

[Mandated programming of and expenditures for City services, functions, or programs designated by the Board of Supervisors.]

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 the City and County of San Francisco by amending Sections 9.103 and 9.104 to: allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 8, 2010, a proposal to amend the Charter of the City and County by amending Sections 9.103 and 9.104 to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~.

SEC. 9.103. ADOPTION OF APPROPRIATION ORDINANCES; MANDATED PROGRAMMING.

(a) The Board of Supervisors may amend the annual proposed budget and appropriation ordinances as follows:

1. After review of the Controller's analysis of the Mayor's revenue estimates, the Board of Supervisors may reduce estimated revenues;

2. The Board of Supervisors may increase or decrease any proposed expenditure in the General Fund or any special, sequestered or other fund so long as the aggregate changes do not cause the expenditures from each fund to exceed the amount proposed for expenditures by the Mayor from any such fund; and

3. The Board of Supervisors may increase or decrease any proposed expenditure for Capital Improvements.

(b) An appropriation is an authorization, but not a mandate, to expend funds for a designated use or purpose. Nevertheless, the Board of Supervisors may designate appropriations for particular City services, functions, or programs as mandates, subject to the limitation in subsection (c), and the department or office of the City to which the appropriation is made must expend, or enter into a legally-binding obligation to expend, such appropriations for those City services, functions, or programs during the fiscal year. No later than 45 days after the adoption of the appropriation, the department or office must report to the Board on its plan for making the mandated expenditures. This requirement to expend funds for a particular City service, function, or program shall apply only to appropriations so designated and in the amount so designated, and not to other funds appropriated for the same purpose.

(c) The value of all mandates established in a given fund by the Board of Supervisors during its consideration of the annual budget may not exceed the total amount by which the Board has reduced expenditures in the Mayor's proposed budget from that fund, as determined by the Controller. In calculating the value of the expenditure reductions, the Controller shall disregard any reductions to the Mayor's proposed budget made by the Board but subsequently restored to the same department, fund, and character of spending. Mandates that the Board of Supervisors imposes through the supplemental appropriation process may not exceed expenditure reductions approved in the same ordinance.

(d) The Board of Supervisors may rescind the designation of an appropriation as a mandate by resolution adopted by a majority vote. The designation of an appropriation as a mandate shall expire with the underlying appropriation.

SEC. 9.104. VETO OF APPROPRIATIONS.

By exercising a veto, ~~The~~ the Mayor may reduce or reject any expenditure authorized by the Board of Supervisors, except appropriations for bond interest, redemption or other fixed charges, within ten days after the Board of Supervisors' adoption of a final annual or supplemental appropriations ordinance. The designation of an appropriation as a mandatory expenditure under Section 9.103(b) shall not affect the Mayor's ability to reduce or reject the underlying expenditure. In particular, the Mayor may reject the Board of Supervisors' designation of the appropriation as a mandatory expenditure in conjunction with exercise of a veto reducing or rejecting the underlying appropriation, or the Mayor may reject such designation alone, without reducing or rejecting the underlying appropriation. Within ten days of receipt of the Mayor's veto message, the Board of Supervisors may, by a vote of two-thirds of its members, reinstate, (i) in whole or in part, any expenditure reduced or rejected by the Mayor and (ii) any designation of an appropriation as a mandatory expenditure rejected by the Mayor. by a vote of two-thirds of its members. In overriding any Mayoral veto, the Board of Supervisors shall not cause the aggregate expenditures for the General Fund or any special, sequestered or other fund in the appropriation ordinances to exceed the Mayor's revenue estimate as allocated to such funds.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney