

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: Victor Young, Assistant Clerk, Rules Committee
Board of Supervisors

A handwritten signature in cursive script that reads "Victor Young".

DATE: May 31, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2022, Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 8, 2022, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.3.

File No. 220626 Charter Amendment - Library Preservation Fund

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to extend the Library Preservation Fund for an additional 25 years, through June 2048, to set aside funds to provide library services and materials and operate library facilities at the main library and branch libraries; at an election to be held on November 8, 2022.

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) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller
Peg Stevenson, City Performance Director
Natasha Mihal, City Services Auditor

1 [Charter Amendment - Library Preservation Fund]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **8, 2022, to amend the Charter of the City and County of San Francisco to extend the**
5 **Library Preservation Fund for an additional 25 years, through June 2048, to set aside**
6 **funds to provide library services and materials and operate library facilities at the main**
7 **library and branch libraries.**

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 November 8, 2022, a proposal to amend the Charter of
11 the City and County by revising Section 16.109, 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. 16.109. LIBRARY PRESERVATION FUND.**

18 (a) **Establishment of Fund.** There is hereby established the Library Preservation
19 Fund ("the Fund") to be administered by the Library Department as directed by the Library
20 Commission. Monies therein shall be expended or used solely by the Library Department,
21 subject to the budgetary and fiscal provisions of the Charter, to provide library services, *acquire*
22 *books and other materials and equipment*, and ~~to~~ construct, *improve, rehabilitate,* maintain, and
23 operate library facilities.

24 (b) **Annual Set-Aside.** The City will continue to set aside from the annual property
25 tax levy, for a period of ~~fifteen~~ 25 years starting with the fiscal year ~~2008-2009~~ 2023-2024 an

1 amount equivalent to an annual tax of two and one-half cents (\$0.025) for each one hundred
2 dollars (\$100) assessed valuation ("Annual Set-Aside").

3 The Controller shall set aside and maintain such an amount, together with any interest
4 earned thereon, in the Fund. Revenues obtained from the Annual Set-Aside shall be in addition
5 to, and not in place of, any General Fund monies appropriated to the Library pursuant to
6 subsection (c).

7 (c) **Baseline Maintenance of Effort.** The Annual Set-Aside shall be used
8 exclusively to increase the aggregate City appropriations and expenditures for services,
9 materials, facilities, and equipment that will be operated by the Library *Department* for Library
10 purposes. To this end, in any of the ~~fifteen~~ 25 years during which funds are required to be set
11 aside under this Section 16.109, the City shall not reduce the Baseline for the Library
12 Department below the fiscal year ~~2006-2007~~ 2022-2023 Required Baseline Amount (as
13 calculated by the Controller), except that the Baseline shall be adjusted as provided below.

14 The Baseline shall be adjusted for each year after fiscal year ~~2006-2007~~ 2022-2023 by the
15 Controller based on calculations consistent from year to year, by the percentage increase or
16 decrease in aggregate City and County discretionary revenues, except as provided in subsection
17 (h). In determining aggregate City and County discretionary revenues, the Controller shall only
18 include revenues received by the City which are unrestricted and may be used at the option of the
19 Mayor and the Board of Supervisors for any lawful City purpose. ~~Additionally, in determining~~
20 ~~aggregate City and County discretionary revenues, the Controller shall not include revenues~~
21 ~~received by the City under the increased rates in Business and Tax Regulations Code Sections~~
22 ~~953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the~~
23 ~~voters at the general municipal election on November 3, 2020, and shall not include revenues~~
24 ~~received by the City under Article 36 of the Business and Tax Regulations Code adopted by the~~
25 ~~voters at the general municipal election on November 3, 2020.~~ Errors in the Controller's

1 estimate of discretionary revenues for a fiscal year shall be corrected by adjustment in the next
2 year's estimate. For purposes of this subsection (c), (i) aggregate City appropriations shall not
3 include funds granted to the City by private agencies or appropriated by other public agencies
4 and received by the City, and (ii) Library Department appropriations shall not include funds
5 appropriated to the Library Department to pay for services of other City departments or agencies,
6 except for departments or agencies for whose specific services the Library Department was
7 appropriated funds in fiscal year ~~2006-2007~~2022-2023. Within 180 days following the end of
8 each fiscal year through fiscal year ~~2023-2024~~ 2047-2048, the Controller shall calculate and
9 publish the actual amount of City appropriations for the Library Department.

