

CHARTER AMENDMENT  
PROPOSITION \_\_\_\_\_

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of said city and country by repealing and adopting a new Section 16.107, to create an Open Space Acquisitions and Park Renovation Fund and to fix a base annual level of funding for the Recreation and Park Department.

The Board of Supervisors hereby submits to the qualified voters of said city and county at an election to be held on November 7, 2006, a proposal to amend the Charter of said city and county by repealing and adopting a new Section 16.107, so that the same shall read as follows:

Section 1. The San Francisco Charter is hereby amended, by repealing current Section 16.107 in its entirety and adding a new Section 16.107, to read as follows;

**SEC. 16.107 OPEN SPACE ACQUISITIONS AND PARK RENOVATION FUND.**

(a) Establishment of Fund. There is hereby established Open Space Acquisitions and Park Renovation Fund, hereinafter referred to as the "Fund," a replacement for the Park, Recreation, and Open Space Fund. ("Predecessor Fund" ) established by the voters in the March 2000 election. Monies in the Fund shall be appropriated, allocated, transferred, expended or used consistent with, and to implement, the "Recreation and Open Space Element of the General Plan ("Plan") and the "Programs for Implementation of the Recreation and Open Space Element of the General Plan" ("Programs", as provided for herein. The Fund shall be used solely for the purposes set forth in subsection ( d ) below.

(b) Interagency Cooperation. Consistent with the Plan and Programs, lands currently under the jurisdiction of any City agency or Public Agency may be acquired or developed with the Fund provided for herein. The Recreation and Park Commission, Port Commission, Department of Public Works, Public Utilities Commission, or their successors, and all other City agencies, are hereby authorized to enter into contracts appropriate to carry out the purposes of this section. Unless approved by a two-thirds vote of the Board of Supervisors, the amount paid for any lands purchases or acquired in fee from any other public agency or City department or agency shall be no greater than the most recent selling price for such lands.

(c) Fund Revenues. Revenues obtained from all sources, including the General Fund, shall be in addition to, and not in place of any sums normally budgeted for the Recreation and Park Department, and together with the interest earned thereon, shall be deposited into the Fund. In addition, all grants, gifts and bequests paid to the City and County for open space acquisition and park renovation, and interest earned thereon, unless otherwise restricted, shall be deposited into the Fund. Beginning with fiscal year 2007-08 and each fiscal year thereafter, there shall be deposited into the Fund as following:

(1) An amount (the "Base Amount") which shall initially, be no less than the amount of all appropriations from the General Fund, including all supplemental appropriations and the funds deposited into the Predecessor Fund, for the fiscal year 2005-06 or 2006-07, whichever is higher (the "Base Year"), adjusted as provided below, for the Recreation and Park Department (the "Department"). This annual General Fund appropriation requirement may be suspended, in whole or in part, for any fiscal year for which the Mayor declares and the Board of Supervisors concurs, by two-thirds vote that extraordinary economic conditions, as that term is used in Section A8.406, exist. For fiscal year 2007-08 and each fiscal year thereafter, the baseline amount shall also include the one-quarter percent sales tax collected pursuant to Proposition \_\_\_ on the November 2006 general municipal election.

(2) The Base Amount shall be determined by the Controller, and shall be adjusted each year thereafter by the Controller, based on calculations consistent from year to year, by the percentage increase or decrease in aggregated City and County appropriations and by any increased in General Fund appropriations to the Department in subsequent years to provide services not provided in the Base Year. Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected by adjustment in the next year's estimate. In determining aggregate City and County appropriations, the Controller shall not include (i) funds appropriated for the Airport, Port or Public Utilities departments, (ii) funds generated by bond issues, (iii) gross revenues of the Department as defined in subsection (a)(3), to the extent such funds were included in the original Base Amount calculation, or (iv) funds granted to the City and County by private agencies or appropriated by other public agencies and received by the City and County.

The Treasurer shall set aside and maintain the amounts required by this section, together with an interest earned thereon, in the Fund. Any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward, together with interest thereon, to the next fiscal year only for the purposes specified in this charter provision and shall not be counted towards the adjusted Base Amount required to be appropriated annually to the Department. Neither the Office of the Treasurer, not the Office of the Controller, nor the Recreation and Park Department may charge overhead expenses from this fund.

(3) The Fund may receive other funds on behalf of the City and County from any source for the purposes of Park Renovations, Open Space Acquisitions, Urban Forestry .

(4) Effective July 1, 2007 and each fiscal year thereafter, funds shall be appropriated for the primary purposes of park renovations and development, open space acquisition, ongoing preventative maintenance, urban forestry. These purposes shall not include acquisitions, capital development or forestry associated with special Fund properties owned and managed by the City of San Francisco, including but not limited to the Golf Fund properties, the Harbor, or stadiums.

(d) Use and Allocation of the Fund. Each year, the Recreation and Park Commission and the City Planning Commission shall hold at least one joint public hearing at which, by a majority of each commission and with the concurrence of the Board of Supervisors, they shall adopt a budget for the allocation and expenditure of the Fund which is consistent with and implements the Plan and Programs.

(1) Joint Use Agreements. The Fund shall only be expended for park renovations on real properties under the management and control of the Recreation and Park Commission (the "Commission"), unless a joint use agreement is entered into with another public agency and the Commission. All monies held in reserve in the existing Open Space Fund or other Department special funds on June 30, 2007, shall continue to be held for the use and benefit of the open space acquisition or development.

(2) Debt Servicing. Notwithstanding Section 9.107 the Commission may request and the Board of Supervisors may authorize the issuance of revenue bonds secured by the Fund, for acquisition and improvement of real properties under the Commission's management and control. No more than 25% of the Fund shall be utilized for debt servicing of the bonds issued under this subsection.

(3) Interest and Repayment Funds. All funds received through interest earned, repayment of loans from the Fund, or additional revenues owed to the Fund from property taxes shall be applied only to the allocation schedule outlined in Section d (4) below.

(JIM; WHAT DOES THIS SECTION MEAN?) The Commission shall request and the City and County shall create within the Fund, for those projects which received bond funding, as well as for those capital projects funded pursuant to subsection (a)(2), a capital replacement reserve account, which shall be annually funded in accordance with a formula and expended pursuant to rules and recommended by the Controller and adopted by the Commission.

(4) Allocation Schedule.

(a) 40% for acquisition and development of new properties and trails to meet specific neighborhood or system-wide deficiencies (with no less than 15% of the fund set aside for acquisitions each year)

(b) of the remaining 60%:

(i) 30% for urban forestry, with at least 50% of that amount applied to a Neighborhood Park Urban Forestry program, following a specific plan for planting and annual tree maintenance, reported annually by park as part of the Capital Plan Annual Report

(ii) 50% for ongoing renovations of existing park landscapes and facilities

(iii) 10% for preventative maintenance, according to a plan and reported annually by facility and park as part of the Capital Plan annual report

(iv) 5% for community planning and outreach, user surveys and focus groups which shall be conducted at least every 5 years

(v) 5% for community build projects, requiring a matching amount from neighborhood groups. Neighborhood matches may include in-kind contributions of labor and materials for all or part of their portion of the matching amount.

(e) Administration of Fund. The Fund shall be administered by the Recreation and Park Commission with the advice of the Park, Recreation and Open Space Advisory Committee established in subsection (f) below. The Committee shall report directly to the Commission and shall have their report presented as a regularly-scheduled line item on the Commission Monthly Calendar. The Committee shall have the authority in reporting to present their findings, concerns, and special speakers in un-timed testimony with advance notice to the Commission Secretary of a specific time request. The Commission President shall respond in writing at a subsequent meeting to the Committee regarding any disputes raised by the Committee as to the administration of the Fund.

(i) Acquisition and/or development of property. At a joint public hearing the Planning Commission must find that proposals to expend funds for acquisition and development of real property are in conformity with the General Plan, and a quorum of both Commissions may vote to allocate monies for acquisition of property for park use and/or for development of property for park use.

(ii) The Commission shall report to the Mayor and the Board of Supervisors on or before July 15, 2008 and each year thereafter, the status of the five year acquisition plan, departmental goals and objectives and capital project timelines for the current fiscal year.

(iii) Annual Financial Audit. The Controller shall conduct an annual financial audit of the Open Space Fund, reporting results to both the Recreation and Park Commission and the Planning Commission, and to the Mayor's Office and the Board of Supervisors.

(f) Park, Recreation, Open Space Advisory Committee. On or before July 1, 2007, the Commission shall establish, by resolution, a city-wide Park, Recreation, and Open Space Advisory Committee comprised of eleven members appointed by the Board of Supervisors from each supervisorial district, eleven members appointed by the Recreation and Park Commission and one member appointed by the Mayor. Members appointed by the Commission shall have backgrounds in the environment, planning, architecture, construction, or landscape architecture fields. In addition to the duties set forth below, the Advisory Committee shall have those duties as may be fixed by resolution of the Commission or ordinance of the Board of Supervisors. The Fund shall be administered by the Recreation and Park Commission with the advice of the Park, Recreation, Open Space Advisory Committee (“Committee”).

The principal duties of the Committee are outlined below. Should the Committee fail to approve the annual budget and/or report for the Open Space Fund, the matters under dispute shall be reviewed at a specially held joint meeting of the Planning Commission and the Recreation and Park Commission. shall include, but not be limited to:

- (1) Adoption and submittal of an Annual Acquisition Plan to the Commission
- (2) Approval and adoption of the annual budget for the Open Space Fund
- (3) Review and approval of the Annual Report for the Open Space Fund
- (4) Review of the Controller’s Annual Audit of the Open Space Fund
- (5) Administration and recommendation of funding of Community Build Projects to the Commission for final approval

For the purposes of implementing this section, the Committee shall establish its own procedure for visiting each site proposed for acquisition and arrange such site visits with Department staff.

(g) Transfer of Operating Programs. All programs established under previous iterations of the Open Space Fund or Park Recreation and Open Space Fund, shall be transferred to the operating programs of the Department and continued with funding provided by the ¼% sales tax approved by the voters in November 2006.

(h) Prohibition of Reallocation of Fund. The purpose of this fund is to support the capital needs of the open space and park system, including urban forestry. No ongoing operating costs or administrative overhead charges are authorized and the Fund may not be amended, adjusted, or changed.

For the purposed of this section, the following terms shall have the meanings specified below:

“Acquisition and improvement of real property” shall be defined as the term is used in California Constitution Article 13A, Section 1B.

“Community Build” shall mean an improvement process initiated by neighborhood residents to planning, fundraising and minor construction work, as approved by the Department.

“Preventative Maintenance” shall mean projects that repair, preserve, or reconstruct less than 40% of existing facilities, plantings and other capital improvements.

“Natural areas” shall be defined as the term is used in the General Plan.

“Urban Forestry” shall be defined as the planting and pruning of park trees or other trees under the jurisdiction of the Recreation and Park Commission.