File No. 170580 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget & Finance Committee **Date** September 28, 2017

Board of Supervisors Meeting **Date** _____

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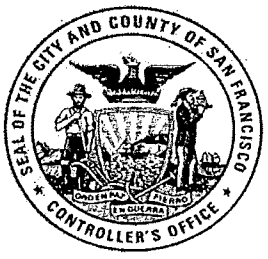
Completed by: Linda Wong **Date** September 22, 2017
Completed by: Linda Wong **Date** _____



Voter-Required Spending Baselines in San Francisco and California

Controller's Office
City and County of San Francisco
April, 2017

Executive Summary

- This report is in response to a request from Supervisors Tang and Peskin to provide a history and trajectory of voter-adopted spending requirements, commonly referred to as baselines or set-asides.

- Voter-adopted baseline spending in San Francisco has increased from approximately $200 million in fiscal year (FY) 1994-95 to $1.2 billion in the current fiscal year budget and a projected $1.6 billion by FY 2021-22. The portion of the budget mandated by voter-action has more than doubled during this period, from 15% to 30% of the General Fund.

- The prevalence of these requirements is unique to San Francisco. San Francisco voters have adopted 19 different baseline requirements. For comparison to other cities, Los Angeles has two adopted requirements, San Diego has one, and San Jose has none. Our research of ballot questions, financial statements, and other information have identified only ten similar requirements in all other local governments throughout the state.

Background

- In California, voters in Charter cities are uniquely able to adopt initiatives that direct their government to appropriate spending in future years on specific programs. We often refer to these spending obligations as "baselines," "set-asides," or "maintenance of effort" requirements.

- Voters can adopt requirements that are either binding (which elected policymakers are required to include in the annual budget) or non-binding (which elected officials may choose to deviate from in the annual budget process). The former must be adopted as amendments to the City Charter, while the latter can be adopted as ordinances, resolutions, or declarations of policy. We have limited our review to binding Charter requirements.

San Francisco's Mandatory Charter Baselines

Est	Baseline	Code Authorization
2016	Recreation & Park Maintenance of Effort	Charter Sec.16.107 (Est Prop B, Jun 16)
2016	Dignity Fund	Charter Sec.16-128-3 (Est by Prop I, Nov 16)
2016	Street Trees Maintenance Fund	Charter Sec.16.129 (g) (Est by Prop E, Nov 16)
2014	MTA - Population Adjustment	Charter Sec.8A.105 (Est by Prop B, Nov 14)
2014	Transitional Aged Youth Baseline - 0.580% ADR	Charter Sec.16.108 (Est by Prop C, Nov 14)
2012	Housing Trust Fund	Charter Sec.16.110 (Est by Prop C, Nov 12)
2007	MTA - 80% Parking Tax In-Lieu	Charter Sec.8A.105 (Formalized Prop A, Nov 07)
2004	Public Education Services Baseline: 0.290% ADR	Charter Sec.16.123-2(b) (Est by Prop H, Mar 04; Updated Prop C, Nov 14)
2004	Public Education Enrichment Fund: 3.057% ADR	Charter Sec.16.123-2(b) (Est by Prop H, Mar 04; Updated Prop C, Nov 14)
2003	City Services Auditor: 0.2% of Citywide Budget	Charter Appendix F1.113 (Est by Prop C, Nov 03)
2000	Children's Services Baseline - 4.830% ADR	Charter Sec.16.108 (Est by Prop D, Nov 00; Updated by Prop C Nov 14)
1999	MTA - Municipal Railway Baseline: 6.686% ADR	Charter Sec.8A.105 (Est by Prop E, Nov 99; Updated by Prop A, Nov 07)
1999	MTA - Parking & Traffic Baseline: 2.507% ADR	Charter Sec.8A.105 (Est by Prop E, Nov 99; Updated by Prop A, Nov 07)
1994	Library - Baseline: 2.286% ADR	Charter Sec.16.109 (Est by Prop E, Jun 94; Updated Prop D, Nov 07)
1994	Library - Property Tax: $0.025 per $100 NAV	Charter Sec.16.109 (Est by Prop E, Jun 94. Updated Prop D, Nov 07)
1994	Police Minimum Staffing	Charter Sec.4.127, Amend by Charter Sec. 16.123 (Est Prop D, Jun 94; Amend by Prop C, Mar 04)
1991	Children's Fund Property Tax Set-Aside: $0.03 per $100 NAV	Charter Sec.16.108 (Est by Prop J, Nov 91; Updated by Prop D, Nov 00 and Prop C, Nov 14)
1974	Open Space Property Tax Set-Aside: $0.025 per $100 NAV	Charter Sec.16.107 (Est by Prop J, Nov 74; Renew Prop C, Mar 00; Renew Prop B, Jun 16)
1935	Municipal Symphony Baseline: $0.00125 per $100 NAV	Charter Sec. 16.106 (1)