10 The Controller shall set aside and maintain such baseline amounts, together with any
11 interest earned thereon, in the Fund.

12 At the end of each fiscal year, the Controller shall pro-rate any monies from the annual
13 Baseline and the Annual Set-Aside that remain uncommitted in the Fund, and the Baseline
14 portion of such amount shall be returned to the General Fund. The Annual Set-Aside portion of
15 such amount shall be carried forward to the next fiscal year and shall be appropriated then or
16 thereafter for the purposes specified in this Section.

17 Adjustments in the Controller's estimate of the Baseline, including any ~~h~~Baseline changes
18 required from increases or decreases to City revenues after the enactment of the annual budget
19 under Article IX-adoption, along with adjustments to the Annual Set-Aside for a fiscal year, shall
20 be corrected by credits or adjustment to be carried forward and added to the annual City
21 appropriation for the next fiscal year and, subject to the budgetary and fiscal limitations of
22 ~~this~~the Charter, shall be appropriated then or thereafter for the purposes specified in this Section.

23 (d) **Debt Authority.** Notwithstanding the limitations set forth in Sections 9.107,
24 9.108, and 9.109 of this Charter, the Library Commission may request, and upon
25 recommendation of the Mayor the Board of Supervisors may authorize, the issuance of revenue

1 bonds or other evidences of indebtedness or the incurrence of lease financing or other obligations
2 (the "Debt Obligations"), the proceeds of which are to be used for the acquisition, construction,
3 reconstruction, rehabilitation, and/or improvement of real property and/or facilities that will be
4 operated by the Library Department for Library purposes and for the purchase of equipment
5 relating to such real property and/or facilities. Such Debt Obligations shall be secured by and/or
6 repaid from any available funds pledged or appropriated by the Board of Supervisors for such
7 purpose, which amount may include funds in the Fund allocated under subsection (e)(3) of this
8 Section 16.109~~below~~. Funds appropriated to pay debt service on the Debt Obligations in such
9 fiscal year under the terms of this Section 16.109 shall be set aside in an account for such use
10 until such payment is made.

11 (e) **Spending Priorities.** The Annual Set-Aside and monies carried over from prior
12 fiscal years in the Fund shall be expended in accordance with the following priorities:

13 (1-) Such allocations as are necessary for the Library Department to operate the
14 Main Library, which includes ~~a library for the blind~~ the Talking Books and Braille Center, no
15 fewer than 27 neighborhood branch libraries, and an auxiliary technical services facility, with
16 ~~at least 1,400~~ permanent service hours per week system-wide and the permanent service
17 hours at each neighborhood branch library ~~as~~ at least 95% of the amount set by the Library
18 Commission as of ~~November 6, 2007~~ May 31, 2018. The permanent service hours per week
19 system-wide and the permanent service hours at any neighborhood branch library ~~which~~ may be
20 modified, but only as provided by subsection (f).

21 (2-) Such allocations as are necessary to provide for library services and
22 collections in all formats in order to meet the current and changing needs of San Francisco
23 communities, as the Library Commission in its sole discretion shall approve.

24 (3-) Notwithstanding the spending priorities set forth in this subsection (e), a
25 portion of the Annual Set-Aside may be used each fiscal year to pay debt service relating to Debt

1 Obligations issued or incurred by the City under subsection (d)~~-above~~. To ensure that debt
2 service payments do not reduce overall funding available for other Library priorities from current
3 levels, debt service may be payable from the Annual Set-Aside in any fiscal year in an amount
4 no greater than:

5 (A~~-~~) the annual debt service that would be payable under a financing with
6 the term and principal amount reflected in a Library Commission request for bond issuance
7 under subsection (d)~~-above~~; and

8 (B~~-~~) the aggregate growth of the Annual Set-Aside amount and the
9 Baseline amount over the base fiscal year ~~2006-07~~2022-2023.

10 Amounts on deposit in the Annual Set-Aside in excess of such annual debt service
11 shall be used according to the other priorities of this subsection.

12 (4~~-~~) To the extent there are unexpended funds remaining in the Fund after the
13 requirements of ~~paragraphs~~ subsections (e)(1) through (e)(3) have been satisfied, such funds
14 may be used for any lawful purpose of the Library Department; provided that no such funds shall
15 be used for debt service payments in any fiscal year in excess of the amount allowed under
16 ~~clause-subsection (e)(3)-above~~.

