File No.
 220181
 Committee Item No.
 3
 Board Item No.

# **COMMITTEE/BOARD OF SUPERVISORS**

AGENDA PACKET CONTENTS LIST

Committee:	Budget and Finance Committee	Date	April 20, 2022
Board of Sup	pervisors Meeting	Date	

# **Cmte Board**

	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Report Youth Commission Report Introduction Form Department/Agency Cover Letter and/or Report MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence
OTHER	(Use back side if additional space is needed)
	Exhibit A - Appropriations Funded by Proceeds of Taxes Subject to Limit Exhibit B - Appropriations Limit Calculation Controller Letter - 2/16/2022

Completed by:_	Brent Jalipa	_Date	April 14, 2022
Completed by:	Brent Jalipa	Date	

ORDINANCE NO.

1	[California Constitution Appropriations Limit for FY2021-2022]
2	
3	Resolution establishing the appropriations limit for Fiscal Year (FY) 2021-2022
4	pursuant to California Constitution Article XIII B.
5	
6	WHEREAS, Article XIII B of the California Constitution provides that the annual
7	appropriations of the City and County of San Francisco, which are subject to said Article, may
8	not exceed the Appropriations Limit for the prior year, with adjustments as provided in said
9	Article XIII B; and
10	WHEREAS, The California Government Code, Section 7901, defines the terms, and
11	Section 7902(b) sets forth the equations to be used to determine the City and County of San
12	Francisco's annual Appropriations Limit, according to the following formula:
13	(b) "the appropriations limit of the state and each local jurisdiction shall equal the
14	appropriations limit for the prior fiscal year multiplied by the product of the change in
15	cost of living, as defined in paragraph (2) of subdivision (e) of Section 8 of Article XIII B
16	of the California Constitution, and the change in population of the local jurisdiction for
17	the calendar year preceding the beginning of the fiscal year for which the
18	appropriations limit is to be determined, and adjusted for other changes required or
19	permitted by Article XIII B of the California Constitution;" and
20	WHEREAS, Article XIII B, Section 8(e)(2) of the California Constitution authorizes the
21	calculation of the cost of living, either the use of the percentage change in California per-
22	capita personal income from the preceding year, or the use of the percentage change in the
23	local assessment roll from the preceding year for the jurisdiction due to the addition of local
24	non-residential new construction; and
25	

WHEREAS, The change in California per-capita personal income in fiscal year 2020 2021 was 5.73%, while the percentage change in the local assessment roll in 2020 due to the
 addition of local non-residential new construction was 18.57%; and

4

WHEREAS, Chapter 1222 of the California State Statutes of 1980 allows the City and
County of San Francisco to use the greater of its percentage change in population from the
preceding year or the percentage change of the Metropolitan Statistical Area population; and
WHEREAS, The percentage change in population of the City and County of San

8 Francisco was -1.70%; and

9 WHEREAS, The percentage change in population during calendar year 2020 for the
10 San Francisco Metropolitan Statistical Area was -0.64%; and

WHEREAS, Article XIII B, Section 4 of the California Constitution authorizes voters to
 approve an increase in the Appropriations Limit for up to four years; and

13 WHEREAS, Voters approved eight measures, the Tax on Cannabis Businesses 14 (Proposition D-November 2018), the Homeless Gross Receipts Tax (Proposition C-November 15 2018), the Traffic Congestion Mitigation Tax (Proposition D-November 2019), the Vacancy 16 Tax (Proposition D-March 2020), the Parcel Tax for San Francisco Unified School District 17 (Proposition J-November 2020), the Real Estate Transfer Tax (Proposition I-November 2020), 18 the Executive Compensation Tax (Proposition L-November 2020), and the Business Tax 19 Overhaul (Proposition F-November 2020), that increased the Appropriations Limit by the 20 aggregate sum collected by the levy of these taxes; and

WHEREAS, The aggregate sum collected by the levy of these taxes through fiscal year
2021-2022 is projected to be \$1,744,826,544; and

