

File No. 150813

Committee Item No. 6  
Board Item No. 8

### COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget & Finance Committee

Date September 9, 2015

Board of Supervisors Meeting

Date 9/15/15

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Completed by: Linda Wong Date September 4, 2015  
Completed by: Linda Wong Date 9/10/15

1 [Administrative Code – Expanding the San Francisco Disaster Recovery Fund]

2  
3 **Ordinance amending the Administrative Code to rename the San Francisco Disaster**  
4 **Recovery Fund as the San Francisco Disaster Recovery and Emergency Response and**  
5 **Recovery Fund, redesignate the fund as a category eight fund, and specify how the**  
6 **City may use the fund.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

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

15 Section 1. The Administrative Code is hereby amended by revising Section 10.100-  
16 100, to read as follows:

17 **SEC. 10.100-100. THE SAN FRANCISCO DISASTER AND EMERGENCY**  
18 **RESPONSE AND RECOVERY FUND.**

19 (a) **Establishment of Fund.** The San Francisco Disaster *and Emergency Response and*  
20 *Recovery Fund* is established as a *response and recovery measure to ensure San Francisco's*  
21 *ability to quickly respond to and recover from disaster and emergency events that impact the City and*  
22 *County of San Francisco, its residents, and its businesses. The San Francisco Disaster and Emergency*  
23 *Response and Recovery Fund is a category ~~four~~ eight fund, authorized to receive all private*  
24 *donations, grants, gifts, and bequests of money and property which may be offered to the City*  
25 *and County of San Francisco to assist in funding the City's response and recovery efforts during*  
*and after ~~an~~ a disaster or emergency.*

1 (b) **Use of Fund.** Donors may designate the following categories of use for their funds:

2 (1) Public Infrastructure Repair and Replacement: The fund is to be used for projects  
3 to replace, repair, and rebuild public buildings, infrastructure, and other assets owned by the  
4 City and County that were damaged ~~in an~~ or rendered unusable as a result of a disaster or  
5 emergency.

6 (2) Disaster/Emergency Housing and/or Relief: to provide shelter, food and other  
7 assistance to individuals and families in San Francisco who are impacted by a disaster or emergency  
8 event that affected San Francisco.

9 (3) Disaster/Emergency Animal Care Relief: to provide shelter, food and other  
10 assistance to animals and pets in San Francisco that are displaced or otherwise impacted by a disaster  
11 or emergency event that affected San Francisco.

12 (4) If the donor has not specified an intended category of use for the donation, the  
13 money or assets may be used for any of the purposes identified above at the discretion of the City  
14 Administrator, in consultation with the Controller and the Department of Emergency Management.

15 No costs which may be incurred by any City and County department in administering  
16 this fund or disbursements from this fund shall be recovered therefrom, except for electronic  
17 transactional or processing fees.

18 (c) The City Administrator's Office ~~will be the administering department for this fund:~~ is  
19 responsible for determining the allocation of this fund to the appropriate City agency or agencies in  
20 consultation with the Controller, the Department of Emergency Management, and the Office of the  
21 Mayor, provided that such allocation is consistent with the designated category of use as provided  
22 under subsection (b) above.

23 (d) By July 15 of each year, the City Administrator's Office and the Controller's Office shall  
24 complete submit an annual report to the Mayor and Board of Supervisors regarding Disaster and  
25 Emergency Response and Recovery Fund sources and uses. The annual report shall be a public

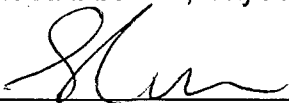
1 ~~record.~~ The Controller's Office shall also include the Disaster and Emergency Response and  
2 Recovery Fund's sources and uses in its Quarterly Budget Status Report and the related  
3 presentation it makes to the Board of Supervisors.

4  
5 Section 2. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor's veto of the ordinance.

9  
10 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
14 additions, and Board amendment deletions in accordance with the "Note" that appears under  
15 the official title of the ordinance.

