

File No. 200507

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget & Finance Committee

Date July 16, 2020

Board of Supervisors Meeting

Date \_\_\_\_\_

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Completed by: Linda Wong

Date July 10, 2020

Completed by: Linda Wong

Date \_\_\_\_\_

1 [Charter Amendment - Adjustment of Baseline Funding]

2

3 **Describing and setting forth a proposal to the voters at an election to be held on November**

4 **3, 2020, to amend the Charter of the City and County of San Francisco to provide that**

5 **future annual adjustments in baseline funding for the following Charter-mandated funds**

6 **will not take into account certain changes in City revenue resulting from voter-approved**

7 **business taxes on the November 3, 2020 ballot: the Municipal Transportation Fund, the**

8 **Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library**

9 **Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the**

10 **Dignity Fund, and the Street Tree Maintenance Fund.**

11

12 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City

13 and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of

14 the City and County by revising Sections 8A.105, 16.107, 16.108, 16.109, 16.110, 16.123-2,

15 16.128-3, and 16.129, to read as follows:

16 NOTE: **Unchanged Charter text and uncodified text** are in plain font.

17 **Additions** are *single-underline italics Times New Roman font*.

18 **Deletions** are ~~*strike-through italics Times New Roman font*~~.

19 **Asterisks** (\* \* \* \*) indicate the omission of unchanged Charter subsections.

20 **SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND.**

21 (a) There is hereby established a fund to provide a predictable, stable, and adequate

22 level of funding for the Agency, which shall be called the Municipal Transportation Fund. The

23 fund shall be maintained separate and apart from all other City and County funds. Monies therein

24 shall be appropriated, expended, or used by the Agency solely and exclusively for the operation

25 including, without limitation, capital improvements, management, supervision, maintenance,

extension, and day-to-day operation of the Agency, including any division subsequently created

1 or incorporated into the Agency and performing transportation-related functions. Monies in the  
2 Fund may not be used for any other purposes than those identified in this Section 8A.105.

3 (b) Beginning with the fiscal year 2000-2001 and in each fiscal year thereafter, there is  
4 hereby set aside to the Municipal Transportation Fund the following:

5 1. An amount (the "Base Amount") which shall be no less than the amount of all  
6 appropriations from the General Fund, including all supplemental appropriations, for the fiscal  
7 year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as  
8 provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and  
9 County commissions, departments and agencies providing services to the Municipal Railway,  
10 including the Department of Human Resources and the Purchasing Department, for the provision  
11 of those services. The Base Amount for the Department of Parking and Traffic and the Parking  
12 Authority shall be established in the same fashion but using fiscal years 2000-2001 and 2001-  
13 2002 for the services being incorporated into the Agency.

14 2. Subject to the limitations and exclusions in Sections 4.113, the revenues of the  
15 Municipal Railway, and, upon their incorporation into the Agency, the revenues of the  
16 Department of Parking and Traffic, and the Parking Authority; and

17 3. All other funds received by the City and County from any source, including  
18 state and federal sources, for the support of the Agency.

19 (c) The Base Amount shall initially be determined by the Controller. Adjustments to the  
20 Base Amount shall be made as follows:

21 1. The Base Amount shall be adjusted for each year after fiscal year 2000-2001  
22 by the Controller based on calculations consistent from year to year, by the percentage increase  
23 or decrease in aggregate City and County discretionary revenues. In determining aggregate City  
24 and County discretionary revenues, the Controller shall only include revenues received by the  
25 City which are unrestricted and may be used at the option of the Mayor and the Board of

1 Supervisors for any lawful City purpose. Additionally, in determining aggregate City and County  
2 discretionary revenues, the Controller shall not include revenues received by the City under the  
3 increased rates in Business Tax and Regulations Code Sections 953.1(g), 953.2(h), 953.3(h),  
4 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general  
5 municipal election on November 3, 2020, and shall not include revenues received by the City  
6 under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general  
7 municipal election on November 3, 2020. Errors in the Controller’s estimate of discretionary  
8 revenues for a fiscal year shall be corrected by adjustment in the next year’s estimate.

