

[Charter Amendment - Mayor Approval Required for Certain SFMTA Budget Proposals]

Describing and setting forth a proposal to the voters at an election to be held on March 5, 2024, to amend the Charter of the City and County of San Francisco to provide that the Mayor must affirmatively approve in writing certain San Francisco Municipal Transportation Agency (SFMTA) proposals as part of the SFMTA’s proposed budget or budget amendment; proposals subject to the approval requirement include changes to fares, parking meter maximum rates, and hours or days of parking meter operation.

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on March 5, 2024, a proposal to amend the Charter of the City and County by revising Sections 8A.102 and 8A.106, to read as follows:

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

SEC. 8A.102. GOVERNANCE AND DUTIES.

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(b) The Agency shall:

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8. Have exclusive authority to adopt regulations limiting parking, stopping, standing, or loading as provided by state law; ~~and~~ to establish parking privileges and locations subject to such privileges for categories of people or vehicles as provided by state law; to establish parking meter zones; ~~;~~ to set parking rates; ~~;~~ and to select, install, locate, and maintain systems and equipment for payment of parking fees, provided that:

1 (i) Notwithstanding the authority established in subsection 8, the Board of
2 Supervisors may by ordinance establish procedures by which the public may seek Board of
3 Supervisors review of any Agency decision with regard to the creation or elimination of any
4 preferential parking zone, the creation or elimination of any parking meter zone, the adoption of
5 any limitation on the time period for which a vehicle may be parked, or reservation of any
6 parking space for persons with a disability that qualifies for parking privileges under state law. In
7 any review of a decision of the Agency pursuant to this section, the Agency's decision shall stand
8 unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after
9 submission of a request to the Board of Supervisors.

10 (ii) Nothing in subsection 8 shall modify the power of the Board of Supervisors
11 to establish civil offenses, infractions and misdemeanors.

12 (iii) Notwithstanding the authority established in subsection 8, to the extent
13 state law contemplates that any Agency action authorized by subsection 8 be effectuated by
14 ordinance, such action shall be effectuated by resolution of the Board of Directors and, if a
15 referendum petition contains the requisite number of signatures, shall be subject to referendum in
16 accordance with Article 14, and the Board of Supervisors shall have the power to reconsider or
17 repeal the action as provided in Article 14.

18 (iv) Notwithstanding the authority established in subsection 8, any change in
19 parking meter maximum rates or hours or days of parking meter operation must be approved by
20 the Mayor as provided in Section 8A.106.

21 * * * *

22 **SEC. 8A.106. BUDGET.**

23 The Agency shall be subject to the provisions of Article IX of this Charter except:

24 (a) If the Agency's proposed budget includes a change in fares, parking meter maximum
25 rates, or hours or days of parking meter operation, then no later than April 15 of each even-

1 numbered year, after professional review and public hearing, and after receiving the
2 recommendations of the Citizens' Advisory Council, the Agency shall submit its proposed budget
3 with annual appropriation detail in a form approved by the Controller, for each of the next two
4 fiscal years to the Mayor. No later than May 1, the Mayor shall either affirmatively approve in
5 writing the proposed fare or parking meter changes and submit the budget without changes to
6 the Board of Supervisors for its review or, if the Mayor does not approve the proposed fare or
7 parking meter changes in writing, the Mayor shall return the budget to the Agency to submit an
8 alternative proposal. For a proposed budget that does not include any of the proposed changes
9 in the preceding sentences, no ~~No~~ later than May 1 of each even-numbered year, after
10 professional review, and public hearing, and after receiving the recommendations of the Citizens'
11 Advisory Council, the Agency shall submit its proposed budget with annual appropriation detail
12 in a form approved by the Controller for each of the next two fiscal years to the Mayor and the
13 Board of Supervisors for their review and consideration. The Agency shall propose a budget that
14 is balanced without the need for additional funds over the Base Amount, but may include fare
15 increases and decreases, and reductions or abandonment of service. The Mayor shall submit the
16 budget to the Board of Supervisors, without change. Should the Agency request additional
17 general fund support over the Base Amount, it shall submit an augmentation request for those
18 funds in the standard budget process and subject to normal budgetary review and amendment
19 under the general provisions of Article IX.

20 (b) At the time the budget is adopted, the Agency shall certify that the budget is
21 adequate in all respects to make substantial progress towards meeting the performance standards
22 established pursuant to Section 8A.103 for the fiscal year covered by the budget.

23 (c) No later than August 1, the Board of Supervisors may allow the Agency's budget to
24 take effect without any action on its part or it may reject but not modify the Agency's budget by a
25 seven-elevenths' vote. Any fare change, route abandonment, or revenue measure proposed in the

1 budget shall be considered accepted unless rejected by a seven-elevenths' vote on the entire
2 budget. Should the Board reject the budget, it shall make additional interim appropriations to the
3 Agency from the Municipal Transportation Fund sufficient to permit the Agency to maintain all
4 operations through the extended interim period until a budget is adopted. Any request for
5 appropriation of General Fund revenues in excess of the Base Amount shall be approved,
6 modified, or rejected under the general provisions of Article IX.

7 (d) No later than May 1 of each odd-numbered year, the Agency shall submit any
8 budget amendment that may be required to increase appropriations over those approved in the
9 two-year budget or as may be required by law, provided that such budget amendment shall
10 establish a detailed plan with appropriation detail only for those anticipated revenues and
11 expenditures exceeding those approved in the two-year budget or as otherwise required by law.
12 The Agency may submit to the Board of Supervisors such additional budget amendments or
13 modifications during the term of the budget, including but not limited to amendments reflecting
14 fare changes, route abandonments and revenue measures, as may be required in the discretion of
15 the Agency. At any time the Agency proposes a budget amendment that includes a change in
16 fares, parking meter maximum rates, or hours or days of parking meter operation, the Agency
17 shall first submit the budget amendment to the Mayor and the Mayor shall approve in writing the
18 fare changes or parking meter changes within 15 days or the Agency may not submit the budget
19 amendment to the Board of Supervisors. Once submitted, the~~The~~ Board of Supervisors may
20 allow any budget amendment to take effect without any action on its part or it may reject but not
21 modify the budget amendment by a seven-elevenths' vote taken within 30 days after its
22 submission to the Board of Supervisors.

23 (e) Notwithstanding any other provisions of this Charter or requirements of the Annual
24 Salary Ordinance, the Controller may authorize the Agency to move funds within its budget and
25 hire personnel without specific Controller approval so long as the Agency's periodic and

1 verifiable projections of spending by the Agency show the Controller that the Agency's spending
2 will be within the approved budget. However, should the projections show that the Agency
3 spending is likely to exceed its budget, the Controller may impose appropriate controls in ~~his or~~
4 ~~her~~ the Controller's discretion to keep the Agency within budget.

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6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/
9 JON GIVNER
Deputy City Attorney

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