainable funding. But the legislation you will be discussing at the Rules Committee tomorrow (11/12/15) does not adequately address these needs. It needs additional safeguards inserted into it to ensure the added money is used for maintenance and other critical needs, and not for things like hiring more RPD planning staff or to fund the Natural Areas Program's highly unpopular plans to destroy existing habitat to create native plant gardens. Please do not pass this legislation on to the full Board at Thursday's meeting. It needs more work. It's better to take the time now to make it the best legislation it can be, than to hurry it along and not get it right.

Here are just a few problems to consider:

1) The baseline that will set a minimum that RPD will get from the general fund is okay. The problem is that there is no guarantee that it will be used for maintenance. What we don't want to happen is for RPD to get all this extra money and not use any of it for deferred maintenance. It is being sold to the public as a way to pay for maintenance of parks and rec centers, but there's nothing in the legislation to ensure the money will actually be used for maintenance. They need to ensure any new money is used for maintenance and, until that is done, the legislation should not move forward.

2) The existing Open Space Fund budget set aside can probably use some tweaking to make it better, but the changes proposed will not correct the problems and will instead make them worse. For example, both the existing and the proposed Open Space Fund budget set aside designates 5% of the money generated each year for acquisitions. In the existing situation, this money can accumulate from year to year and can only be used for acquisitions. In the proposed legislation this same 5% will still be put in a pot for acquisitions. But, unfortunately, the new legislation adds that this pot of money can, for the first time, also be used for planning and construction. It is easy to think of a situation where this money is used to hire 10 new planners for RPD or for construction of something that had cost overruns, with no money left in the pot to go toward acquisition of new parkland. We need the protection that the acquisition pot can only be used for acquisitions, not for planning or construction, put back into the legislation. Until that change is made, the proposal cannot go forward.

These are just two reasons why you need to continue the item. This is clearly a situation where it's more important to get this right than to get it done quickly. Please vote to continue the legislation and work with Supervisor Farrell and the Parks Alliance to get the legislation done right.

Sincerely,
Sally Stephens
Chair, SFDOG
President, Golden Gate Heights Neighborhood Association
Vice-President, West of Twin Peaks Central Council
415-577-9646 cell
sally.stephens.sf@gmail.com

Evans, Derek

From: Denis Mosgofian <denismosgofian@gmail.com>
Sent: Thursday, November 12, 2015 1:11 AM
To: Evans, Derek
Cc: Linda D'Avirro
Subject: comments on Nov. 12, Rules, item 3
Attachments: 11-12-15Rules Committee-OSFund.docx

Derek Evans,

These are my comments for the record on Nov. 12, 2015 agenda item 3, and for the Committee members.

Thank you,

Denis Mosgofian

Rules Committee

November 12, 2015

Item 3, Charter Amendment

Good Morning, Supervisors. My name is Denis Mosgofian. I am a District 5 representative on PROSAC. I want to share my concerns about the proposed Charter Amendment to the Open Space Fund. In general I have long supported greater funding for RPD. But I will support this measure only if it specifies priority spending principles. What is main purpose for this funding increase? Is it to address neglected maintenance? Which areas acquire land first? Which areas are prioritized for maintenance improvements? Are expenditures prioritized for the highest needs neighborhoods to ensure equity in distribution of parks, and facilities and maintenance improvements?

The Second draft deletes important language directing expenditures, justified by the claim that specificity ties the hands of the Dept.

I want to share with you specific language in the original Open space and Park Renovation Fund, adopted Nov. 1974.

“The recreation and open space element...shall continue to identify neighborhoods which are in special need of recreation and open space facilities, and shall designate such neighborhoods as “high-need neighborhoods.””

“Monies in the fund shall be used for (1) the acquisition and development of lands within or contiguous to “high-need neighborhoods”...

There is no language in the Second Draft that speaks to parity or equity among neighborhoods. It lacks any language that speaks of the high needs neighborhoods.

Existing language in the Open Space Fund provides direction, speaks of maintenance improvements, and enables accountability. Deleting prescriptive and specifying language precludes accountability.

Deleting all directive language provides tax dollars without direction, which will continue the same lop sided priorities that have led to decades of neglect of specific neighborhoods and of long term maintenance.