- All of these mandatory Charter baselines were placed on the ballot by the Board of Supervisors except for the Library Preservation Fund and Children's Fund, which were placed on the ballot by initiative petition.

Key Non-Binding Budget Requirements

Est	Baseline	Code Authorization
2008	Treatment on Demand Baseline	Administrative Code Sec. 19A.23 (Est by Prop T, Nov 08)
2005	Neighborhood Firehouse Baseline	Administrative Code Sec. 2A.97 (Est by Prop F, Nov 05)
2004	Office of Economic Analysis Staffing	Administrative Code Sec. 10.31 (Est by Prop I, Nov 04)
2002	Homelessness and Supportive Housing Fund	Administrative Code Sec. 10.100-77 (Est by Prop N, Nov 02)

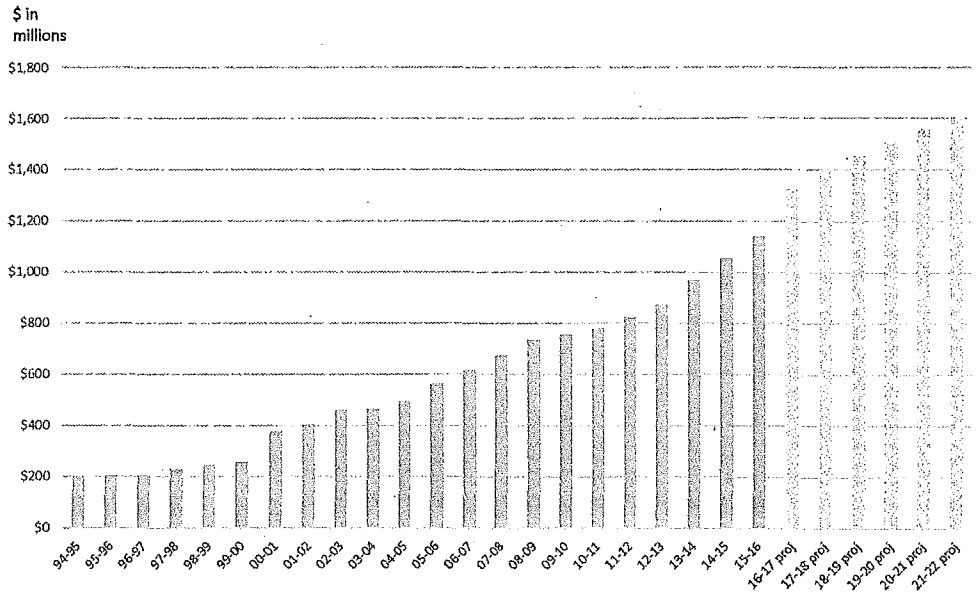
Baseline Structures

- In San Francisco, these spending mandates typically define a guaranteed level of funding for a given service. A defined base level of funding then fluctuates given a defined index over time, typically linked to overall revenue growth. Other measures define a required programmatic output, such as the number of police officers, which must then be funded regardless of cost.

- By ensuring a mandated funding level or output, baselines serve to create more certainty and predictability for a given covered service. These funds are not subject to change by the Mayor or Board of Supervisors through the budget process, tending to increase certainty regarding year to year funding levels.

- However, baselines also limit the financial flexibility of elected policymakers to make choices between service areas. As voter-mandated spending requirements have grown, financial pressures – whether to respond to a new service need or an economic slowdown – fall on a smaller portion of the budget. Over time, this will serve to concentrate the effects of service reductions on those programs not protected by baselines.

Baseline spending has grown dramatically, from $200 million in FY94-95 to a projected $1.6 billion in FY21-22.



In FY94-95, 6 baselines totaled ~$200 million.