23 WHEREAS, Article XIII B, Sections 8(h) and 10.5 of the California Constitution

24 establish that the Base Appropriations Limit for a local government is equal to the

appropriations subject to limitation in fiscal year 1986-1987; and

Office of the Controller BOARD OF SUPERVISORS

1	WHEREAS, The Base Appropriations Limit for Fiscal Year 2020-2021 is
•	

2 \$7,096,395,744; and

WHEREAS, The resulting calculation establishing the City and County of San
Francisco's Fiscal Year 2021-2022 Appropriations Limit is:

5 \$7,096,395,744 X 0.9936 X 1.1857 + \$1,744,826,544 = \$10,105,172,121; and

6 WHEREAS, This matter has been considered at a regularly scheduled meeting of the
7 Board of Supervisors for the City and County of San Francisco; and

8 WHEREAS, The documentation used to determine the Appropriations Limit for the City

9 and County of San Francisco for Fiscal Year (FY) 2021-2022 was available for public

10 inspection in the Office of the Clerk of the Board of Supervisors for at least 15 days prior to

- 11 said regularly scheduled meeting; now, therefore, be it
- RESOLVED, That the City and County of San Francisco elects to use the percentage change in the local assessment roll from 2020 due to the addition of local non-residential new construction and the percent change in population within the San Francisco Metropolitan Area from the previous year for the purpose of computation of its Appropriations Limit pursuant to
- 16 Article XIII B of the California Constitution for FY2021-2022; and, be it
- FURTHER RESOLVED, That the net appropriations limit for FY2021-2022 is
  established at \$10,105,172,121.
- 19
- 20
- 21 Recommended:
- 22

23

- 24
- 25 Ben Rosenfield

/s/

Controller

Office of the Controller BOARD OF SUPERVISORS

Item 3	Department:
File 22-0181	Controller's Office

### **EXECUTIVE SUMMARY**

#### Legislative Objectives

• The proposed resolution would establish the City's FY 2021-22 appropriations limit at \$10,105,172,121, as calculated by the Controller. The appropriations limit for FY 2021-22 is based on the amount of the FY 2020-21 appropriations limit and adjusted to reflect increases in: (1) the population and (2) the cost of living (calculated using the increase in the local assessment roll due to the addition of non-residential new construction).

### Key Points

 The California Constitution places annual limits on the appropriations of tax proceeds made by the State, school districts, and local governments in California. The annual appropriations limit is based on the appropriations limit for the preceding fiscal year and adjusted for: (1) the change in population, and (2) the change in the cost of living. There are two definitions that local governments may use to calculate the cost-of-living adjustment: (1) the change in California per capita personal income, or (2) the change in the local assessment roll due to the addition of non-residential new construction. The City is allowed to choose whichever percentage change is higher. In FY 2020-21, the growth in personal income was 5.73 percent and the roll growth due to nonresidential new construction was 18.57 percent. The Controller's Office is using the change in non-residential new construction for the cost-of-living factor to calculate the appropriations limit.

#### **Fiscal Impact**

- The appropriations limit does not apply to tax proceeds appropriated for: (a) debt service, (b) federal mandates (such as Social Security and Medicare), and (c) qualified capital outlays. Consequently, the Controller excluded \$589,990,136 from the City's total FY 2021-22 tax proceeds of \$5,263,852,050, resulting in net tax proceeds subject to the appropriations limit of \$4,673,861,914.
- The City's FY 2021-22 appropriations limit, as calculated by the Controller, is \$10,105,172,121. The FY 2021-22 net tax proceeds of \$4,673,861,914 are \$5,431,310,207 less than the FY 2021-22 appropriation limit of \$10,105,172,121.

### **Policy Consideration**

• For the FY 2021-22 appropriations limit, the Controller elected to use the percentage change in the local assessment roll from the preceding year due to the addition of local nonresidential new construction to calculate the cost-of-living adjustment, and consequently calculating the appropriations limit at \$10,105,172,121. Had the Controller elected to use the percentage change in per-capita personal income from the preceding year, the appropriations limit would have been calculated at \$9,199,826,441.