9           2. An adjustment shall also be made for any increases in General Fund  
10 appropriations to the Agency in subsequent years to provide continuing services not provided in  
11 the Base Year, but excluding additional appropriations for one-time expenditures such as capital  
12 expenditures or litigation judgments and settlements.

13           3. Commencing with the fiscal year beginning on July 1, 2015, the Controller  
14 shall also adjust the Base Amount annually by the percentage increase in the San Francisco  
15 population based on data from the source(s) the Controller, in his or her sole discretion, finds  
16 most reliable for the most recent available calendar year. The Controller’s population growth  
17 adjustment shall be based on the greater of the increase in daytime or night-time population. For  
18 any year in which the Controller determines that neither the daytime nor night-time population  
19 has increased, the Controller shall make no adjustment under this subparagraph 3 to the Base  
20 Amount. For purposes of the initial adjustment for the year commencing July 1, 2015, the  
21 Controller shall adjust the Base Amount based on the increase in City daytime or night-time  
22 population for the most recent ten-year period for which data are available instead of the most  
23 recent available calendar year. The Agency shall use the amount of any increase in the Base  
24 Amount resulting from the adjustment required by this subparagraph 3 exclusively as follows: 75  
25 per cent shall be used to make transit system improvements to the Municipal Railway to improve

1 the system’s reliability, frequency of service, capacity, and state of good repair, and 25 per cent  
2 shall be used for transportation capital expenditures to improve street safety for all users.

3 \* \* \* \*

4  
5 **SEC. 16.107. PARK, RECREATION AND OPEN SPACE FUND.**

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

14 \* \* \* \*

15 (c) **Baseline Maintenance of Effort.** The annual set-aside shall be used exclusively to  
16 increase the aggregate City appropriations to and expenditures by the Recreation and Park  
17 Department for Department purposes. To this end, beginning in fiscal year 2016-2017 and  
18 thereafter through fiscal year 2045-2046, the City shall not reduce the baseline general fund  
19 support amount appropriated to the Department below the amount appropriated in fiscal year  
20 2015-2016, as calculated by the Controller, except that the baseline amount shall be adjusted as  
21 follows:

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

24 (2) Each year in fiscal years 2026-2027 through 2045-2046, the City shall adjust  
25 the baseline by the percentage increase or decrease in aggregate City discretionary revenues, as

1 determined by the Controller, based on calculations consistent from year to year. In determining  
2 aggregate City discretionary revenues, the Controller shall only include revenues received by the  
3 City which are unrestricted and may be used at the option of the Mayor and the Board of  
4 Supervisors for any lawful City purpose. Additionally, in determining aggregate City  
5 discretionary revenues, the Controller shall not include revenues received by the City under the  
6 increased rates in Business Tax and Regulations Code Sections 953.1(g), 953.2(h), 953.3(h),  
7 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general  
8 municipal election on November 3, 2020, and shall not include revenues received by the City  
9 under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general  
10 municipal election on November 3, 2020. The Controller is authorized to increase or reduce  
11 budgetary appropriations as required by this subsection (c) to align the baseline amount to the  
12 amount required by formula based on actual revenues received during the fiscal year.

13 \* \* \* \*

14  
15 **SEC. 16.108. CHILDREN AND YOUTH FUND.**

16 \* \* \* \*

17 (b) **Fund for Children and Youth Services.** Operative July 1, 2001, there is hereby  
18 established a fund to expand children’s services, which shall be called the Children and Youth  
19 Fund (“Fund”). Monies in the Fund shall be expended or used only to provide services for  
20 children and youth as provided in this ~~s~~Section 16.108.

21 \* \* \* \*

22 (h) **Baseline.** The Fund shall be used exclusively to increase the aggregate City  
23 appropriations and expenditures for those services for children and Disconnected Transitional-  
24 Aged Youth that are eligible to be paid from the Fund (exclusive of expenditures mandated by  
25 state or federal law). To this end, the City shall not reduce the amount of such City

1 appropriations for eligible services (not including appropriations from the Fund and exclusive of  
2 expenditures mandated by state or federal law) under this section below the amount so  
3 appropriated for the fiscal year 2000-2001 (“the base year”) as set forth in the Controller’s  
4 baseline budget, as adjusted (“the base amount”).