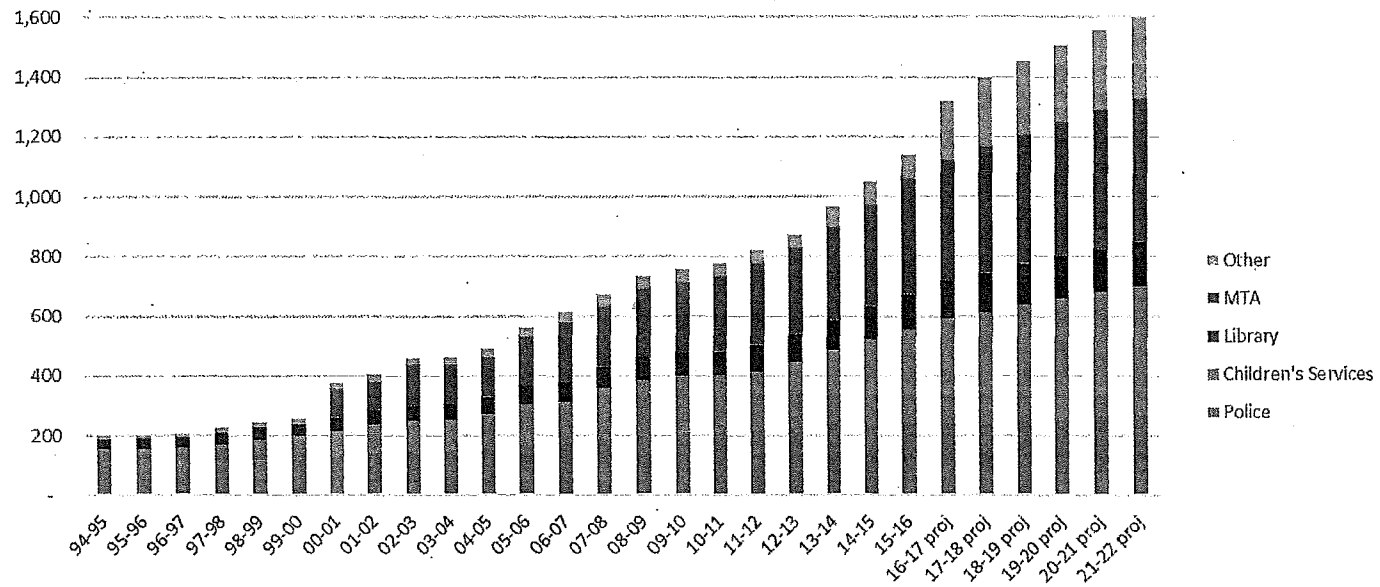
FY00-01 was the first year of baseline operating support for SFMTA's Municipal Railway.

By FY15-16, there were 16 baseline spending requirements, totaling $1.14 billion.

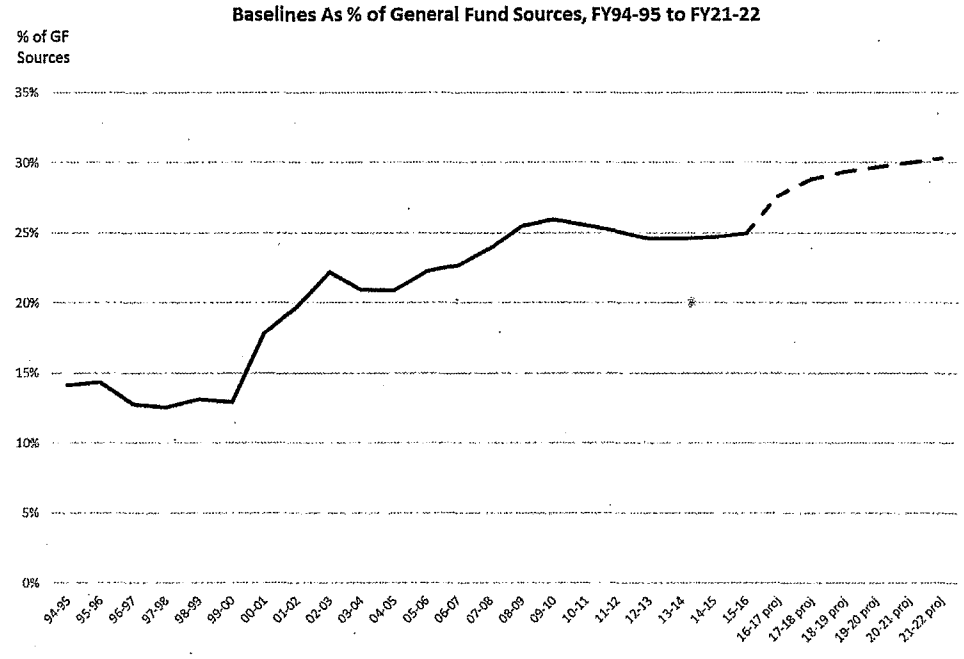
In 2016, voters adopted 3 more baselines:
- Rec Park MOE (Jun, Prop B)
- Street Trees (Nov, Prop E)
- Dignity Fund (Nov, Prop I)