#### Recommendation

• Approve the proposed resolution.

# MANDATE STATEMENT

California Constitution Article XIII B states that each local government must set an annual appropriations limit as calculated using the preceding year's appropriations limit adjusted for: (1) the change in population and (2) the change in the cost of living.

# BACKGROUND

Proposition 4, known as the Gann Initiative and approved by California voters in November 1979, added Article XIIIB to the California Constitution. Article XIIIB (later amended by State Proposition 111, as approved by the voters in June 1990) places annual limits on the appropriations of tax proceeds made by the State, school districts, and local governments in California. The annual appropriations limit is based on the appropriations limit for the preceding fiscal year and adjusted for: (1) the change in population and (2) the change in the cost of living.

Per Article XIIIB Section 9 and California Government Code Section 7901, the appropriations limit does not apply to any tax proceeds appropriated for: (a) debt service, (b) federal mandates for Social Security and Medicare, (c) qualified capital outlays, (d) other federal mandates, and (e) voter approved taxes.

California Government Code Section 7901(b) defines the change in population as the population growth for the calendar year preceding the beginning of the fiscal year for which the appropriations limit is to be determined. According to the California Department of Finance, in calendar year 2020, the population growth of the nine-county Bay Area was -0.64 percent.<sup>1</sup>

California Constitution Article XIIIB Section 8(e)2 allows the local government to use one of the two following definitions to calculate the cost-of-living adjustment:

**Definition 1:** The percentage change in California per-capita personal income from the preceding year, estimated to be 5.73 percent in FY 2020-21, or

**Definition 2:** The percentage change for the local jurisdiction in the assessment roll from the preceding year due to non-residential new construction, estimated to be 18.57 percent in 2020.

# DETAILS OF PROPOSED LEGISLATION

The proposed resolution would establish the City's FY 2021-22 appropriations limit at \$10,105,172,121, as calculated by the Controller. The appropriations limit for FY 2021-22 is based on the amount of the FY 2020-21 appropriations limit and adjusted to reflect increases in: (1) the population and (2) cost of living (calculated using the increase in the local assessment roll due to the addition of non-residential new construction).

<sup>&</sup>lt;sup>1</sup> Chapter 1222 of the California State Statutes of 1980 allows the City to use the greater of its percentage change in population from the preceding year or the percentage change of the nine-county Bay Area. The percentage change of the Bay Area population of -0.64 percent was greater than the percentage change of the City's population of -1.70 percent.

# **FISCAL IMPACT**

#### **Cost of Living Factor**

Cost of living is determined by using either the change in California per capita personal income or the increase in the local assessment roll due to the addition of non-residential new construction. According to the Controller's Office, the City may choose whichever percentage change is higher.

As mentioned above, in FY 2020-21, the growth in personal income was 5.73 percent and the roll growth due to nonresidential new construction was 18.57 percent. Consequently, the Controller's Office is using the non-residential construction growth for the cost-of-living factor to calculate the appropriations limit.

#### **Appropriations Subject to Limit**

As mentioned above, the appropriations limit does not apply to tax proceeds appropriated for: (a) debt service, (b) federal mandates (such as for Social Security and Medicare), and (c) qualified capital outlays. Consequently, the Controller excluded \$589,990,136 from the City's total FY 2021-22 tax proceeds of \$5,263,852,050, as shown in Exhibit 1 below, resulting in net tax proceeds subject to the appropriations limit of \$4,673,861,914.

FY 2020-21 Total Tax Proceeds <sup>2</sup>	\$5,263,852,050
Exclusions	
(a) Debt Service	(291,499,838)
(b) Federal Mandate for Social Security/Medicare	(120,162,413)
(c) Qualified Capital Outlays	(178,327,886)
Subtotal Exclusions	\$589,990,136
FY 2021-22 Net Tax Proceeds Subject to Appropriations Limit	\$4,673,861,914

#### Exhibit 1: Tax Proceeds Subject to the Proposed Appropriations Limit

Source: Controller's Office

Article XIIIB allows voters to approve an increase to the appropriations limit for up to four years. In the past four years, voters approved eight measures: the Tax on Cannabis Businesses (Proposition D in November 2018), the Homeless Gross Receipts Tax (Proposition C in November 2018), the Traffic Congestion Mitigation Tax (Proposition D in November 2019), the Vacancy Tax (Proposition D in March 2020), the Parcel Tax for San Francisco Unified School District (Proposition J in November 2020), the Real Estate Transfer Tax (Proposition I in November 2020), the Executive Compensation Tax (Proposition L in November 2020), and the Business Tax Overhaul (Proposition F in November 2020). These adjustments raise the FY 2021-22 appropriations limit by \$1,744,826,544.

<sup>&</sup>lt;sup>2</sup> Includes property taxes, business taxes, excess Education Revenue Augmentation Fund (ERAF) revenues, other local taxes, and interest.

As shown in Exhibit 2 below, the City's FY 2021-22 appropriation limit, as calculated by the Controller, is \$10,105,172,121. The FY 2021-22 net tax proceeds of \$4,673,861,914 are \$5,431,310,207 less than the FY 2021-22 appropriations limit of \$10,105,172,121.

Base FY 2020-21 Appropriations Limit	\$7,096,395,744		
Adjustment Factors			
Increase in Population	-0.64%		
Roll Growth due to New Nonresidential Construction	18.57%		
Subtotal	\$8,360,345,577		
Voter Approved Limit Changes	1,744,826,544		
FY 2021-22 Appropriations Limit	\$10,105,172,121		

Source: Controller's Office

# POLICY CONSIDERATION

As previously mentioned, the Controller has discretion to calculate the cost-of-living adjustment factor using one of two definitions:

**Definition 1:** The percentage change in California per-capita personal income from the preceding year, estimated to be 5.73 percent in FY 2020-21, or

**Definition 2:** The percentage change for the local jurisdiction in the assessment roll from the preceding year due to non-residential new construction, estimated to be 18.57 percent in 2020.

Exhibit 3 below shows the FY 2021-22 appropriations limit using both definitions.

# Exhibit 3: FY 2021-22 Appropriations Limit by Definition

	Definition 1: Per Capita Personal Income	Definition 2: Local Assessment Roll from Non- Residential New Construction		
FY 2020-21 Appropriations Limit	\$7,096,395,744	\$7,096,395,744		
Adjustment Factors				
Increase in Population	-0.64%	-0.64%		
Increase in Per-Capita Personal Income	5.73%	-		
Increase in Local Assessment Roll	-	18.57%		
Subtotal	\$7,454,999,897	\$8,360,345,577		
Voter Approved Limit Changes	1,744,826,544	1,744,826,544		
FY 2021-22 Appropriations Limit	\$9,199,826,441	\$10,105,172,121		

For the FY 2021-22 appropriations limit, the Controller elected to use the percentage change in the local assessment roll from the preceding year due to the addition of local nonresidential new construction to calculate the cost-of-living adjustment, consequently calculating the appropriations limit at \$10,105,172,121, as shown in Exhibit 2 above. Had the Controller elected to use the percentage change in per-capita personal income from the preceding year, the appropriations limit, as shown in Exhibit 3 above, would have been calculated at \$9,199,826,441, which is (a) \$905,345,680 less than the proposed appropriations limit of \$10,105,172,121 and (b)

SAN FRANCISCO BOARD OF SUPERVISORS

\$4,525,964,527 more than the Controller's calculation of net tax proceeds subject to the appropriations limit of \$4,673,861,914, as shown in Exhibit 1 above.

# RECOMMENDATION

Approve the proposed resolution.

California Constitution Article XIIIB Appropriations Limit Fiscal Year 2021-22 Final Budget Exhibit A - Appropriations Funded by Proceeds of Taxes Subject to Limit

Fiscal Year 2021-22

## Proceeds of Taxes

	General Fund		Other Governmental Funds		Total	
Property Tax	\$	1,870,600,000	\$	598,489,572	\$	2,469,089,572
Excess ERAF		245,000,000		-		245,000,000
Business Tax		957,140,000		556,670,000		1,513,810,000
Other Local Taxes		985,839,408		18,581,031		1,004,420,439
Interest		26,100,901		301,138		26,402,039
State Subventions		3,790,000		1,340,000		5,130,000
Total Proceeds of Tax	\$	4,088,470,309	\$	1,175,381,741	\$	5,263,852,050

# Excludable Appropriations

FICA Expenditures	\$ 120,162,413
Qualified Capital Outlays	178,327,886
Debt Service	291,499,838
Total Excludable Appropriations	\$ 589,990,136

# Net Proceeds of Taxes:

4,673,861,914

\$

\$

# Appropriations Limit Calculation

Appropriations Limit for FY 2021-22	\$	10,105,172,121
Temporary Voter Approved Overrides		1,744,826,544
Base Limit for FY 2021-22		8,360,345,577
Total Adjustment	17.81%	
Cost of Living Adjustment	18.57%	
Population Adjustment	-0.64%	
Base Limit for FY 2020-21		7,096,395,744

FY 2021-22 Appropriations Under (Over) Statutory Limit

5,431,310,207

# California Constitution Article XIIIB Appropriations Limit Fiscal Year 2021-22 Final Budget Exhibit B - Appropriations Limit Calculation

Cost of Living Factor: Use the maximum of CA Per-Capital Personal Income Change, or the percentage change in the local assessment roll from the preceding year for the jurisdiction due to the addition of local nonresidential new construction.

CA Per-Capita Personal Income change	5.73%
Roll Growth Due to New Nonresidential Construction	18.57%
Cost of Living Change	18.57%

Population Factor: Use the maximum of either CCSF population growth, or the population growth of the 9 bay area counties if it exceeds the Roll Growth cost of living factor.

County of San Francisco	-1.70%
CCSF and Surrounding Counties	-0.64%
Population Percentage Change	-0.64%

Calculation of Appropriations Limit: Inflate the prior year Base Gann Limit (i.e., before voter overrides) by the Cost of Living and Population factors above.

Cost of Living Growth Factor Population Growth Factor	0.99360	
Base Appropriations Limit FY 2021-22	8,360,345,577	
Voter approved Limit changes:	1,744,826,544	
	riations Limit FY 2021-22 \$10,105,172,121	



# **OFFICE OF THE CONTROLLER**

CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield Controller

Todd Rydstrom Deputy Controller

February 16, 2022

Mayor London Breed City and County of San Francisco City Hall, Room 200 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

Board of Supervisors City and County of San Francisco City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

RE: Appropriations Limit for Fiscal Year 2021-22

Dear Mayor Breed and Board Members:

In accordance with Article XIII B of the State Constitution, attached is the resolution establishing the City and County's annual appropriations limit for FY 2021-22. We estimate City and County appropriations are approximately \$5,431 million below the state-mandated appropriations limit.

### Background

Article XIII B of the State Constitution provides that annual appropriations of the City and County of San Francisco that are funded from "Proceeds of Taxes" may not exceed the City and County's appropriations limit. This limit is equal to the prior year's limit adjusted for changes in population and cost of living.

Our computation of proceeds of taxes is in accordance with California Government Code Section 7900 and conforms to "Article XIIIB California Constitution Appropriations Limit Procedure Guidelines for California Counties" prepared by the County Accounting Standards and Procedures Committee (See Exhibit A).