Please continue this measure for further amendments and input from the public. It is not ready to be placed on the ballot.

Thank you.

309 words

Statement of SF Forest Alliance

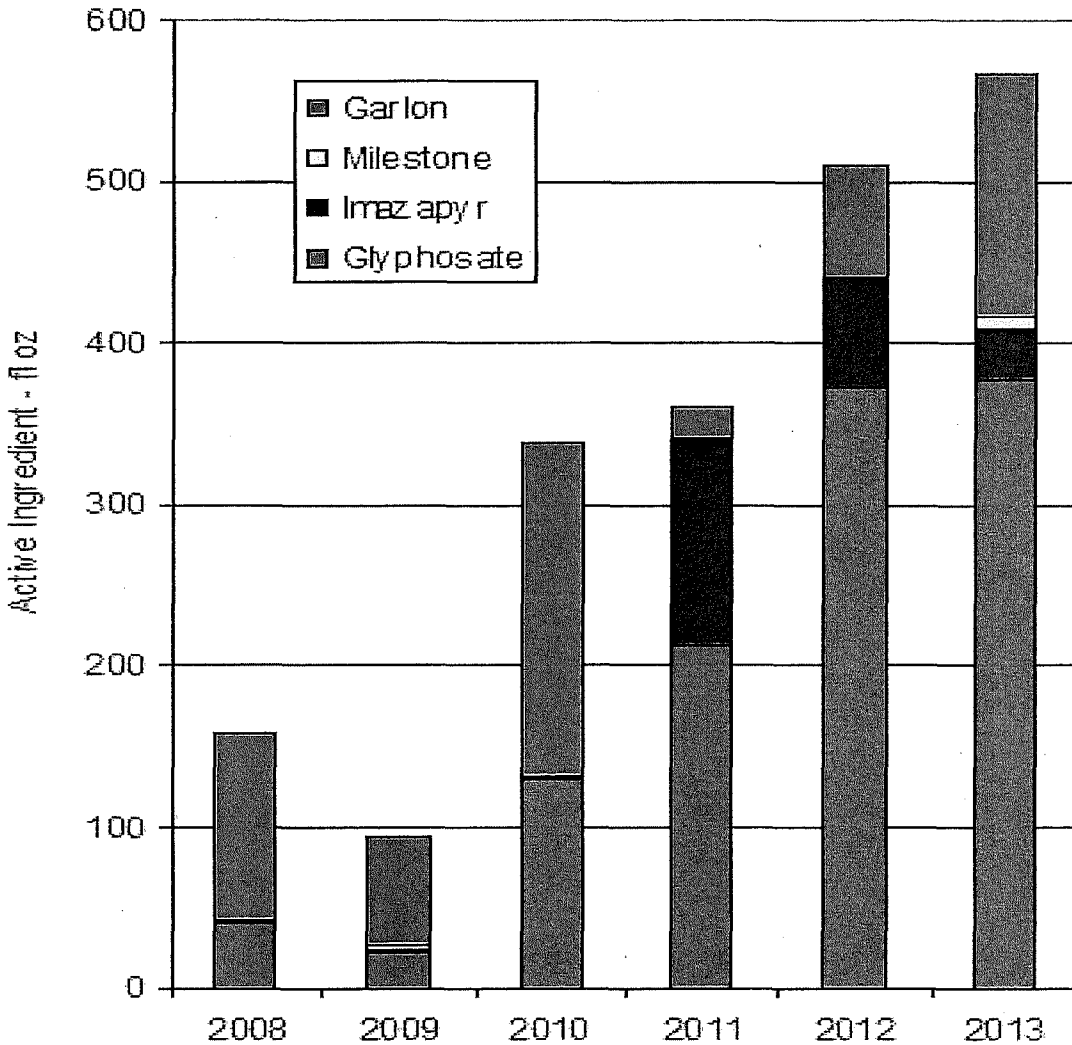
ANASTASIA WIKITERN

LAND ACQUISITION FUNDS ARE UNPROTECTED: The existing Open Space Fund budget set-aside probably needs some changes to make it better, but the changes proposed will not correct the problems and will instead make them worse. The Open Space Fund budget set-aside designates 5% of the money generated each year for acquisitions. Currently this money can accumulate from year to year and can only be used for acquisitions. In the proposed language the same 5% will be set aside for acquisitions. But, the new language says that this pot of money can also be used for planning and construction. It is easy to think of a situation where this money is used to hire 10 new planners for RPD or for construction of something that had cost overruns, instead of for acquisition of new parkland, despite enormous needs in some areas of the city. The language stating that the acquisition money can only be used for acquisitions, not for planning or construction, should be in the Charter Amendment before **it goes before the Board of Supervisors.**

NAP should not be allowed to cut healthy trees – just because some misguided people consider them “non-native”; the use of Category I & II Toxicity herbicides by RPD should be forbidden.