Based on the FY16-17 6-Month Report and March 2017 Update of the Five-Year Financial Plan, baseline levels are projected to grow to $1.6 billion by FY21-22.

Baseline spending levels by category
FY 94-95 to FY 21-22



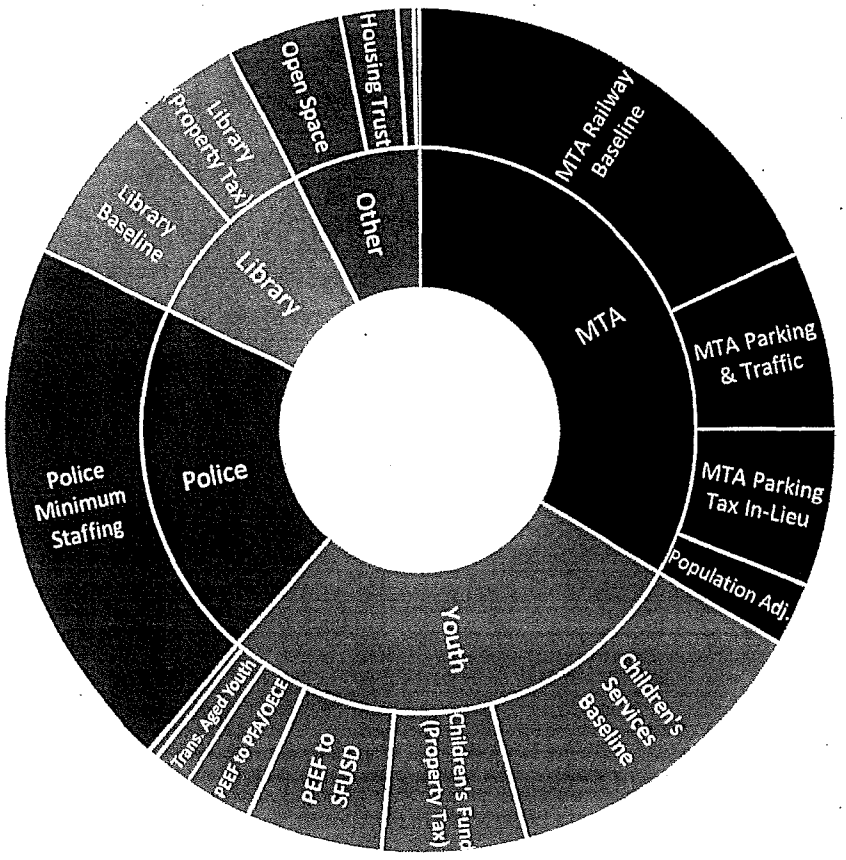
As a share of the General Fund sources, baseline spending has grown from 14% to a projected 30%.



Another way to think about this: In FY94-95, 86% of General Fund revenues were available to be allocated for any purpose. By FY21-22, only 70% of General Fund revenues will be available for any purpose.

As the proportion of baseline spending grows, policymakers have fewer financial choices to make.

San Francisco baselines
FY 15-16



Current baselines requirements have varying features to provide limited flexibility in some circumstances.