#### 2 | FY 2021-22 Appropriations limit

### Annual Appropriations Limit Adjustments

Each year the City and County of San Francisco adjusts its appropriations limit based upon two factors: population growth and the cost of living as determined by California Government Code. Population growth is determined using either the change in San Francisco City and County population or the change in the nine Bay Area counties. According to the California Department of Finance, between January 1, 2020 and January 1, 2021, San Francisco City and County population declined by 1.70% and the Bay Area counties declined by 0.64%. The maximum growth factor, -0.64%, is used in the calculation. Cost of living is determined using either the change in California per capita personal income or the increase in the local assessment roll due to the addition of non-residential new construction. The change in per capita income for fiscal year 2020-21 is 5.73%, while the local assessment growth in 2020 due to non-residential new construction is 18.57%. The fiscal year 2021-22 increase in local assessment growth is used in the appropriations limit calculation (See Exhibit B).

### Adjustments to Proceeds of Taxes

There are certain appropriations that are excluded from proceeds of taxes, as allowed by Article XIII B. The following exclusions are factored into our calculation of Net Proceeds of Taxes:

- (1) \$291.5 million is excluded as bonded indebtedness (Article XIII B, Section 9(a));
- (2) \$120.2 million is excluded as the federal mandate for Social Security and Medicare payroll taxes (Article XIII B, Section 9(b)); and,
- (3) \$178.3 million is excluded under the determination of "qualified capital outlay" (Article XIII B Section 9(e)).

### Adjustments to the Appropriations Limit

Article XIII B allows voters to approve an increase to the appropriations limit for up to four years. In the past four years, voters approved eight measures that included increases to the appropriations limit: the Tax on Cannabis Businesses (Proposition D-November 2018), the Homeless Gross Receipts Tax (Proposition C-November 2018), the Traffic Congestion Mitigation Tax (Proposition D-November 2019), the Vacancy Tax (Proposition D-March 2020), the Parcel Tax for San Francisco Unified School District (Proposition J-November 2020), the Real Estate Transfer Tax (Proposition I-November 2020), the Executive Compensation Tax (Proposition L-November 2020), and the Business Tax Overhaul (Proposition F-November 2020). This adjustment raises the FY 2021-22 appropriations limit by \$1,744.8 million.

#### 3 | FY 2021-22 Appropriations limit

City and County Appropriations are under the Limit

The appropriations limit for FY 2021-22 is \$10,105,172,121. We estimate that appropriations subject to limitation will be \$4,673,861,914. Thus, the Controller projects that the City and County will be \$5,431,310,207 below its limit in the current fiscal year.

It is the Controller's responsibility to monitor this appropriations limit each year for compliance. If the sum of adjusted appropriations for two consecutive fiscal years exceeds the sum of the appropriations limits for those two fiscal years, the excess must be returned to the taxpayers in the two subsequent fiscal years.

Sincerely,

Ben Rosenfield Controller

#### Attachments

cc: Ashley Groffenberger, Mayor's Budget Director David Chiu, City Attorney Jon Givner, Deputy City Attorney Angela Calvillo, Clerk of the Board Harvey Rose, Budget Analyst



# **OFFICE OF THE CONTROLLER**

CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield Controller

Todd Rydstrom Deputy Controller

February 16, 2022

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

RE:

Legislation to Establish the Appropriations Limit for Fiscal Year 2021-22, Pursuant to California Constitution Article XIIIB.

Dear Ms. Calvillo:

Enclosed is the above referenced resolution to set the City and County's appropriation limit for Fiscal Year 2021-22, as required by Government Code Section 7910. The necessary supporting documentation prepared by the Controller's Office is also enclosed.

This information must be posted and available for public inspection for fifteen days prior to a public hearing. Our working papers are available upon request at the Controller's Office, Room 316.

Please contact Michelle Allersma at (415) 554-4792 if you have any further questions regarding this matter.

Sincerely,

Ben Rosenfield Controller

Enclosures

1) California Spending Limit Resolution

2) Transmittal to Mayor and Board of Supervisors

3) Supporting Documents - Exhibits

CITY HALL • 1 DR. CARLTON B. GOODLETT PLACE • ROOM 316 • SAN FRANCISCO, CA 94102-4694 PHONE 415-554-7500 • FAX 415-554-7466