

1 [Charter Amendment - Population-Based Adjustment to General Fund Appropriation to the
2 Transportation Fund]

3 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
4 **County of San Francisco to adjust the required annual appropriation from the General**
5 **Fund to the Transportation Fund annually to reflect increases in the population of San**
6 **Francisco at an election to be held on November 4, 2014; and making environmental**
7 **findings.**

8 Section 1. The Planning Department has determined that the actions contemplated in this
9 proposed Charter Amendment comply with the California Environmental Quality Act (California
10 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of
11 the Board of Supervisors in File No. ___ and is incorporated herein by reference.

12 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
13 and County, at an election to be held on November 4, 2014, a proposal to amend the Charter of
14 the City and County by revising Section 8A.105 to read as follows:

15 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
16 **Additions** are *single-underline italics Times New Roman font*.
17 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Charter
19 subsections.

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

19 (a) There is hereby established a fund to provide a predictable, stable, and adequate
20 level of funding for the Agency, which shall be called the Municipal Transportation Fund. The
21 fund shall be maintained separate and apart from all other City and County funds. Monies therein
22 shall be appropriated, expended, or used by the Agency solely and exclusively for the operation
23 including, without limitation, capital improvements, management, supervision, maintenance,
24 extension, and day-to-day operation of the Agency, including any division subsequently created
25 or incorporated into the Agency and performing transportation-related functions. Monies in the
Fund may not be used for any other purposes than those identified in this Section.

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

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

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

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

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

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

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

5 3. Commencing with the fiscal year beginning on July 1, 2015, the Controller shall also
6 adjust the Base Amount annually by the percentage increase in the San Francisco population
7 based on data from the source(s) the Controller, in his or her sole discretion, finds most reliable
8 for the most recent available calendar year. The Controller's population growth adjustment
9 shall be based on the greater of the increase in daytime or night-time population. For any year
10 in which the Controller determines that neither the daytime nor night-time population has
11 increased, the Controller shall make no adjustment under this subparagraph 3 to the Base
12 Amount. For purposes of the initial adjustment for the year commencing July 1, 2015, the
13 Controller shall adjust the Base Amount based on the increase in City daytime or night-time
14 population for the most recent ten year period for which data is available instead of the most
15 recent single calendar year. The Agency shall use the amount of any increase in the Base
16 Amount resulting from the adjustment required by this subparagraph 3 exclusively as follows:
17 75 per cent shall be used to make transit system improvements to the Municipal Railway to
18 improve the system's reliability, frequency of service, capacity, and state of good repair, and 25
19 per cent shall be used for transportation capital expenditures to improve street safety for all
20 users.

21 (d) The Treasurer shall set aside and maintain the amounts required to be set aside by
22 this Section, together with any interest earned thereon, in the Municipal Transportation Fund,
23 and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward,
24 together with interest thereon, to the next fiscal year for the purposes specified in this Article.

1 (e) It is the policy of the City and County of San Francisco to use parking-related
2 revenues to support public transit. To that end, the following parking-related revenues deposited
3 in the Transportation Fund shall be used to support the capital and operating expenses arising
4 from the Agency's transit functions:

5 1. Revenues from parking meters, except those amounts collected from parking meters
6 operated by the Recreation and Park Department and the Port Commission and except to the
7 extent that they are required by law to be dedicated to other traffic regulation and control
8 functions;

9 2. Revenues from off-street parking facilities under the jurisdiction of the Agency
10 (excluding facilities owned by the Parking Authority), including facilities leased to private
11 owners and non-profit corporations, except those amounts generated from any parking on or
12 below any land or facilities under the jurisdiction of the Recreation and Park Department and
13 except those amounts obligated by contract executed before 1993 to pay debt service;

14 3. Revenues from fines, forfeited bail, or penalties for parking violations, except those
15 amounts to be credited to the courthouse construction fund as provided in Administrative Code
16 Section 10.117-35.

17 (f) In addition, there is hereby set aside from the general revenues of the City and
18 County and deposited in the Transportation Fund to support the Agency's transit services an
19 amount equivalent to 80 percent of the revenues received from the City's tax on occupation of
20 parking spaces. Additional amounts appropriated as a result of this subsection after July 1, 2008
21 which were not previously available to support transit service shall be used exclusively to:

22 1. support implementation of the transit service improvements recommended by the
23 Transit Effectiveness Project or any subsequent system-wide route and service evaluation, with
24 first priority given to the hiring of full time on-going staff and expansion of training for Agency
25 employees, supervisors and managers; and

1 2. support the creation of a Labor-Management Implementation and Service
2 Improvement Committee consisting of the Director of Transportation and a designated
3 representative of each union representing Agency employees. This committee shall meet
4 quarterly to discuss implementation of this Section and ongoing system challenges.

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

8 By: _____
9 Julia M. C. Friedlander
10 Deputy City Attorney

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