5 The Controller shall calculate City appropriations made in fiscal year 2013-2014 for  
6 services for Disconnected Transitional-Aged Youth aged 18 through 24 years. Beginning with  
7 fiscal year 2014-2015, that amount shall be added to the base amount and adjusted as provided  
8 below. The City shall not reduce the amount of such City appropriations for services for  
9 Disconnected Transitional-Aged Youth (not including appropriations from the Fund and  
10 exclusive of expenditures mandated by state or federal law) under this section below the amount  
11 so appropriated for fiscal year 2013-2014, as adjusted.

12 The base amount shall be adjusted for each year after the base year by the Controller  
13 based on calculations consistent from year to year by the percentage increase or decrease in  
14 aggregate City and County discretionary revenues. In determining aggregate City and County  
15 discretionary revenues, the Controller shall only include revenues received by the City and  
16 County that are unrestricted and may be used at the option of the Mayor and the Board of  
17 Supervisors for any lawful City purpose. Additionally, in determining aggregate City and County  
18 discretionary revenues, the Controller shall not include revenues received by the City under the  
19 increased rates in Business Tax and Regulations Code Sections 953.1(g), 953.2(h), 953.3(h),  
20 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general  
21 municipal election on November 3, 2020, and shall not include revenues received by the City  
22 under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general  
23 municipal election on November 3, 2020. ~~The method used by the Controller to determine~~  
24 ~~discretionary revenues shall be consistent with method used by the Controller to determine the~~  
25 ~~Library and Children’s Baseline Calculations dated June 20, 2000, which the Controller shall~~

1 ~~place on file with the Clerk of the Board in File No. 000952.~~ Errors in the Controller’s estimate  
2 of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year’s  
3 estimate. Within 90 days following the end of each fiscal year through Fiscal Year 2040-2041,  
4 the Controller shall calculate and publish the actual amount of City appropriations for services  
5 for children and Disconnected Transitional-Aged Youth that would have been eligible to be paid  
6 from the Fund but are paid from other sources, separately identifying expenditures mandated by  
7 state or federal law.

8 \* \* \* \*

9  
10 **SEC. 16.109. LIBRARY PRESERVATION FUND.**

11 (a) **Establishment of Fund.** There is hereby established the Library Preservation Fund  
12 (“the Fund”) to be administered by the Library Department as directed by the Library  
13 Commission. Monies therein shall be expended or used solely by the Library Department,  
14 subject to the budgetary and fiscal provisions of the Charter, to provide library services and to  
15 construct, maintain and operate library facilities.

16 \* \* \* \*

17 (c) **Baseline Maintenance of Effort.** The Annual Set-Aside shall be used exclusively to  
18 increase the aggregate City appropriations and expenditures for services, materials, facilities and  
19 equipment that will be operated by the Library for Library purposes. To this end, in any of the  
20 fifteen years during which funds are required to be set aside under this Section 16.109, the City  
21 shall not reduce the Baseline for the Library Department below the fiscal year 2006-2007  
22 Required Baseline Amount (as calculated by the Controller), except that the Baseline shall be  
23 adjusted as provided below.

24 The Baseline shall be adjusted for each year after fiscal year 2006-2007 by the Controller  
25 based on calculations consistent from year to year, by the percentage increase or decrease in



1 aggregate City and County discretionary revenues. In determining aggregate City and County  
2 discretionary revenues, the Controller shall only include revenues received by the City which are  
3 unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any  
4 lawful City purpose. Additionally, in determining aggregate City and County discretionary  
5 revenues, the Controller shall not include revenues received by the City under the increased  
6 rates in Business Tax and Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e),  
7 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election  
8 on November 3, 2020, and shall not include revenues received by the City under Article 36 of the  
9 Business and Tax Regulations Code adopted by the voters at the general municipal election on  
10 November 3, 2020. Errors in the Controller’s estimate of discretionary revenues for a fiscal year  
11 shall be corrected by adjustment in the next year’s estimate. For purposes of this subsection,  
12 (i) aggregate City appropriations shall not include funds granted to the City by private agencies  
13 or appropriated by other public agencies and received by the City, and (ii) Library Department  
14 appropriations shall not include funds appropriated to the Library Department to pay for services  
15 of other City departments or agencies, except for departments or agencies for whose specific  
16 services the Library Department was appropriated funds in fiscal year 2006-2007. Within 180  
17 days following the end of each fiscal year through fiscal year 2023-2024, the Controller shall  
18 calculate and publish the actual amount of City appropriations for the Library Department.

19 \* \* \* \*

21 **SEC. 16.110. HOUSING TRUST FUND.**

22 (a) **Creation of Fund.** There is hereby established a Housing Trust Fund to support  
23 creating, acquiring and rehabilitating affordable housing and promoting affordable home  
24 ownership programs in the City, as provided in this Section 16.110.

25 \* \* \* \*

1           (c) **Funding.**

2                   (1) In the Fiscal Year 2013-2014 budget, the City shall appropriate to the  
3 Housing Trust Fund \$20 million.

4                   (2) For the next 11 fiscal years, in each of the annual budgets for Fiscal Year  
5 2014-2015 through Fiscal Year 2024-2025, the City shall appropriate to the Housing Trust Fund  
6 an amount increasing by \$2.8 million per year, until the Fiscal Year 2024-2025 budget.

7                   (3) In the annual budgets for Fiscal Year 2025-2026 through Fiscal Year 2042-  
8 43, the City shall appropriate to the Housing Trust Fund an amount equal to the prior year's  
9 appropriation, adjusted by the percentage increase or decrease in General Fund Discretionary  
10 Revenues budgeted for the year compared to the prior year's original budgeted amount of  
11 General Fund Discretionary Revenues.

12                   (4) Should the City adopt a fixed two-year budget under Charter Section 9.101,  
13 the adjustment for the Housing Trust Fund appropriation for the two years of the two-year  
14 budget shall be based on the amount of General Fund Discretionary Revenues estimated for the  
15 two-year period included in the budget.

16                   (5) During Fiscal Years 2025-2026 through 2042-2043, if the Controller submits  
17 a revised estimate of General Fund Discretionary Revenues for a given Fiscal Year or two-year  
18 budget period that is lower than the amount originally budgeted for that period, then the Board  
19 may, by ordinance, reduce the appropriation to the Housing Trust Fund for that budget period in  
20 an amount that does not exceed the amount proportionate to the percentage shortfall in the  
21 discretionary revenue projection.

22                   (6) The Controller's method of calculating the amount of and changes in General  
23 Fund Discretionary Revenues shall be consistent from fiscal year to fiscal year and with the  
24 Controller's method for calculating those figures under Charter Sections 8A.105, 16.108, and  
25 16.109. The Controller shall treat General Fund appropriations to the Housing Trust Fund as

1 reductions in General Fund Discretionary Revenues when calculating other funding allocations  
2 that are tied to General Fund Discretionary Revenues, including funding allocations under  
3 Charter Sections 8A.105, 16.108, and 16.109. Additionally, in determining General Fund  
4 Discretionary Revenues, the Controller shall not include revenues received by the City under the  
5 increased rates in Business Tax and Regulations Code Sections 953.1(g), 953.2(h), 953.3(h),  
6 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general  
7 municipal election on November 3, 2020, and shall not include revenues received by the City  
8 under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general  
9 municipal election on November 3, 2020. The Controller shall correct errors in the estimate of  
10 discretionary revenues for a fiscal year through an adjustment to the next fiscal year's estimate.

11 \* \* \* \*

12  
13 **SEC. 16.123-2. PUBLIC EDUCATION ENRICHMENT FUND.**

14 (a) **Creating the Fund.** There shall be a Public Education Enrichment Fund. The City  
15 shall each year appropriate monies to the Public Education Enrichment Fund according to  
16 subsections (b), (c), and (d), below.