Baselines	Expiration	General Fund Return	Suspension Triggers
Municipal Transportation Agency (MTA)			
MTA - Municipal Railway Baseline: 6.686% ADR	✗	✗	✗
MTA - Parking & Traffic Baseline: 2.507% ADR	✗	✗	✗
MTA - Population Adjustment	✗	✗	✗
MTA - 80% Parking Tax In-Lieu	✗	✗	✗
Library Preservation Fund			
Library - Baseline: 2.286% ADR	FY 2023-24	✓	✗
Library - Property Tax: $0.025 per $100 NAV	✗	✗	✗
Children's Services			
Children's Services Baseline - Requirement: 4.830% ADR	FY 2040-41	✗	✗
Transitional Aged Youth Baseline - Requirement: 0.580% ADR	FY 2040-41	✗	✗
Children's Fund Property Tax Set-Aside: $0.03 per $100 NAV	FY 2040-41	✗	✗
Public Education Services Baseline: 0.290% ADR	FY 2040-41	✗	✗
Public Education Enrichment Fund: 3.057% ADR	FY 2040-41	✗	✗
Other			
Open Space Property Tax Set-Aside: $0.025 per $100 NAV	FY 2045-46	✗	✗
Recreation & Park Maintenance of Effort	FY 2045-46	✓	✓
Housing Trust Fund	FY 2042-43	✗	✗
Municipal Symphony Baseline: $0.00125 per $100 NAV	✗	✗	✗
City Services Auditor: 0.2% of Citywide Budget	✗	✓	✗
Dignity Fund	FY 2036-37	✗	✓
Street Trees Maintenance Fund	✗	✗	✓
Police Minimum Staffing	✗	✗	✗

Expiration

- Half of baselines have a sunset date.
- Most recently, in November 2014, voters chose to renew and expand funding for Children's Services through Prop C.
- Next sunset is the Library baseline in FY23-24.

General Fund Return

- Most baselines retain unspent funds, allowing them to build a balance.
- Library, Recreation & Park MOE, and City Services Auditor baselines have provisions to return unspent monies to the General Fund at the end of the fiscal year.

Suspension Triggers

- The City may suspend contributions to Street Tree Maintenance, Dignity Fund, and Recreation & Park MOE if the deficit projected in the Joint Report (March) is greater than $200 million.

The prevalence of voter-adopted spending requirements is unique to San Francisco

- For ten jurisdictions comparable to San Francisco, we reviewed ballot measures, budgets, comprehensive annual financial reports (CAFRs), news articles, and academic research to determine whether voters have adopted mandatory baselines.
- For every city and county in California, we reviewed all ballot questions from 1996 to 2016 to find any measures that appeared to be set asides based on the question.
- Our research identified 10 voter-adopted baselines in California outside San Francisco. San Francisco has 19.
- Voters in Charter cities can amend their Charters to adopt binding baseline initiatives because a Charter derives authority over its "municipal affairs" from the California Constitution, which includes the rules and procedures for a city's budget.
- In contrast, the budgetary authority of General Law cities and counties is governed by California's Government Code, which empowers the governing body to adopt a budget each year. But city councils and boards of supervisors may not in one year tie the hands of future councils and boards by dictating future spending. Voters in General Law cities and counties through initiative have the same law making power as the governing body. Thus, voters in General Law jurisdictions and counties can require certain spending by ordinance for the specific year in which they adopt the initiative ordinance to the same extent their city council may do so. Since the voters' power of initiative to adopt ordinances is no greater than the council's or board's, voters may not require future spending like a baseline requirement.

Peer jurisdictions have few or no baseline requirements, versus 19 in San Francisco

Baselines in Ten Jurisdictions Comparable to San Francisco

Jurisdiction	Supported Services	Year Approved by Voters	Spending Obligation	Fiscal Impact in Current Budget (millions)
Oakland	Children's Services	2009 (First Passed in 1996)	3% of unrestricted general fund	$14.5
Los Angeles (City)	Library Services	2011	0.03% of the assessed value of all property.	$157.9
	Recreation and Parks	Included as part of the new 1999 Charter	0.0325% of the assessed value of all property.	$171.0
San Diego (City)	Infrastructure	2016	Pension savings + share of increase in major taxes	Estimated $4 billion over 25 years
Santa Clara County	County Parks	2016 (First Passed in 1972)	0.015% of the assessed value of all property.	$57.0
No Voter Approved Baselines Found: Alameda County, Fresno County, Fresno, Los Angeles County, San Diego County, San Jose				

Outside of our peer jurisdictions, our research has identified few baselines in other local governments

Baselines Found in a Review of All Ballot Questions in California 1996-2016

Juridiction	Supported Services	Year	Spending Obligation
Huntington Beach	Infrastructure Fund	2002	15% of General Fund
East Palo Alto	Youth, Family, and Senior Services	2002	10% of Transient Occupancy Tax Revenue
East Palo Alto	Affordable Housing	2002	10% of Transient Occupancy Tax Revenue
Rancho Mirage	Tourism Promotion	2003	10% of Transient Occupancy Tax Revenue
Healdsburg	Community Services	2002	100% of Transient Occupancy Tax Revenue

Comments and Questions?