16  
17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19 By:

  
20 ANDREW SHEN  
21 Deputy City Attorney

22 n:\egana\as2015\1500703\01006544.doc

**LEGISLATIVE DIGEST**

[Administrative Code – Expanding the San Francisco Disaster Recovery Fund]

**Ordinance amending the Administrative Code to rename the San Francisco Disaster Recovery Fund as the San Francisco Disaster Recovery and Emergency Response and Recovery Fund, redesignate the fund as a category eight fund, and specify how the City may use the fund.**

Existing Law

Section 10.100-100 of the Administrative Code establishes the San Francisco Disaster Recovery Fund.

This fund receives private donations, grants, gifts and bequests of money and property to assist in funding the City's recovery after an emergency. The fund may be used for projects to replace, repair, and rebuild buildings, infrastructure, and other City assets that were damaged in an emergency.

The City Administrator's Office administers this fund. This fund is a category four fund, which means that there are no automatic appropriations, the fund accumulates interest, and the fund balance carries forward. Admin. Code § 10.100-1.

Amendments to Current Law

Under the proposed amendments, the San Francisco Disaster Recovery Fund would be renamed the San Francisco Disaster Recovery and Emergency Response and Recovery Fund. The proposal would also make the following changes to this fund:

- donors may designate the use of their funds for three types of uses - public infrastructure repair and replacement, disaster/emergency housing and/or relief, and disaster/emergency animal care relief;
- the City Administrator's Office would allocate the fund's resources to the appropriate City agency or agencies, in consultation with the Controller, the Department of Emergency Management, and the Office of the Mayor;
- this fund would become a category eight fund, which would provide for automatic appropriation, the accumulation of interest, and that the fund balance would carry forward; and
- the City Administrator's Office and the Controller's Office shall submit an annual report regarding the fund to the Mayor and Board of Supervisors by July 15 of each year.

<b>Item 6</b> <b>File 15-0813</b>	<b>Departments:</b> City Administrator's Office Controller
<b>EXECUTIVE SUMMARY</b>	
<b>Legislative Objectives</b>	
<ul style="list-style-type: none"> <li>• Ordinance amending the Administrative Code to rename the San Francisco Disaster Recovery Fund as the San Francisco Disaster and Emergency Response and Recovery Fund, redesignate the fund as a category eight fund, and expand how the City may use the Fund.</li> </ul>	
<b>Key Points</b>	
<ul style="list-style-type: none"> <li>• Currently, the San Francisco Disaster Recovery Fund is a category four fund which receives all private donations, grants and gifts to the City to replace, repair and rebuild City and County buildings, infrastructure and other public assets damaged after an emergency. The Fund is subject to Mayor and Board of Supervisors appropriation approval and administered by the City Administrator's Office.</li> <li>• The proposed renamed San Francisco Disaster and Emergency Response and Recovery Fund would be changed from a category four fund to a category eight fund, which would no longer require Mayor and Board of Supervisors appropriation approval.</li> <li>• The Fund's uses would also be expanded to assist in funding the City's response and recovery efforts both during and after a disaster or emergency and to both repair and replace the City's assets as well as provide shelter, food and other assistance to individuals, families and/or pets impacted by an emergency.</li> <li>• Under the proposed ordinance, the City Administrator's Office would determine the allocations from the Fund in consultation with the Controller, Department of Emergency Management and the Mayor's Office. The City Administrator's Office would continue to administer the Fund. No costs can be recovered from the Fund for administrative expenses; however, electronic transactional or processing fees may be recovered. Each year, the City Administrator's Office and Controller's Office would be responsible for completing a public annual report on the sources and uses of this Fund.</li> </ul>	
<b>Fiscal Impact</b>	
<ul style="list-style-type: none"> <li>• The San Francisco Disaster Recovery Fund has received \$546 and no expenditures have been made from this Fund. Future contributions and expenditures cannot be projected.</li> </ul>	
<b>Recommendations</b>	
<ul style="list-style-type: none"> <li>• Amend the proposed ordinance to require the City Administrator's Office and the Controller to submit the annual report to the Mayor and Board of Supervisors.</li> <li>• Approval of the ordinance, as amended, is a policy decision for the Board of Supervisors.</li> </ul>	