NAP USES MORE AND MORE HERBICIDES!

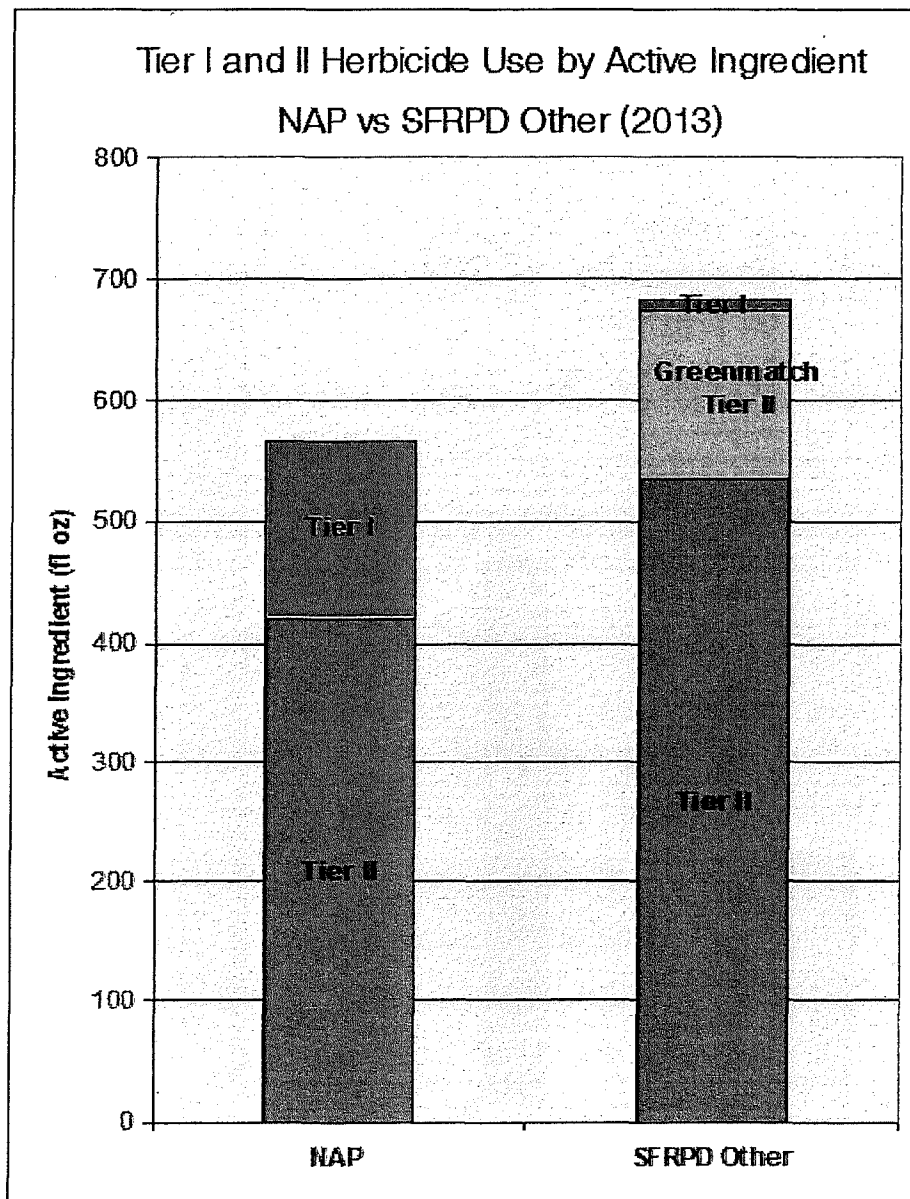
Natural Areas Herbicide Use Went Up (By Active Ingredient)



- These herbicides are epidemiologically linked to prostate, non-Hodgkin lymphoma, leukemia, multiple myeloma, and breast cancer.
- Milestone (Amino-pyralid) is banned in New York State.
- Imazapyr is banned in Europe since 2007 (in Norway since 2001).
- Monsanto was fined in France for false advertisement - claims that Glyphosate is safe.