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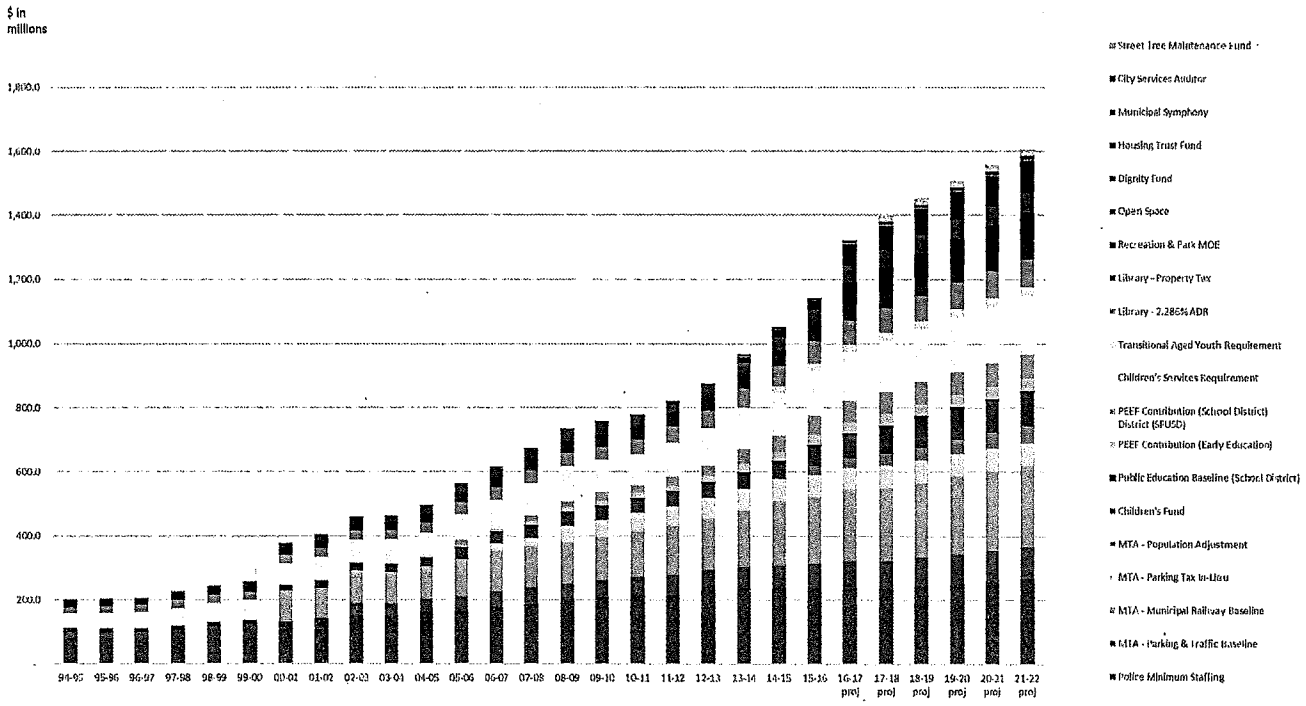
Appendix A:
Table of San Francisco's baselines

General Fund Supported Baselines
Actuals FY94-95 – FY15-16, Projected FY16-17 – FY21-22
($ in millions)