17 (b) **Baseline Appropriations.** The Fund shall be used exclusively to increase the  
18 aggregate City appropriations to and expenditures for the San Francisco Unified School District.  
19 To this end, the City shall not reduce the amount of such City appropriations (not including  
20 appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in  
21 any year during which funds are required to be set aside under this Section below the amount so  
22 appropriated for Fiscal Year 2002-2003 ("the base year"). These baseline appropriations shall be  
23 separate from the City's annual contributions to the Public Education Enrichment Fund under  
24 subsection (c), and shall be appropriated by the City to the School District each year through and  
25 including Fiscal Year 2040-2041.

1           The amount of the City's baseline appropriations to the School District shall be adjusted  
2 for each year after the base year by the Controller based on calculations consistent from year to  
3 year by the percentage increase or decrease in City and County discretionary General Fund  
4 revenues. In determining City and County discretionary General Fund revenues, the Controller  
5 shall only include revenues received by the City and County that are unrestricted and may be  
6 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.  
7 Additionally, in determining aggregate City and County discretionary General Fund revenues,  
8 the Controller shall not include revenues received by the City under the increased rates in  
9 Business Tax and Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d),  
10 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on  
11 November 3, 2020, and shall not include revenues received by the City under Article 36 of the  
12 Business and Tax Regulations Code adopted by the voters at the general municipal election on  
13 November 3, 2020. Errors in the Controller's estimate of discretionary revenues for a fiscal year  
14 shall be corrected by an adjustment in the next year's estimate. Using audited financial results for  
15 the prior fiscal year, the Controller shall calculate and publish the actual amount of City  
16 appropriations that would have been required under this baseline for the School District.

17           (c) **Annual Contributions to the Fund FY 2005-2006 through FY 2009-2010.** In  
18 addition to the annual baseline appropriation provided above, the City shall, for years two  
19 through six of this measure, contribute the following amounts to the Public Education  
20 Enrichment Fund:

21           Fiscal Year 2005-06 \$10 million

22           Fiscal Year 2006-07 \$20 million

23           Fiscal Year 2007-08 \$30 million

24           Fiscal Year 2008-09 \$45 million

25           Fiscal Year 2009-10 \$60 million

1           (d) **Annual Contributions to the Fund – FY 2010-11 and Thereafter.** For Fiscal  
2 Years 2010-11 and thereafter, the City’s annual contribution to the Public Education Enrichment  
3 Fund shall equal its total contribution for the prior year, beginning with Fiscal Year 2009-2010,  
4 adjusted for the estimated increase or decrease in discretionary General Fund revenues for the  
5 year. In determining the increase or decrease in discretionary General Fund revenues, the  
6 Controller shall not include revenues received by the City under the increased rates in Business  
7 Tax and Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f),  
8 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on  
9 November 3, 2020, and shall not include revenues received by the City under Article 36 of the  
10 Business and Tax Regulations Code adopted by the voters at the general municipal election on  
11 November 3, 2020.

12           \* \* \* \*

13  
14           **SEC. 16.128-3. ANNUAL CONTRIBUTIONS TO THE FUND.**

15           (a) **Annual Baseline Contributions to the Fund.** Each year during the term of Charter  
16 Section 16.128-1et seq., the City shall make an annual baseline contribution to the Fund in the  
17 amount of \$38 million, representing the amount the City spent in fiscal year 2016-2017 to  
18 provide eligible services as identified in Section 16.128-4 to Seniors and Adults with  
19 Disabilities.

20           (b) **Additional Contributions for FY 2017-2018 through FY 2026-2027.** For fiscal  
21 year 2017-2018, the City shall increase its contribution to the Fund over the baseline amount in  
22 subsection (a) by \$6 million. For each fiscal year from 2018-2019 through 2026-2027, the City  
23 shall increase its additional contribution to the Fund under this subsection (b) by \$3 million over  
24 the prior year.