17 (f) **Library Service Hours.** Except as provided ~~below~~ in ~~paragraphs~~ subsections
18 (f)(3) and (f)(4), the Library Commission shall maintain at least ~~1211~~the permanent service hours
19 per week system-wide and the permanent hours at ~~any~~ each neighborhood branch Library as
20 required by subsection (e)(1) until July 1, ~~2013~~2028. ~~As of~~ On or after that date, the Library
21 Commission may modify permanent service hours per week system-wide and at specific
22 neighborhood branch libraries for succeeding five-year intervals, or at shorter intervals as the
23 Commission may adopt, and in accordance with the following procedures:

24 (1~~-~~) No later than March 1, ~~2013~~2028, and at least four month before adopting
25 ~~for~~ each service hour interval thereafter, the Library Commission shall establish a community

1 input process, which may include an informal survey of library users and meetings with the
2 ~~Library Citizens Advisory Committee~~, Council of Neighborhood Libraries or any successor
3 entity, and neighborhood groups, through which citizens of the City ~~and County of San~~
4 ~~Francisco~~ may provide assistance to the Library Commission as it develops criteria to set
5 system-wide and branch service hours for the upcoming interval. Prior to the Library
6 Commission setting service hours for the next interval, the Library Department shall conduct at
7 least one hearing in each supervisorial district to receive and consider the public's comments
8 about existing and potential Library service hours. ~~The Library Commission shall ensure that~~
9 ~~At least six of these hearings, distributed geographically throughout the City, are shall be held~~
10 in the evenings or on weekends for the public's convenience.

11 (2-) Following input of the public as described the hearings in Paragraph
12 subsection (f)(1), and based on the public input, a comprehensive assessment of needs, and the
13 anticipated adequacy of library resources, the Library Commission may, ~~as of~~ on or after July 1,
14 ~~2013~~2028, modify the system-wide and individual neighborhood branch service hours for the
15 next five-year interval or such shorter interval as the Library Commission may adopt. The
16 Library Commission shall repeat this public process and set service hours at least once every five
17 years for the duration of the Fund.

18 (3-) The service hours requirements set in subsection (e)(1) and any
19 modifications thereto made pursuant to this subsection (f) shall be temporarily reduced by the
20 normal operating hours for any neighborhood branch temporarily closed for construction,
21 renovation, or maintenance purposes. In such cases, the Library Department shall add temporary
22 services elsewhere by adding temporary hours at nearby branches, providing bookmobile
23 services, securing programming partners in the affected neighborhoods, or similar means.

24 (4-) If library services at any branch or system-wide are interrupted due to fire,
25 earthquake, or other emergency, the Library Department shall be relieved of these service hour

1 requirements, provided that the Library Department shall provide service hours consistent with
2 such exigent circumstances.

3 (g) **Unspent Funds.** All unspent funds in the Fund on November ~~6, 2007~~ 8, 2022
4 shall continue to be held for the use and benefit of the Library Department, and the funds therein
5 shall be used consistent with the requirements of this Section 16.109. These monies shall be
6 expended to construct, maintain and operate library facilities as provided herein.

7 (h) **Temporary Freezes to Baseline.** Notwithstanding any other provision in this
8 Section 16.109, the City may freeze the Baseline for any fiscal year after fiscal year 2022-2023
9 at the prior year amounts when the City's projected budget deficit for the upcoming fiscal year at
10 the time of the March Joint Report or March Update to the Five Year Financial Plan as
11 prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors'
12 Budget Analyst exceeds \$300 million, adjusted annually beginning with fiscal year 2022-2023 by
13 the percentage increase or decrease in aggregate City discretionary revenues, as determined by
14 the Controller, based on calculations consistent from year to year. In determining aggregate
15 City discretionary revenues, the Controller shall include only revenues received by the City that
16 are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for
17 any lawful City purpose.

18 In the first two fiscal years following such a freeze, the Controller shall adjust the
19 Baseline under subsection (c) such that the amount of the Baseline in the second fiscal year
20 following the freeze shall be the same as it would have been if there had been no freeze under
21 this subsection (h). Based on projections of anticipated revenue, the Controller shall implement
22 this adjustment to the Baseline in approximately equal amounts in each of the two fiscal years.

1 (i) **Expiration.** This Section 16.109 shall expire by operation of law on December
2 31, 2048, after which the City Attorney may cause it to be removed from the Charter unless the
3 Section is extended by the voters.

4
5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7 By: /s/
8 JON GIVNER
9 Deputy City Attorney

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