## MANDATE STATEMENT

Section 10.100-100 of the Administrative Code establishes the San Francisco Disaster Recovery Fund as a category four fund to receive all private donations, grants, gifts and bequests of money and property which may be offered to the City and County of San Francisco to assist in funding recovery after an emergency. The San Francisco Disaster Recovery Fund can be used for projects to replace, repair and rebuild buildings, infrastructure and other assets owned by the City and County that were damaged in an emergency. The City Administrator's Office is responsible for administering this Fund; however, no costs may be recovered from this Fund for administration.

In accordance with Administrative Code Section 10.100-1, a category four fund accumulates interest, the fund balance carries forward, and the fund is subject to appropriation approval by the Mayor and the Board of Supervisors.

## BACKGROUND

In 2011, the City created an on-line donations program, Give2SF, to allow individuals or organizations to make donations to various City programs, based on provisions established in the City's Administrative Code. Such City programs include the (a) Voluntary Arts Contribution Fund, (b) Neighborhood Beautification Fund, (c) Mayor's Fund for the Homeless, (d) Recreation and Parks Gift Fund, (e) Animal Care & Control Fund, (f) City Services Preservation Fund, (g) City Hall Centennial Preservation Fund, and (h) San Francisco Disaster Recovery Fund. The policies and procedures for these donations and recipient programs are established by the Give2SF committee, which is comprised of the Treasurer/Tax Collector, Controller, City Administrator, Mayor's Office and the Department of Emergency Management.

According to Ms. Jennifer Johnston, Deputy City Administrator, when the recent Mission District fires occurred, which resulted in the displacement of families, individuals and animals, the City did not have an established fund to accept and allocate donations to fully and quickly address this specific emergency. Therefore, Ms. Johnston advises that the proposed ordinance was drafted to amend the existing San Francisco Disaster Recovery Fund to allow the City the flexibility and expanded ability to collect and quickly allocate donations during and following a disaster or emergency that impacts the City and/or its residents.

## DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would amend the Administrative Code to

- (a) rename the San Francisco Disaster Recovery Fund as the San Francisco Disaster and Emergency Response and Recovery Fund;
- (b) redesignate the fund as a category eight fund; and
- (c) expand how the City may use the Fund.

In accordance with Administrative Code Section 10.100-1, a category eight fund accumulates interest, the fund balance carries forward, and the fund is automatically appropriated. As noted above, the San Francisco Disaster Recovery Fund is currently a category four fund, which accumulates interest, the fund balance carries forward, and requires appropriation approval by the Mayor and the Board of Supervisors. Therefore, changing this Fund from a category four fund to a category eight fund would eliminate expenditures from this Fund being subject to Mayor and Board of Supervisors appropriation approval.

Currently, the City may only use the San Francisco Disaster Recovery Fund to assist in funding recovery after an emergency. Under the proposed ordinance, the newly named San Francisco Disaster and Emergency Response and Recovery Fund would be expanded to assist in funding the City's response and recovery efforts during and after a disaster or emergency. Currently, the Fund can only be used to repair and replace City-owned buildings and infrastructure. Under the proposed ordinance, donors to the Fund could designate the use of the funds for the following purposes:

1. Public Infrastructure Repair and Replacement: to replace, repair and rebuild public buildings, infrastructure and other assets owned by the City and County that were damaged or rendered unusable as a result of a disaster or emergency.
2. Disaster/Emergency Housing and/or Relief: to provide shelter, food and other assistance to individuals and families in San Francisco who are impacted by a disaster or emergency event that affected San Francisco.
3. Disaster/Emergency Animal Care Relief: to provide shelter, food and other assistance to animals and pets in San Francisco that are displaced or otherwise impacted by a disaster or emergency event that affected San Francisco.
4. If the donor has not specified an intended category of use for the donation: the money or assets may be used for any of the purposes identified above at the discretion of the City Administrator, in consultation with the Controller and the Department of Emergency Management.

