

BOARD of SUPERVISORS



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MEMORANDUM

Date: November 8, 2023
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee *Victor Young*
Subject: Board of Supervisors Legislation Referral - File No. 230986 (Version 2)
Charter Amendment - Mayoral Authority to Disapprove Certain SFMTA Budget Proposals

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☐ Ordinance / Resolution
 - ☒ Ballot Measure
- ☐ 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.

[Charter Amendment - Mayoral Authority to Disapprove 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 may disapprove in writing certain San Francisco Municipal Transportation Agency (SFMTA) proposals that must be part of SFMTA's proposed budget or budget amendment; proposals subject to disapproval are increases in fares and parking meter maximum rates, and net expansion of 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 (b)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 (b)8 shall modify the power of the Board of
11 Supervisors to establish civil offenses, infractions and misdemeanors.

12 (iii) Notwithstanding the authority established in subsection (b)8, to the extent
13 state law contemplates that any Agency action authorized by subsection (b)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 (b)8, the Agency
19 shall submit any increases in parking meter maximum rates or net expansion of hours or days of
20 parking meter operation to the Mayor and the Board of Supervisors as part of the submission of
21 the Agency's budget or submission of a budget amendment under Section 8A.106.

22 * * * *

23 **SEC. 8A.106. BUDGET.**

24 The Agency shall be subject to the provisions of Article IX of this Charter except:
25

1 (a) (1) If the Agency's proposed budget includes an increase in fares or parking
2 meter maximum rates, or a net expansion of hours or days of parking meter operation ("Fare
3 and/or Meter Increase"), then no later than April 15 of each even-numbered year, after
4 professional review and public hearing, and after receiving the recommendations of the Citizens'
5 Advisory Council, the Agency shall submit its proposed budget with annual appropriation detail
6 in a form approved by the Controller, for each of the next two fiscal years to the Mayor. By no
7 later than May 15, the Mayor may disapprove any proposed Fare and/or Meter Increase and
8 return the budget to the Agency to submit an alternative proposed budget to the Mayor by no
9 later than May 31. The Mayor's disapproval shall be in writing and shall identify the specific
10 Fare and/or Meter Increase(s) that are disapproved. If the Mayor takes no action to disapprove
11 any Fare and/or Meter Increase by May 15, the Mayor shall submit the proposed budget to the
12 Board of Supervisors, without change, for its review and consideration.

13 (2) For a proposed budget that does not include any Fare and/or Meter Increase
14 as set forth in subsection (a)(1), no ~~Not~~ later than May 1 of each even-numbered year, after
15 professional review, ~~and~~ public hearing, and after receiving the recommendations of the Citizens'
16 Advisory Council, the Agency shall submit its proposed budget with annual appropriation detail
17 in a form approved by the Controller for each of the next two fiscal years to the Mayor, ~~and the~~
18 Mayor shall submit it to ~~and~~ the Board of Supervisors, without change, for ~~their~~its review and
19 consideration.

20 (3) The Agency shall propose a budget that is balanced without the need for
21 additional funds over the Base Amount, but may include any Fare and/or Meter Increase subject
22 to the Mayor's review as provided in subsection (a)(1), fare ~~increases and~~ decreases, and
23 reductions or abandonment of service. ~~The Mayor shall submit the budget to the Board of~~
24 ~~Supervisors, without change.~~ Should the Agency request additional general fund support over the
25 Base Amount, it shall submit an augmentation request for those funds in the standard budget

1 process and subject to normal budgetary review and amendment under the general provisions of
2 Article IX.

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

6 (c) No later than August 1, the Board of Supervisors may allow the Agency's budget to
7 take effect without any action on its part or it may reject but not modify the Agency's budget by a
8 seven-elevenths' vote. Any fare change, route abandonment, or revenue measure proposed in the
9 budget shall be considered accepted unless rejected by a seven-elevenths' vote on the entire
10 budget. Should the Board reject the budget, it shall make additional interim appropriations to the
11 Agency from the Municipal Transportation Fund sufficient to permit the Agency to maintain all
12 operations through the extended interim period until a budget is adopted. Any request for
13 appropriation of General Fund revenues in excess of the Base Amount shall be approved,
14 modified, or rejected under the general provisions of Article IX.

15 (d) No later than May 1 of each odd-numbered year or at any other time in the Agency's
16 discretion, the Agency shall submit any budget amendment that may be required to increase
17 appropriations over those approved in the two-year budget or as may be required by law,
18 provided that such budget amendment shall establish a detailed plan with appropriation detail
19 only for those anticipated revenues and expenditures exceeding those approved in the two-year
20 budget or as otherwise required by law. The Agency may submit to the Board of Supervisors
21 such additional budget amendments or modifications during the term of the budget, including but
22 not limited to amendments reflecting fare changes, route abandonments and revenue measures,
23 as may be required in the discretion of the Agency. At any time the Agency proposes a budget
24 amendment that includes a Fare and/or Meter Increase, the Agency shall first submit the budget
25 amendment to the Mayor and the Mayor shall have 15 days to disapprove any Fare and/or Meter

1 Increase. The Mayor's disapproval shall be in writing and shall identify the specific Fare and/or
2 Meter Increase(s) that are disapproved. If the Mayor disapproves any Fare and/or Meter
3 Increase, the Agency shall not submit the budget amendment to the Board of Supervisors. If the
4 Mayor does not disapprove any Fare and/or Meter Increase within 15 days, the Mayor or the
5 Agency shall submit the budget amendment to the Board of Supervisors. Once submitted, the~~The~~
6 Board of Supervisors may allow any budget amendment to take effect without any action on its
7 part or it may reject but not modify the budget amendment by a seven-elevenths' vote taken
8 within 30 days after its submission to the Board of Supervisors.

9 (e) Notwithstanding any other provisions of this Charter or requirements of the Annual
10 Salary Ordinance, the Controller may authorize the Agency to move funds within its budget and
11 hire personnel without specific Controller approval so long as the Agency's periodic and
12 verifiable projections of spending by the Agency show the Controller that the Agency's spending
13 will be within the approved budget. However, should the projections show that the Agency
14 spending is likely to exceed its budget, the Controller may impose appropriate controls in ~~his or~~
15 ~~her~~ the Controller's discretion to keep the Agency within budget.

16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney
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19 By: /s/
20 JON GIVNER
21 Deputy City Attorney

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