

File No. 130544

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: 06/19/2013

06/21/2013

Board of Supervisors Meeting

Date: _____

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Completed by: Victor Young

Date June 14, 2013

Completed by: Victor Young

Date _____

1 [Administrative Code - Library Gift Fund and Grant Accept and Expend Procedure]

2
3 **Ordinance amending the Administrative Code to create a San Francisco Public Library**
4 **gift fund and to amend the grant accept and expend procedure.**

5 NOTE: Additions are *single-underline italics Times New Roman*;
6 deletions are *strike-through italics Times New Roman*.
7 Board amendment additions are double-underlined;
8 Board amendment deletions are ~~strikethrough normal~~.

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. This section is uncodified.

10 This ordinance hereby ratifies the acceptance of all prior private gifts and grants of
11 cash, goods, or services, including in-kind goods or services, received by the San Francisco
12 Public Library.

13 Section 2. The Administrative Code is hereby amended by adding Section 10.100-87
14 to read as follows:

15 **SEC. 10.100-87. LIBRARY GIFT FUND.**

16 (a) Establishment of Fund. The Library Gift Fund is established as a category eight fund to
17 receive all private gifts of cash, goods, or services, including in-kind goods or services, which may be
18 offered to the City and County of San Francisco to support San Francisco Public Library programs,
19 facilities, and operations.

20 (b) Use of Fund. The fund is to be used exclusively for the purposes of supporting San
21 Francisco Public Library programs, facilities, and operations, including but not limited to music-based
22 children's literacy programs, services for the Blind & Print Disabled, and workshops for students.

23 (c) Administration of Fund. The Library will be the administering department for this fund.

1 Section 3. The Administrative Code is hereby amended by amending Section 10.170-1
2 to read as follows:

3 **SEC. 10.170-1. GRANT FUNDS – ACCEPTANCE AND EXPENDITURE.**

4 (a) Any department, board, or commission that seeks to accept and expend federal,
5 State, or other grant funds must comply with any applicable provisions of this Section.

6 (b) The acceptance and expenditure of federal, State, or other grant funds in the
7 amount of \$100,000 or more is subject to the approval by resolution of the Board of
8 Supervisors. If, as a condition of the grant, the City is required to provide any matching funds,
9 those funds shall be included in determining whether the grant meets the \$100,000 threshold.
10 This subsection shall also apply to an increase in a grant where the increase, alone or in
11 combination with any other previous increases to that grant, would raise the cumulative total
12 amount of the grant to \$100,000 or more. The department, board, or commission requesting
13 approval shall submit the following documents to the Board prior to its consideration:

14 (1) A proposed resolution approving the acceptance and expenditure of grant
15 funds, or a proposed ordinance as required under subsection (*b*), signed by the department
16 head, the Mayor or his or her designee, and the Controller;

17 (2) A completed "Grant Information Form." The Clerk of the Board shall prepare
18 the form; it shall include a disability access checklist, indirect cost recovery, and other
19 information as the Board of Supervisors may require;

20 (3) A copy of the grant application;

21 (4) A letter of intent to award the grant or acknowledgment of grant award from
22 the granting agency; and,

23 (5) A cover letter to the Clerk of the Board of Supervisors substantially
24 conforming to the specifications of the Clerk of the Board.

1 (c) Grants or Increases to Grants of Less Than \$100,000. The Controller may
2 prescribe rules for the acceptance and expenditure of federal, State, or other grant funds in
3 amounts less than \$100,000, or for increases to grants where the increase, alone or in
4 combination with any other previous increases to that grant, would not raise the cumulative
5 total amount of the grant to \$100,000 or more. The Controller may also prescribe rules for the
6 acceptance and expenditure of increases to grants, where the original grant or any
7 subsequent increase to the grant has been approved by the Board of Supervisors under
8 subsection (b) or (d) and where the latest increase would be in an amount less than \$50,000.

9 (d) Grant Funded Positions. No position funded by a grant, regardless of the amount
10 of the grant, shall be authorized or filled unless the classification, duration, and number of
11 positions to be funded by the grant are specifically set forth in an ordinance approving
12 acceptance and expenditure, which ordinance shall also contain appropriate amendments to
13 the annual salary ordinance to reflect the positions proposed to be funded through the grant.

14 (e) Recurring Grants. Grants that provide funding to departments or programs of the
15 City and County in a recurring manner or continue funding from one year to the next shall be
16 included in the annual budget submission by the Department.

17 The Department budget submission shall also include a budget detail, explanations
18 and substantiations of the grant funding. If it is not possible for the Department to include
19 recurring grant funds in its annual Department budget submission, the acceptance and
20 expenditure of a recurring grant shall follow the procedure set forth in paragraph (a**b**) of this
21 Section.