Currently, the City Administrator's Office is responsible for administering this Fund, however, no costs may be recovered from the Fund for administration. Under the proposed ordinance, the City Administrator's Office would remain responsible for administering the Fund, and no administrative expenses may be recovered from the Fund. However, under the proposed ordinance, third party electronic transactional or processing fees that may apply, such as for donations made via credit card, could be recovered from the Fund.

The City Administrator's Office would be responsible for determining the allocation of this Fund to appropriate City departments in consultation with the Controller, Department of Emergency Management and the Mayor's Office. In addition, by July 15 of each year, the City Administrator's Office and the Controller's Office would be responsible for completing a public annual report on the sources and uses of this Fund. This provision should be amended to



require that this annual report regarding the sources and uses of the Fund be submitted by July 15 of each year to the Mayor and the Board of Supervisors.

### **FISCAL IMPACT**

To date, the existing San Francisco Disaster Recovery Fund has received a total of \$546, comprising 19 donations ranging from \$1 to \$100 between November 11, 2011 and July 16, 2013. To date, no expenditures have been made from this Fund.

Given that it is impossible to predict (a) future emergency events and (b) the public's willingness to donate to this Fund, future anticipated contributions, allocations and expenditures cannot be projected.

There are not anticipated to be any additional annual costs to the City other than incidental costs for the City Administrator's Office to administer the Fund and prepare the annual reports.

### **POLICY CONSIDERATION**

The proposed ordinance would change the San Francisco Disaster Recovery Fund to the San Francisco Disaster and Emergency Response and Recovery Fund, resulting in a change from a category four fund, which is subject to appropriation approval by the Mayor and the Board of Supervisors to a category eight fund, which would eliminate Mayor and Board of Supervisors appropriation approval. Under the proposed ordinance, the City Administrator's Office and the Controller's Office would be required to complete an annual report on the sources and uses of this Fund by July 15 of each year, which is proposed to be amended to require that these annual reports be submitted to the Mayor and the Board of Supervisors. Because appropriations from this Fund would not be subject to prior Board of Supervisors approval, the proposed ordinance is considered a policy decision for the Board of Supervisors.

### **RECOMMENDATIONS**

1. Amend the proposed ordinance to require the City Administrator's Office and the Controller to submit the annual report to the Mayor and Board of Supervisors regarding the Disaster and Emergency Response and Recovery Fund sources and uses.
2. Approval of the proposed ordinance, as amended, is a policy decision for the Board of Supervisors.

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *for* Mayor Edwin M. Lee *NE*  
RE: Administrative Code – Expanding the San Francisco Disaster Recovery Fund  
DATE: July 28, 2015

Attached for introduction to the Board of Supervisors is an ordinance amending the Administrative Code to rename the San Francisco Disaster Recovery Fund as the San Francisco Disaster Recovery and Emergency Response and Recovery Fund, redesignate the fund as a category eight fund, and specify how the City may use the fund.

Please note this item is co-sponsored by Supervisor Tang.

I respectfully request that this item be calendared in Budget & Finance Committee on September 9<sup>th</sup>, 2015.

Should you have any questions, please contact Nicole Elliott (415) 554-7940.

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BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Naomi Kelly, City Administrator  
Ben Rosenfield, City Controller  
Anne Kronenberg, Director, Department of Emergency Management  
Rebecca Katz, Director, Animal Care & Control Department  
Nicole Wheaton, Office of the Mayor

FROM: Derek Evans, Assistant Clerk, Board of Supervisors

DATE: August 3, 2015

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors Budget and Finance Committee has received the following legislation, introduced by Mayor Edwin Lee and Supervisor Katy Tang on July 28, 2015, which is being referred to your department.

**File No. 150813**

**Ordinance amending the Administrative Code to rename the San Francisco Disaster Recovery Fund as the San Francisco Disaster Recovery and Emergency Response and Recovery Fund, redesignate the fund as a category eight fund, and specify how the City may use the fund.**

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Todd Rydstrom, Deputy City Controller  
Linda Wong, Office of the Clerk of the Board of Supervisors

