

File No. 230986

Committee Item No. 3

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Oct 23, 2023

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 - Ethics Commission                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Form 700                                     |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Charter Amendment |
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Completed by: Victor Young Date October 19, 2023

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

[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.**

\* \* \* \*

(b) The Agency shall:

\* \* \* \*

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.

5  
6 APPROVED AS TO FORM:  
7 DAVID CHIU, City Attorney

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

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## **LEGISLATIVE DIGEST**

[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.**

### **Existing Law**

Under current law, the San Francisco Municipal Transportation Agency (SFMTA) has exclusive jurisdiction over setting transit fares subject to the ability of the Board of Supervisors to reject a change in fares with a vote of seven out of 11 members. The Mayor does not have a role under the Charter in setting transit fares.

The SFMTA also has exclusive jurisdiction to set parking meter maximum rates and hours and days of parking meter operation. Under the Charter, the Board of Supervisors and the Mayor do not have a role in setting parking meter rates or hours or days of operation.

### **Amendments to Current Law**

This legislation amends the Charter to provide that the Mayor must affirmatively approve in writing certain SFMTA proposals as part of the SFMTA's budget or budget amendment. The proposals that are subject to this approval are changes to: (1) SFMTA fares; and (2) parking meter maximum rates; and (3) hours or days of parking meter operation.

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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MEMORANDUM

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Date: September 26, 2023  
To: Planning Department / Commission  
From: Victor Young, Clerk of the Rules Committee *Victor Young*  
Subject: Board of Supervisors Legislation Referral - File No. 230986  
Charter Amendment - Mayor Approval Required for Certain SFMTA Budget Proposals

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- ☒ California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)  
☐ Ordinance / Resolution  
☒ Ballot Measure
- Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.  
10/02/2023 *[Signature]*
- ☐ Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)  
☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission  
☐ Landmark (*Planning Code, Section 1004.3*)  
☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)  
☐ Mills Act Contract (*Government Code, Section 50280*)  
☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at [Victor.Young@sfgov.org](mailto:Victor.Young@sfgov.org).





**OFFICE OF THE CONTROLLER**  
**CITY AND COUNTY OF SAN FRANCISCO**

Ben Rosenfield  
Controller

Todd Rydstrom  
Deputy Controller

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place Room 244  
San Francisco, CA 94102-4689

October 18, 2023

RE: File 230986 – Charter amendment to require mayoral approval of certain proposed budget changes for the San Francisco Municipal Transportation Agency (SFMTA).

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would not affect the cost of government. However, should the proposed Charter amendment be approved, the SFMTA's budget will be dependent on future decisions made by the Mayor through the newly proposed budget process.

The proposed Charter amendment would establish a new role for the Mayor to review and approve SFMTA proposed changes to transit fares, maximum parking meter rates, and parking meter operating hours and days. Currently, SFMTA has exclusive authority to set fares, meter rates, and hours of operations for meters, although transit fare changes may be rejected by seven out of 11 members of the Board of Supervisors.

The proposed Charter amendment would require SFMTA to submit a proposed budget with any proposed changes to transit and parking meter changes for approval on April 15 of each even-numbered year. After going through the typical process of review, the department would submit its proposed budget to the Mayor by May 1 of the same year for the Mayor's affirmative approval or rejection. If the proposed change to fares, meter rates, and hours of operation is not approved by the Mayor, the SFMTA would be required to submit an alternative budget.

In Fiscal Year 2022-2023, SFMTA's estimated revenue from transit fares on Muni buses, trains, and streetcars was \$88 million. During that same period, the department's estimated revenue from parking meters was \$50 million, when the parking meters were operating across the city from 9 a.m. to 6 p.m., Monday through Saturday, and Sunday in select locations.

Sincerely,

*Janice Levy* FOR  
Ben Rosenfield  
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office  
Anne Pearson, Deputy City Attorney, Office of the City Attorney  
John Arntz, Director, Department of Elections  
Gayathri Thaikkendiyil, Acting Executive Director, Ethics Commission  
Jeffrey Tumlin, Executive Director, Municipal Transportation Agency  
[jeffrey.tumlin@sfmta.com](mailto:jeffrey.tumlin@sfmta.com)  
Keke Robinson-Lugman, SFMTA Citizens Advisory Council  
[Keka.robinson-lugman@sfmta.com](mailto:Keka.robinson-lugman@sfmta.com)

FROM: Victor Young, Assistant Clerk, Rules Committee  
Board of Supervisors

A handwritten signature in black ink that reads "Victor Young".

DATE: September 26, 2023

SUBJECT: CHARTER AMENDMENT INTRODUCED  
March 5, 2024

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The Board of Supervisors' Rules Committee has received following Charter Amendment for the March 5, 2024, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.4.

**File No. 230986 (ver1)**

**Charter Amendment (First Draft) 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; at an election to be held on March 5, 2024.**

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: [victor.young@sfgov.org](mailto:victor.young@sfgov.org). To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office  
Michael Canning, Ethics Commission

Kate Breen, SFMTA  
Janet Martinsen, SFMTA  
Joel Ramos, SFMTA