25           \* \* \* \*

1 (d) **Additional Contributions for FY 2027-2028 through FY 2036-2037.** For fiscal  
2 years 2027-28 through 2036-2037, the City’s annual contribution to the Fund shall equal its total  
3 contribution, including the baseline amount under subsection (a), for the prior year, beginning  
4 with Fiscal Year 2026-2027, adjusted by the percentage increase or decrease in aggregate City  
5 discretionary revenues, as determined by the Controller, based on calculations consistent from  
6 year to year. In determining aggregate City discretionary revenues, the Controller shall not  
7 include revenues received by the City under the increased rates in Business Tax and Regulations  
8 Code Sections 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)  
9 adopted by the voters at the general municipal election on November 3, 2020, and shall not  
10 include revenues received by the City under Article 36 of the Business and Tax Regulations Code  
11 adopted by the voters at the general municipal election on November 3, 2020. For purposes of  
12 this subsection (d), the “additional contribution” for these years shall mean the amount in excess  
13 of the baseline amount.

14 \* \* \* \*

15  
16 **SEC. 16.129. STREET TREE MAINTENANCE.**

17 \* \* \* \*

18 (f) **Creating the Street Tree Maintenance Fund; Annual City Contributions.** There  
19 shall be a Street Tree Maintenance Fund (the “Fund”). Each fiscal year, beginning in fiscal year  
20 2017-2018, the City shall contribute \$19 million to the Fund. The Fund shall also include any  
21 other monies appropriated or allocated to the Fund. Beginning in fiscal year 2018-2019, the  
22 Controller shall adjust the amount of the City’s annual \$19 million contribution to the Fund  
23 under this subsection (f) by the percentage increase or decrease in aggregate City discretionary  
24 revenues, as determined by the Controller, based on calculations consistent from year to year. In  
25 determining aggregate City discretionary revenues, the Controller shall only include revenues

1 received by the City that are unrestricted and may be used at the option of the Mayor and the  
2 Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City  
3 discretionary revenues, the Controller shall not include revenues received by the City under the  
4 increased rates in Business Tax and Regulations Code Sections 953.1(g), 953.2(h), 953.3(h),  
5 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general  
6 municipal election on November 3, 2020, and shall not include revenues received by the City  
7 under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general  
8 municipal election on November 3, 2020. The method used by the Controller to determine  
9 discretionary revenues shall be the same as the method used by the Controller to determine the  
10 Library and Children's Fund Baseline calculations, as provided in Charter Section 16.108(h).  
11 The change in aggregate discretionary revenues will be adjusted following the end of the fiscal  
12 year when final revenues are known. The Controller is authorized to increase or reduce  
13 budgetary appropriations as required under this subsection (f) to reflect changes in aggregate  
14 discretionary revenues following the end of the fiscal year when final revenues are known. The  
15 Controller shall set aside and maintain the above amounts, together with any interest earned  
16 thereon, in the Fund, which shall be subject to appropriation. Any amount unspent or  
17 uncommitted at the end of the fiscal year shall be deemed to have been devoted exclusively to a  
18 specified purpose within the meaning of Charter Section 9.113(a), shall be carried forward to the  
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20 //  
21 //  
22 //  
23 //  
24 //  
25 //





**LEGISLATIVE DIGEST**

Revised 06/25/20

[Charter Amendment - Adjustment of Baseline Funding]

**Describing and setting forth a proposal to the voters at an election to be held on November 3, 2020, to amend the Charter of the City and County of San Francisco to provide that future annual adjustments in baseline funding for the following Charter-mandated funds will not take into account certain changes in City revenue resulting from voter-approved business taxes on the November 3, 2020 ballot: the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, and the Street Tree Maintenance Fund.**

Existing Law

The Charter provides for guaranteed annual funding in a number of special funds, including: the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, and the Street Tree Maintenance Fund. These funding requirements are commonly known as “baselines,” where the Charter sets a base amount of funding for a particular purpose. In adopting the annual budget, the Board of Supervisors and the Mayor have no discretion to provide lower amounts of funding than the Charter-mandated baselines require.