22 (f) Indirect Costs. Every grant shall contain provisions for the reimbursement of
23 indirect costs. Such indirect cost provisions shall reimburse the City and County from grant
24 funds for administrative services that are necessary for the administration and performance of
25 the project or program. Every department, office, board or commission shall establish a rate

1 for such indirect costs that is approved by the Controller and fixed in accordance with a
2 directive issued by the Controller. The indirect cost rate shall be included in the grant budget
3 that is submitted to the Board of Supervisors and in the authorizing resolution.

4 The receipt and expenditure of grant funds shall not be approved by the Board of
5 Supervisors unless the Controller has certified that provisions for appropriate indirect cost
6 reimbursement is included in the grant budget.

7 If indirect costs are not allowed by the funding agency, or for other reasons indirect
8 costs cannot be included in the budget, these reasons shall be stated in the authorizing
9 resolution. Upon approving acceptance and expenditure, the Board of Supervisors may waive
10 the requirement for the inclusion of reimbursement of indirect costs.

11 (g) Grant Budget. Every department, board, commission, agency, or office submitting
12 a budget for a grant of public funds to the Board of Supervisors pursuant to this Section shall
13 submit such budget in a format that conforms to and provides the detail substantiation that is
14 required of similar appropriations in the annual budget for the City and County. The mission
15 and goals statement, which is required as part of the annual budget, is not required by this
16 Section for submittal of a grant budget.

17 (h) Grant Budget Revision. A department, agency, or office may reallocate or transfer
18 funds of line item expenditures within an approved grant budget, if such reallocations or
19 transfers are within the total of the approved budget and are allowed by the granting agency.
20 If any line item of a Federal or State grant is modified or increased by more than 15 percent,
21 copies of documentation of such modification or increase which are transmitted to Federal or
22 State agencies shall also be transmitted to the Board of Supervisors.

23 (i) Grant Draw Down of Funds. Departments, agencies, boards, and commissions
24 shall promptly draw down grant funds from a Federal, State, or other funding agency and
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1 deposit such funds in the Treasury of the City and County of San Francisco to minimize the
2 displacement of City funds that support grant activities.

3 (j) Grant Transportation Authority. The provisions of this Section shall not be
4 applicable to applications for or expenditure of funds from the San Francisco County
5 Transportation Authority. The Controller shall prescribe rules for the acceptance and
6 expenditure of such funds.

7 (k) Grant San Francisco Public Library. The provisions of this Section shall not be applicable
8 to annual or otherwise recurring expenditure of funds made to the San Francisco Public Library by
9 non-profit organizations whose sole purpose is to support the activities of the San Francisco Public
10 Library. The Controller shall prescribe rules for the acceptance and expenditure of such funds.

11 (l) Certain Transportation Funds (Proposition 1B Funds). The voters of California
12 adopted Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security
13 Bond Act of 2006, at the November 7, 2006 California General Election. Under the
14 Proposition, the State will appropriate two billion dollars (\$2,000,000,000) into the Local
15 Streets and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006
16 ("Proposition 1B Local Street and Road Improvement Funds"). These funds will be distributed
17 to cities and counties for improvements to transportation facilities that will assist in reducing
18 local traffic congestion and further deterioration, improving traffic flows, or increasing traffic
19 safety that may include, but not be limited to, street and highway pavement, maintenance,
20 rehabilitation, installation, construction and reconstruction of necessary associated facilities
21 such as drainage and traffic control devices, or the maintenance, rehabilitation, installation,
22 construction and reconstruction of facilities that expand ridership on transit systems, safety
23 projects to reduce fatalities, or as a local match to obtain state or federal transportation funds
24 for similar purposes. The Proposition requires that the funds distributed to the City be
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1 deposited in a local account that is designated for the receipt of state funds allocated for local
2 streets and roads.

3 (1) The Board of Supervisors finds that while there are a range of projects
4 involving various City departments that could benefit from the Proposition 1B Local Street and
5 Road Improvement Funds, implementing a coordinated planning process for use of those
6 funds will help ensure the effective and efficient expenditure of funds in a manner that will
7 maximize the benefit to the City and its residents.

8 (2) The Board of Supervisors further finds that given the range of projects and
9 the Citywide impact of transportation-related projects, it is appropriate for the Board to review
10 proposed expenditures of Proposition 1B Local Street and Road Improvement Funds, and to
11 be kept apprised of the progress on projects that are receiving Proposition 1B Local Street
12 and Road Improvement Funds.