Read more at WWW.SFFOREST.NET

Tier I & II Herbicide Use: NAP vs the rest of SFRPD including golf courses except Harding



- Greenmatch, a botanical herbicide based on lemongrass oil, is acceptable for organic gardening. It was reclassified from Tier III (least hazardous) to Tier II (more hazardous) in 2013 because it might cause allergic reaction in applicators.
- With the inclusion of Greenmatch the rest of RPD used a little more Tier I & II herbicides than NAP in 2013, without Greenmatch the rest of RPD used less dangerous toxins than NAP.
- The volume used per unit of land is about 3 times greater for “Natural” Areas – since they comprise $\frac{1}{4}$ of the city park land.
- The OTHER category includes all city golf courses except Harding.

Read more at WWW.SFFOREST.NET

Speaker: Dee Seligman

3rd person: Dee: INADEQUATE PUBLIC OVERSIGHT OF USE OF MONEY:
This proposed amendment lacks sufficient PUBLIC oversight of the purposes for which the money in the Open Space Fund is spent. Thus, we ask:

A) We ask that RPD be required to make available to the public in a readily found place on their website the annual budgets and the purposes for these funds on each of the 5 primary programs of the Open Space Fund:

1) after school programs; 2) urban forestry; 3) community gardens; 4) volunteer programs; 5) SNRAMP.

B) We ask that the Strategic Plan be published annually on RPD's website.

B) We ask for public hearings, not 2 presentations, about RPD's budget and the choices on which it will spend these additional funds. These hearings should engage the public by a series of meetings around the City, not just 2 presentations, in order for RPD to have public input on what is desired with the additional \$3M/year.

D) We ask that RPD Commission reviews the Strategic Plan annually, not biennially, and reviews the Operational Plan annually, with full disclosure on RPD's website.

*** E) We ask that the Controller reviews the Strategic Plan annually.** Otherwise, for these changes so that the review takes place before the horse has gotten out of the barn.

from Kathleen Hallinan : for the record 11-12-2015
San Francisco Forest Alliance member,
Sierra Club Member

USE BEST PRACTICES;

Our Library system has a set-aside fund from property taxes and baseline funding from the General Fund. But the Library in the Charter must specify where the unspent set-aside funds will be spent.

We ask that the Controller publish the actual amount of money unspent and carried over annually for RPD, and RPD should publish their spending priorities.


Rules Committee meeting Thursday, Nov. 12th at 11 am in room 263, City Hall, Supervisor Farrell presents his amendment to our City Charter's about guaranteed (baseline) funding for the Open Space Fund.

Evans, Derek

From: Somera, Alisa (BOS)
Sent: Tuesday, November 10, 2015 11:23 AM
To: Evans, Derek
Subject: FW: Rules Committee November 12 - File 150940 - Charter Amendment - Park, Recreation, and Open Space Fund

Alisa Somera

Assistant Clerk
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415.554.4447 direct | 415.554.5163 fax
alisa.somera@sfgov.org

 Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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---

**From:** Richard Ivanhoe [mailto:[richardivanhoe@sbcglobal.net](mailto:richardivanhoe@sbcglobal.net)]  
**Sent:** Tuesday, November 10, 2015 11:21 AM  
**To:** Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; Avalos, John (BOS) <[john.avalos@sfgov.org](mailto:john.avalos@sfgov.org)>; Tang, Katy (BOS) <[katy.tang@sfgov.org](mailto:katy.tang@sfgov.org)>; Cohen, Malia (BOS) <[malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org)>; Farrell, Mark (BOS) <[mark.farrell@sfgov.org](mailto:mark.farrell@sfgov.org)>; Christensen, Julie (BOS) <[Julie.Christensen@sfgov.org](mailto:Julie.Christensen@sfgov.org)>; Mar, Eric (BOS) <[eric.mar@sfgov.org](mailto:eric.mar@sfgov.org)>; Wiener, Scott <[scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org)>; Yee, Norman (BOS) <[norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)>; Breed, London (BOS) <[london.breed@sfgov.org](mailto:london.breed@sfgov.org)>  
**Subject:** Rules Committee November 12 - File 150940 - Charter Amendment - Park, Recreation, and Open Space Fund

**I respectfully request that the hearing on this matter be continued to the next meeting of the Rules Committee.** As you know, the last day for the Board of Supervisors to submit a Charter Amendment is 102 days before the election, or February 26 for the June 7, 2016 election, so there should be sufficient time to fully consider this matter. Although I am a member of PROSAC (Parks, Recreation and Open Space Advisory Committee) I am making this request as an individual and not on behalf of PROSAC or any other organization. I have addressed this email to the members of the Rules Committee, the sponsoring Supervisors, and to my District Supervisor.

I believe that this measure could be improved and that additional time is necessary to make those improvements.

**The proposed ballot measure does not provide any means of ensuring that any funds are used for deferred maintenance.** The concept of this measure was introduced to PROSAC on July 7, with an agenda item, "Ballot Measure to Fund Park Maintenance." It reappeared at PROSAC on October 6, with an agenda item, "PROSAC discussion on desired elements to include in the proposed 2016 Maintenance Initiative." and again on November 4, with the agenda item, "Proposed 2016 Maintenance Initiative Discussion and Possible Action." These agenda items recognize that one of the most pressing needs of the Recreation and Parks Department is for deferred maintenance--assets have been allowed to deteriorate until they have to be replaced, and the replacement is usually with interest-bearing bond money. But the proposed ballot measure does not provide any means for ensuring that any funds are used for deferred maintenance. Section 16.107(h)(2), as proposed, does require the Recreation and Parks Department to "propose a plan, including development, renovation, replacement, and maintenance of capital assets" to PROSAC for review and to the Recreation and Parks Commission for approval, but the current Charter section has also required a Capital Plan. The Capital Plan has not been produced and Recreation and Park assets (which are City assets) have deteriorated because of lack of maintenance.

I have other concerns with the committee packet:

**The Legislative Digest is not accurate.** The second paragraph of "Existing Law" under the legislative digest begins "The Recreation and Parks Commission ("Commission") must annually adopt five-year strategic, capital, and operating plans for the Fund. My reading of section 16.107(h) is that each of these reports is for the Recreation and Parks Department as a whole, and not only for the Open Space Fund.

**The Committee should consider proposed revisions by the PROSAC working group.** I understand that a PROSAC working group met with Supervisor Farrell's office on November 9 with proposed revisions to the Charter Amendment. I am not a member of this working group and was not at this meeting, but I understand that none of the proposed revisions were accepted, with the exception of a revision language naming PROSAC. PROSAC did vote to support the measure in October--as I understand it, this was a vote supporting an increase in the Open Space Fund, because, with the purchase of the Francisco Reservoir and the increase in the price of real estate over the past few years, there is not enough money left to purchase park-sized parcels in high-needs areas. There was a motion on the floor at PROSAC's November meeting to rescind PROSAC's approval of the Charter Amendment, but there was no second because PROSAC was advised that the language would be amended, and PROSAC members wanted to see the new language. Again, this is my individual opinion, and I am not commenting on behalf of PROSAC.

I believe that with more time, I would have additional comments. This is a short week, with City Hall closed on Wednesday, and the Committee Meeting on Thursday.

Thank you for considering these concerns.

--Richard Ivanhoe--  
516 Clatyon Street  
San Francisco

## Major, Erica (BOS)

---

**From:** Major, Erica (BOS)  
**Sent:** Wednesday, November 04, 2015 9:46 AM  
**To:** Zarefsky, Paul (CAT)  
**Cc:** 'Jon.Givner@sfgov.org'; Calvillo, Angela (BOS); Somera, Alisa (BOS)  
**Subject:** FW: Request for a correction to a Leg Digest report  
**Attachments:** 150940 Leg Dig Ver1.docx; 150940.docx

Greetings,

We have received a complaint about the following legislative digest (legislation attached) in regards to the language used in the digest. Please review the details of below. This has been recorded in the official file.