Under the Charter, the amount of each of these baselines may increase or decrease each year depending on the amount of discretionary revenue the City receives that year. In this calculation, discretionary revenue includes any money received by the City that is unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

Amendments to Current Law

The proposed Charter amendment would modify the way the City calculates increases or decreases in these baseline funds each year. The amount of each of the baselines would still increase or decrease each year depending on the amount of discretionary revenue the City receives that year. But the Charter amendment would exclude from that calculation any revenues the City receives from specified businesses paying taxes approved by the voters adopted on the November 2020 ballot that would replace the business taxes required under Proposition C on the June 2018 ballot and Proposition C on the November 2018 ballot.

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BOARD of SUPERVISORS



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May 26, 2020

**File No. 200507**

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Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On May 19, 2020, the following proposed Charter Amendment for the November 3, 2020, Election was received by the Board of Supervisors' Rules Committee:

**File No. 200507**

**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that future annual adjustments in baseline funding for the following Charter-mandated funds will not take into account changes in City revenue resulting from voter-approved business taxes on the November 3, 2020, ballot: the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, and the Street Tree Maintenance Fund; at an election to be held on November 3, 2020.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk  
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning  
Laura Lynch, Environmental Planning

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

06/02/2020

A handwritten signature in black ink that reads "Joy Navarrete".



**OFFICE OF THE CONTROLLER**  
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield  
Controller  
Todd Rydstrom  
Deputy Controller

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

June 23, 2020

RE: File 200507 – Charter amendment to provide that future annual adjustments in baseline funding for several Charter-mandated funds will not take into account changes in City revenue resulting from voter-approved business taxes on the November 3, 2020 ballot

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would have no impact on the cost of government.

The Charter provides for guaranteed annual funding for the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, and the Street Tree Maintenance Fund. Under these voter-approved requirements, also known as “baselines,” annual funding increases or decreases with changes in the City’s aggregate discretionary revenue (ADR). These funding mandates currently account for approximately 23.6 percent of General Fund discretionary revenue. Policymakers have discretion over the remaining 76.4 percent.

The proposed Charter amendment excludes revenues received under any gross receipts or payroll tax measures approved by the voters at the November 3, 2020 municipal election from the calculation of aggregate discretionary revenue. As a result, the Mayor and Board of Supervisors would have spending authority over the full amount of incremental revenue generated by these measures.

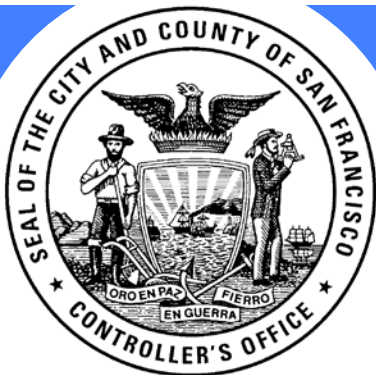
Sincerely,

*Natasha Mihal*

FOR 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.

# Business Tax Baseline Charter Amendment



**CITY & COUNTY OF SAN FRANCISCO**

Office of the Controller

June 25, 2020

## Overview

- This Charter measure, with amendments we ask for your consideration of today, addresses a unique challenge in the two business tax measures pending at the Board that change the City's payroll & gross receipts tax structure – one version proposed by the Mayor and another by President Yee and Supervisors Fewer, Haney and Peskin.
- This amended measure, if approved, could be merged into those measures prior to submission to the voters.

## Unlocking Big & Baby C

1. The two business tax measures provide that if the City loses ongoing litigation related to Big & Baby C and those taxes are no longer collected, matching general tax rates would go into effect. We refer to this as the “backstop tax” feature.
2. This feature would provide a revenue stream that would permit the City to unlock the impounded revenue now being collected from those dedicated taxes, given that revenues from the “backstop tax” could be used to pay for court-ordered refunds if the City loses the litigation.
3. This is only one feature of those business tax measures – others retire the payroll tax, adjust gross receipts rates, generate additional general revenue, and other changes.