	Actuals 94-95	Actuals 95-96	Actuals 96-97	Actuals 97-98	Actuals 98-99	Actuals 99-00	Actuals 00-01	Actuals 01-02	Actuals 02-03	Actuals 03-04	Actuals 04-05	Actuals 05-06	Actuals 06-07	Actuals 07-08	Actuals 08-09	Actuals 09-10	Actuals 10-11	Actuals 11-12	Actuals 12-13	Actuals 13-14	Actuals 14-15	Actuals 15-16	Project 16-17	Project 17-18	Project 18-19	Project 19-20	Project 20-21	Project 21-22
Municipal Transportation Agency (MTA)																												
MTA - Municipal Railway Baseline: 6.686% ADR	-	-	-	-	-	-	97.3	94.3	100.8	99.3	101.3	117.8	123.9	127.3	129.2	133.4	141.5	154.7	161.7	177.4	198.1	207.1	222.0	224.7	229.8	237.7	244.8	251.4
MTA - Parking & Traffic Baseline: 2.507% ADR	-	-	-	-	-	-	-	-	36.3	33.6	36.1	43.4	47.2	49.4	48.7	50.3	53.1	58.0	60.7	66.5	74.3	77.7	83.3	84.3	86.2	89.1	91.8	94.3
MTA - Population Adjustment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	27.7	33.5	40.5	44.7	50.0	57.0	60.8
MTA - 80% Parking Tax In-Lieu	-	-	-	-	-	-	-	-	-	-	-	-	25.9	26.9	51.6	53.2	58.2	61.3	65.3	66.8	69.8	68.8	67.8	68.8	70.1	71.4	72.3	72.5
Subtotal Municipal Transportation Agency	**-**	**-**	**-**	**-**	**-**	**-**	**97.3**	**94.3**	**137.1**	**132.9**	**137.4**	**161.3**	**197.0**	**203.5**	**229.5**	**236.9**	**252.8**	**274.0**	**287.7**	**310.7**	**342.1**	**381.3**	**406.5**	**418.3**	**430.8**	**448.3**	**465.6**	**478.9**
Library Preservation Fund																												
Library - Baseline: 2.286% ADR	17.6	20.9	21.6	26.1	26.7	25.2	26.1	28.8	28.8	29.4	31.9	38.7	39.6	40.9	42.1	41.7	45.1	52.9	55.3	60.7	67.7	70.8	75.9	76.8	78.6	81.3	83.7	86.0
Library - Property Tax: $0.025 per $100 NAV	13.7	12.9	13.0	14.4	15.7	17.1	19.8	22.0	21.8	23.5	25.8	28.1	30.8	32.9	35.8	37.1	36.5	36.5	38.4	40.8	44.5	49.9	53.0	56.9	59.2	61.1	63.2	65.4
Subtotal Library	**31.3**	**33.8**	**34.6**	**40.6**	**42.4**	**42.3**	**45.9**	**50.8**	**50.5**	**52.9**	**57.7**	**66.8**	**70.5**	**73.8**	**78.0**	**78.7**	**81.6**	**89.4**	**93.7**	**101.4**	**112.2**	**120.7**	**128.9**	**133.7**	**137.8**	**142.4**	**146.9**	**151.3**
Children's Services																												
Children's Services Baseline - 4.830% ADR	43.5	44.9	47.2	50.0	55.3	59.1	63.6	68.5	70.1	72.8	73.3	77.2	86.7	96.2	106.3	96.9	95.4	103.2	115.2	125.5	134.6	142.9	153.1	162.4	166.0	171.7	176.8	181.6
Transitional Aged Youth Baseline - 0.580% ADR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	15.6	17.2	18.4	19.5	19.9	20.6	21.2	21.8
Public Education Services Baseline: 0.290% ADR	-	-	-	-	-	-	-	-	-	-	-	2.7	3.0	3.0	3.0	2.9	3.1	3.4	3.5	3.8	4.3	4.5	4.8	4.9	5.0	5.2	5.3	5.5
Children's Fund: $0.03 per $100 NAV	13.3	12.9	12.9	14.5	14.0	15.6	19.8	25.9	26.2	28.1	31.0	33.7	37.0	39.5	43.0	44.5	43.8	43.8	46.1	48.9	53.4	64.5	74.2	85.3	94.7	97.8	101.2	104.6
Public Education Enrichment Fund: 1/2 3.057% ADR																												
PEEF Contribution - 1/3 - PFA	-	-	-	-	-	-	-	-	-	-	-	3.3	6.7	10.0	11.3	15.0	14.7	15.9	17.7	25.7	27.5	30.1	33.8	34.3	35.0	36.2	37.3	38.3
PEEF Contribution - 2/3 - SFUSD	-	-	-	-	-	-	-	-	-	-	-	20.0	-	20.0	20.8	27.7	25.3	29.4	32.7	47.5	50.7	60.3	67.7	68.5	70.1	72.5	74.6	76.6
Total PEEF Contribution	-	-	-	-	-	-	-	-	-	-	-	*23.3*	*6.7*	*30.0*	*32.0*	*42.7*	*39.9*	*45.2*	*50.4*	*73.2*	*78.2*	*90.4*	*101.5*	*102.8*	*105.1*	*108.7*	*111.9*	*115.0*