Best,

### Erica Major

#### Assistant Committee Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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**From:** Nancy Wuerfel [<mailto:nancenum1@aol.com>]  
**Sent:** Tuesday, November 03, 2015 3:53 PM  
**To:** Major, Erica (BOS) <[erica.major@sfgov.org](mailto:erica.major@sfgov.org)>  
**Subject:** RE: Request for a correction to a Leg Digest report

To the Clerk, Board of Supervisors:

I wish to bring to your attention an error in the Legislative Digest analysis of file # 150940. Below is A) the sentence containing the error, and B) the Farrell legislation being digested.

In A, you will see that the analysis states the Commission would be authorized "to spend up to 5% of the property acquisition allocation..." However, in B, you will see that 5% of the monies in the "shall be dedicated to the acquisition of real property..." and that "the Commission may use the property acquisition allocation under this subsection (q)(3) for the planning and construction of properties." **There is no limit shown** (much less 5%) on how much of the acquisition allocation may be used for planning and construction of properties. Therefore, it is conceivable that all the acquisition money could be redirected towards planning and construction, instead of the intended acquisition of land.

Having served on the Park, Recreation Open Space Advisory Committee for 9 years appointed by 3 supervisors for District 4, I am very familiar with Section 16.107 of the Charter. I am also very aware of the difficulty in finding money to buy open space for RPD. Therefore, the small 5% allocation of the fund for acquisitions must be protected. The current digest states that there is a limitation on the "non-acquisition use" of the acquisition money that is not actually in the First Draft of the legislation.

I request that a digest correction be issued that clearly explains that the draft language does not protect the use of the 5% for acquisitions only, the way the current Charter language does. The impact of this draft language is that acquisitions money may be used entirely for non-acquisition uses without limitation.

I realize my request may be unusual, but people rely on the Leg Digest to understand the draft proposal. The Digest should be accurate. If I can provide any additional information, please let me know. Thank you for your attention to this issue. Please advise me if a correction to the digest will be made, and if so, when it will be published - hopefully before the Rules Committee hearing on Nov. 12 to discuss this draft.

Sincerely,

Nancy Wuerfel  
415-731-6432

**A) LEGISLATIVE DIGEST**

[Charter Amendment - Park, Recreation and Open Space Fund] File 150940  
Page 2, second to last paragraph:

"The proposal would authorize the Commission, starting in fiscal year 2016-2017, to spend up to 5% of the property acquisition allocation for the planning and construction of properties added to the Commission's jurisdiction through the Fund."

.n:\legana\as2015\1500695\01048702.docx

\* \* \* \* \*

**B) Charter Amendment - Park, Recreation and Open Space Fund] File 150940**

page 5, line 15 begins:

~~(3-) An allocation of not less than 5% of the monies to be deposited in the Fund during the upcoming fiscal year pursuant to subsection (b), above. These monies shall be dedicated to the acquisition of real property identified in the Capital Plan discussed in subsection (h)(2) (g), below. Any portion of these monies that remains unspent or uncommitted at the end of any fiscal year shall be carried forward, with interest thereon, to the next fiscal year for the purposes set forth herein. The 5% allocation need not be included in the budget submitted to the Board of Supervisors for an upcoming fiscal year to the extent that the total City expenditure for acquisition of property to be placed under the jurisdiction of the Commission for the period commencing with fiscal year 2000-2001 and ending with the close of the immediately preceding fiscal year exceeds an amount equal to 5% of the total amount appropriated, or to be appropriated, to the Fund for the period commencing with fiscal~~

page 6, line 1 begins:

~~year 2000-2001 2000-01 and ending with the close of the upcoming fiscal year. Starting in fiscal year 2016-2017 and in any year thereafter through fiscal year 2030-2031, the Commission may use the property acquisition allocation under this subsection (g)(3) for the planning and construction of properties added to the Commissi~~

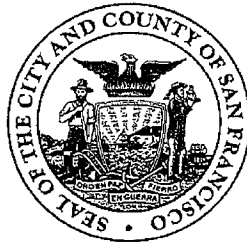
PROSAC RESOLUTION SUPPORTING CHARTER AMENDMENT -  
PARK, RECREATION AND OPEN SPACE FUND AND INCLUDING THE  
EXTENSION OF THE OPEN SPACE FUND TO 2046

PROSAC supports the charter amendment as written and urges Supervisor Farrell to include the extension of the Open Space Fund for an additional fifteen years to 2046, so that there will be more funds available and means of securing funding for the acquisition of open space and recreation space in high-needs area in the near future.

The above resolution was proposed by Toby Levy (District 6), seconded by Jane Weil (District 6) and passed unanimously by members of the Park and Recreation Open Space Fund (PROSAC) on October 6, 2015

Submitted by Linda D'Avirro, Chair, Park and Recreation Open Space Fund (PROSAC)

BOARD of SUPERVISORS



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

September 29, 2015

File No. 150940

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

Dear Ms. Jones:

On September 22, 2015, Supervisor Farrell introduced the following proposed Charter Amendment for the June 7, 2016, Election:

**File No. 150940 Charter Amendment - Park, Recreation and Open Space Fund**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk  
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner  
Jeanie Poling, Environmental Planner

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2015.11.05 16:54:30 -08'00'

BOARD of SUPERVISORS



City Hall  
1 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: Adele Failes-Carpenter, Director, Youth Commission  
FROM: Derek Evans, Clerk, Rules Committee  
DATE: November 10, 2015  
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following legislation, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 150940**

**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.**

Please return this cover sheet with the Commission's response to **Derek Evans, Clerk, Rules Committee.**

\*\*\*\*\*

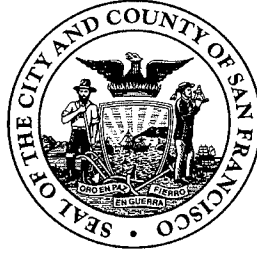
**RESPONSE FROM YOUTH COMMISSION**      Date: \_\_\_\_\_

- No Comment
- Recommendation Attached

\_\_\_\_\_  
**Chairperson, Youth Commission**



BOARD of SUPERVISORS



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

September 29, 2015

File No. 150940

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

Dear Ms. Jones:

On September 22, 2015, Supervisor Farrell introduced the following proposed Charter Amendment for the June 7, 2016, Election:

**File No. 150940 Charter Amendment - Park, Recreation and Open Space Fund**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

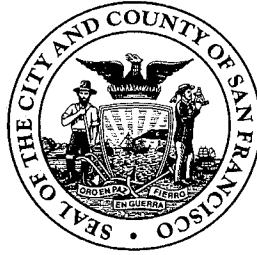
A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk  
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner  
Jeanie Poling, Environmental Planner

BOARD of SUPERVISORS



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: *AS* Alisa Somera, Clerk, Rules Committee  
Board of Supervisors

DATE: September 29, 2015

SUBJECT: CHARTER AMENDMENT INTRODUCED  
June 7, 2016 Election

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The Board of Supervisors' Rules Committee has received the following Charter Amendment for the June 7, 2016, Election, introduced by Supervisor Farrell on September 22, 2015. 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. 150940 Charter Amendment - Park, Recreation and Open Space Fund**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, and modify the Recreation and Park Department's planning obligations, at an election to be held on June 7, 2016.

Please review 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: [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.


BOARD of SUPERVISORS



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## MEMORANDUM

TO: Nicole Elliott, Mayor's Office  
Jon Givner, Office of the City Attorney  
Naomi Kelly, City Administrator  
Jesse Mainardi, Acting Executive Director, Ethics Commission  
John Rahaim, Director, Planning Department  
Harvey Rose, Budget and Legislative Analyst  
Phil Ginsburg, General Manager, Recreation and Park Department  
Margaret McArthur, Secretary, Recreation and Park Commission  
Olive Gong, Park, Recreation and Open Space Advisory Committee

FROM:  Alisa Somera, Clerk, Rules Committee  
Board of Supervisors

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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) 554-4447 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: AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
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  
Sarah Ballard, Recreation and Park Department

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date \_\_\_\_\_

I hereby submit the following item for introduction (select only one):

- 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. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**


Supervisor Mark E. Farrell; Supervisors Christensen, Mar, Tang, Wiener, Yee

**Subject:**

[Charter Amendment - Park, Recreation and Open Space Fund]

**The text is listed below or attached:**

See attached.

Signature of Sponsoring Supervisor: 

**For Clerk's Use Only:**