## The Policy Challenge

1. Current collections of Big & Baby C are dedicated taxes, earmarked by the voters for a specific purpose. They are therefore not discretionary and do not contribute to the discretionary revenues used to calculate voter-adopted baselines – All \$450M in annual collections is dedicated for those purposes.
2. But the backstop tax feature is a general tax and would, absent this proposed Charter measure, contribute to baseline allocations. Of approximately \$450M in annual tax collections, \$100M would be allocated to various baseline purposes.
3. This would limit the value of the backstop tax available to pay for refunds and reduce the level of ongoing childcare and homeless service programs that could be created in the shorter-term using the unlocked funds.

## The Purpose the Charter Measure

1. The initially-introduced Charter measure is very broad, and would apply to the entirety of any business tax measure on the ballot. We request your consideration of amendments to the Charter measure today to limit it to this specific challenge with the backstop tax feature.
2. As amended, the proposed Charter measure would exclude this replacement backstop tax from these calculations, preserving the value of that part of the tax measure available to pay for court-ordered refunds and to support ongoing childcare and homeless service programs.
3. If adopted, it leaves the baseline allocations no better or worse than they are today – Big & Baby C are not subject to baseline allocations nor would the backstop tax.
4. As amended, it would not apply to other taxes on the ballot or other features of these two tax measures.



# Questions or Comments?

Ben Rosenfield: [ben.rosenfield@sfgov.org](mailto:ben.rosenfield@sfgov.org)

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

June 30, 2020

**File No. 200507**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On June 25, 2020, the following proposed Charter Amendment for the November 3, 2020, Election was amended by the Board of Supervisors' Rules Committee:

**File No. 200507**

**Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to provide that future annual adjustments in baseline funding for the following Charter-mandated funds will not take into account changes in City revenue resulting from voter-approved business taxes on the November 3, 2020, ballot: the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, and the Street Tree Maintenance Fund; at an election to be held on November 3, 2020.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk  
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning  
Laura Lynch, Environmental Planning

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: June 30, 2020

SUBJECT: CHARTER AMENDMENT INTRODUCED  
November 3, 2020 Election

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On June 25, 2020, the Board of Supervisors' Rules Committee amended the following Charter Amendment for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.3.

**File No. 200507**

**Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to provide that future annual adjustments in baseline funding for the following Charter-mandated funds will not take into account changes in City revenue resulting from voter-approved business taxes on the November 3, 2020, ballot: the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, and the Street Tree Maintenance Fund; at an election to be held on November 3, 2020.**

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

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
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## MEMORANDUM

TO: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office  
Anne Pearson, Deputy City Attorney, Office of the City Attorney  
John Arntz, Director, Department of Elections  
LeeAnn Pelham, Executive Director, Ethics Commission  
Jeffrey Tumlin, Executive Director, Municipal Transportation Agency  
Phil Ginsburg, General Manager, Recreation and Parks Department  
Maria Su, Director, Department of Children, Youth and Their Families  
Michael Lambert, City Librarian, Library Department  
Alaric Degrafinried, Interim Director, Public Works

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

DATE: June 30, 2020

SUBJECT: CHARTER AMENDMENT INTRODUCED  
November 3, 2020 Election

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On June 25, 2020, the Board of Supervisors' Rules Committee amended the following Charter Amendment for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

**File No. 200507**

**Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to provide that future annual adjustments in baseline funding for the following Charter-mandated funds will not take into account changes in City revenue resulting from voter-approved business taxes on the November 3, 2020, ballot: the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, and the Street Tree Maintenance Fund; at an election to be held on November 3, 2020.**

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) 554-7723 or email: victor.young@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:     Andres Power, Mayor's Office  
       Rebecca Peacock, Mayor's Office  
       Patrick Ford, Ethics Commission  
       Kate Breen, Municipal Transportation Agency  
       Janet Martinsen, Municipal Transportation Agency  
       Joel Ramos, Municipal Transportation Agency  
       Sarah Madland, Recreation and Parks Department  
       Margaret McArthur, Recreation and Parks Department  
       Sue Blackman, Library Department  
       David Steinberg, Public Works  
       Jeremy Spitz, Public Works  
       Jennifer Blot, Public Works  
       John Thomas, Public Works  
       Lena Liu, Public Works