13 (3) The Board of Supervisors shall not to appropriate any Proposition 1B Local
14 Street and Road Improvement Funds, as referenced above, until the Board has received from
15 the department or departments requesting the appropriations a specific and detailed spending
16 plan for the funds. The Spending Plan (the "Plan") shall set forth projects, programs and other
17 improvements to be funded over the next ten years (10) years by Proposition 1B Local Street
18 and Road Improvement Funds, and shall include a budget, scope, and schedule, as well as
19 any other information requested by the Board. The Plan should also address the relative
20 need or urgency, cost effectiveness, and fair geographic distribution of resources, taking into
21 account the various needs of San Francisco's neighborhoods. The Plan shall be coordinated
22 with other relevant City agencies including the Planning Department and the Municipal
23 Transportation Agency, as well as the San Francisco Transportation Authority. The Plan
24 should identify attempts to leverage or match Proposition 1B Local Street and Road
25 Improvement Funds with funding from other sources, including any other state or federal

1 funds. No City Department shall expend or encumber any Proposition 1B Local Street and
2 Road Improvement Funds without approval from the Board of Supervisors pursuant to this
3 ordinance. Any Proposition 1B Local Street and Road Improvement Funds received by the
4 City and County of San Francisco will be deposited into a local account named "The
5 Proposition 1B Local Account," and shall remain in such account until the Board of
6 Supervisors approves a department's specific spending plan. Under no circumstances will
7 Proposition 1B Local Street and Road Improvement Funds be mixed with other funds prior to
8 the approval of the spending plans as outlined in this paragraph. Proposition 1B Local Street
9 and Road Improvement Funds can be appropriated as part of the annual budget process only
10 if the requirements of this paragraph are met. The Board of Supervisors further encourages
11 any department seeking such an appropriation to consult and work with its commission if any,
12 the public, and the Board on the development of such spending plans.

13 (4) Any department that receives an appropriation of Proposition 1B Local
14 Street and Road Improvement Funds shall report back to the Board of Supervisors beginning
15 six months from the date of the appropriation, and at six-month intervals thereafter until the
16 appropriation has been spent. The report required by this Section shall state the amount of
17 Proposition 1B Local Street and Road Improvement Funds expended as of the reporting date
18 and shall describe the progress on the project, the projected date of completion, and such
19 additional information as the Board may require as a condition of the appropriation.

20 (5) The Controller shall perform an audit every two years of all Proposition 1B
21 Local Street and Road Improvement Funds that are allocated, whether expended or not, to
22 determine what projects were actually funded. Any Department receiving Proposition 1B
23 Local Street and Road Improvement Funds shall cooperate with the Controller's Office in the
24 performance of the audit.

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

By:  _____

ALICIA CABRERA
Deputy City Attorney
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FILE NO. 130544

LEGISLATIVE DIGEST

[Administrative Code – Library Gift Fund and Grant A&E]

Ordinance amending the Administrative Code to create a San Francisco Public Library gift fund; and to amend the grant accept and expend procedure.

Existing Law

Currently, the Library does not have a gift fund. Grants in the amount of \$100,000 or more are subject to Board of Supervisors approval.

Amendments to Current Law

This amendment would establish a category eight fund for purposes of supporting Library programs, facilities, and operations. This amendment would also allow the Library to accept grant funds, subject to accept and expend procedures set forth by the Controller, from non-profits.

The Budget and Legislative Analyst's Report is located in Board of Supervisor's File No. 130535 and at the following website:

<http://www.sfbos.org/index.aspx?page=14753>

The following documents related to the FYs 2013-2014 and 2014-2015 Budget of the City and County of San Francisco are available in the reference file and online at the following websites:

- **The City and County of San Francisco Proposed Budget and Appropriation Ordinance as of May 31, 2013 (BOS File No. 130535)**

<http://www.sfcontroller.org/Modules/ShowDocument.aspx?documentid=4337>

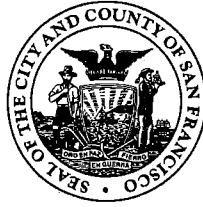
- **The City and County of San Francisco Proposed Salary Ordinance as of May 31, 2013 (BOS File No. 130536)**

<http://www.sfcontroller.org/Modules/ShowDocument.aspx?documentid=4335>

- **Mayor's 2013-2014 and 2014-2015 Proposed Budget (BOS File No. 130536)**

<http://www.sfmayor.org/Modules/ShowDocument.aspx?documentID=266>

OFFICE OF THE MAYOR
SAN FRANCISCO



130544

EDWIN M. LEE
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *EL* Mayor Edwin M. Lee *JE*
RE: Administrative Code – Library Gift Fund and Grant A&E
DATE: May 31, 2013

Attached for introduction to the Board of Supervisors is the ordinance amending the Administrative Code to create a San Francisco Public Library gift fund; and to amend the grant accept and expend procedure.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

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