Subtotal Children's Services	**56.8**	**57.8**	**60.1**	**64.5**	**69.3**	**74.7**	**83.4**	**94.5**	**96.2**	**100.9**	**104.3**	**136.9**	**133.4**	**168.6**	**184.3**	**186.9**	**182.1**	**195.6**	**215.2**	**251.4**	**286.1**	**319.4**	**352.0**	**374.8**	**390.7**	**404.0**	**416.4**	**428.4**
Other Baselines																												
Open Space: $0.025 per $100 NAV	13.3	12.9	12.9	14.5	15.7	16.8	19.8	22.0	21.8	23.5	25.8	28.1	30.6	33.2	35.8	37.1	36.5	36.5	38.4	40.8	44.5	49.9	53.0	56.9	59.2	61.1	63.2	65.4
Recreation & Park Maintenance of Effort	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67.4	70.4	73.4	76.4	79.4	82.4
Housing Trust Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20.0	22.8	25.6	28.4	31.2	34.0	36.8	39.6	42.4
Municipal Symphony: $0.00125 per $100 NAV	0.7	0.7	-	0.8	0.8	0.9	0.9	1.1	1.2	1.2	1.3	1.4	1.5	1.6	1.8	1.9	2.0	2.0	2.0	2.1	2.3	2.4	2.6	2.8	3.0	3.1	3.3	3.4
City Services Auditor: 0.2% of Citywide Budget	-	-	-	-	-	-	-	-	-	-	1.3	2.3	4.7	5.1	5.1	5.4	5.5	5.1	5.4	5.6	6.7	7.0	8.0	8.3	9.1	9.6	10.2	10.7
Dignity Fund for Seniors	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	38.0	44.0	47.0	50.0	53.0	56.0
Street Trees Maintenance Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	19.0	19.4	20.1	20.7	21.3
Subtotal Other Baselines	**14.0**	**13.6**	**12.9**	**15.3**	**16.5**	**17.7**	**20.7**	**23.1**	**22.9**	**24.8**	**28.5**	**31.8**	**36.8**	**39.9**	**42.7**	**44.3**	**43.9**	**43.6**	**45.9**	**68.5**	**76.2**	**84.8**	**197.4**	**232.6**	**245.1**	**257.2**	**269.3**	**281.5**
Police Minimum Staffing (Est. Cost of 1,971 Officers)	101	101	101	108	118	125	132	143	154	154	167	167	179	190	202	212	220	220	233	236	236	236	239	239	247	255	263	271
Total Baselines	**203**	**206**	**208**	**228**	**247**	**260**	**379**	**405**	**461**	**466**	**495**	**564**	**617**	**676**	**736**	**759**	**780**	**822**	**875**	**968**	**1,053**	**1,142**	**1,323**	**1,398**	**1,451**	**1,507**	**1,562**	**1,611**
Total General Fund Sources	**1,436**	**1,438**	**1,637**	**1,824**	**1,879**	**2,017**	**2,126**	**2,056**	**2,075**	**2,221**	**2,368**	**2,533**	**2,721**	**2,830**	**2,885**	**2,923**	**3,052**	**3,270**	**3,555**	**3,935**	**4,261**	**4,572**	**4,782**	**4,850**	**4,940**	**5,067**	**5,180**	**5,288**
Total Financial Baselines as % of GF Sources	*14%*	*14%*	*13%*	*13%*	*13%*	*13%*	*18%*	*20%*	*22%*	*21%*	*21%*	*22%*	*23%*	*24%*	*26%*	*26%*	*26%*	*25%*	*25%*	*25%*	*25%*	*25%*	*28%*	*29%*	*29%*	*30%*	*30%*	*30%*

Appendix B:
A detailed look at the composition of baseline spending levels over time.



Print Form

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or meeting date

Introduction Form

By a Member of the Board of Supervisors or the Mayor

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. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. 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

Sponsor(s):

Tang, Peskin

Subject:

Hearing on Controller's Report "Voter-Required Spending Baselines in San Francisco and California"

The text is listed below or attached:

http://openbook.sfgov.org/webreports/details3.aspx?id=2445

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: