

File No. 160151

Committee Item No. A

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

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date April 6, 2016

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input 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                      |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
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Completed by: Linda Wong Date April 1, 2016  
Completed by: Linda Wong Date \_\_\_\_\_

[Public Employment - Annual Salary Ordinance Amendment - Office of Small Business in the Mayor's Office of Economic and Workforce Development - FYs 2015-2016 and 2016-2017]

**Ordinance amending Ordinance No. 129-15 (Annual Salary Ordinance - FYs 2015-2016 and 2016-2017) to reflect the addition of one (1) 9774 Sr. Community Development Specialist for the equivalent of seven full pay periods before the end of FY2015-2016 in the Office of Small Business in the Mayor's Office of Economic and Workforce Development (ECN) to administer the Legacy Business Registry and Historic Preservation Fund.**

Note: Additions are single-underlined italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The hereinafter designated section and item of Ordinance No. 129-15 (Annual Salary Ordinance - FYs 2015-2016 and 2016-2017) is hereby amended as follows:

Department: ECN (21) Economic & Workforce Development  
Index Code: XXXXXX  
Program: XXX  
Subfund: 1G AGF AAP

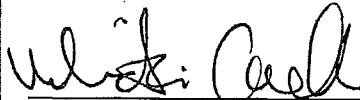
<u>Amendment</u>	<u># of Pos</u>	<u>Class and Item No</u>	<u>Compensation Schedule</u>
<u>Add</u>	<u>0.27 FTE</u>	<u>9774 Sr. Com. Dev. Spec. (A)</u>	<u>\$37,109</u>

FILE NO.

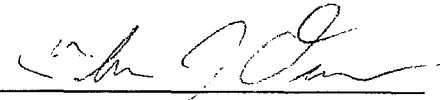
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APPROVED AS TO CLASSIFICATION  
DEPARTMENT OF HUMAN RESOURCES

  
Micki Callahan, 2/23/16  
Human Resources Director

APPROVED AS TO FORM  
DENNIS HERRERA, City Attorney

By:   
Deputy City Attorney

<b>Items 4 and 5</b> <b>Files 16-0151 and 16-0152</b>	<b>Departments:</b> Office of Small Business Office of Economic and Workforce Development
<b>EXECUTIVE SUMMARY</b>	
<b>Legislative Objectives</b>	
<ul style="list-style-type: none"> <li>• <u>File 16-0151</u>: Ordinance amending the FY 2015-16 and FY 2016-17 Annual Salary Ordinance to reflect the addition of one 9774 Senior Community Development Specialist for the equivalent of seven full pay periods in FY 2015-16 in the Office of Small Business under the Office of Economic and Workforce Development to administer the Legacy Business Registry and Historic Preservation Fund.</li> <li>• <u>File 16-0152</u>: Ordinance appropriating \$343,359 from the General Fund Reserve for grants and related administrative costs for the Legacy Business Registry and Historic Preservation Fund in the Office of Small Business under the Office of Economic and Workforce Development in FY 2015-16.</li> </ul>	
<b>Key Points</b>	
<ul style="list-style-type: none"> <li>• On March 10, 2015, the Board of Supervisors established a Legacy Business Registry and set a one-time \$50 administrative fee for each Legacy Business.</li> <li>• On November 3, 2015, San Francisco voters approved an ordinance establishing a Legacy Business Historic Preservation Fund to provide grants to (a) Legacy Businesses and (b) building owners who lease space to Legacy Businesses for at least ten years.</li> </ul>	
<b>Fiscal Impact</b>	
<ul style="list-style-type: none"> <li>• \$281,250 would provide approximately 13 grants of \$4.50 per square foot of leased space up to 5,000 square feet per location, or up to \$22,500 in the first year to each building owner who leases space for at least ten years to a Legacy Business. If 24 Legacy Business property owners qualify for the maximum grant award, the cost could be \$540,000 per year or a compounded \$29,700,000 over a ten-year term.</li> <li>• \$37,109 would fund one new permanent position for seven pay periods in FY 2015-16, based on an anticipated start date of April 9, 2016. This one new position will cost \$143,037 in General Fund costs in FY 2016-17. \$25,000 would fund a consultant to develop (a) a brand identity, (b) toolkit, (c) marketing program and website.</li> </ul>	
<b>Recommendations</b>	
<ul style="list-style-type: none"> <li>• Amend the proposed supplemental appropriation (File 16-0152) to reduce the request of General Reserve monies for (a) salary and fringe benefits for one new position by \$26,506, from \$37,109 to \$10,603 to reflect the required timing to hire the new position, and (b) the total supplemental appropriation by \$26,506 from \$343,359 to \$316,853.</li> <li>• Approval of the proposed ordinances, as amended, is a policy decision for the Board of Supervisors.</li> </ul>	

## MANDATE STATEMENT

City Charter Section 9.105 provides that amendments to the Annual Appropriations Ordinance, after the Controller certifies the availability of funds, are subject to Board of Supervisors approval by ordinance.

City Administrative Code Section 10.04 specifies that salary ordinances identifying the number and rates of compensation for positions to be created are subject to Board of Supervisors approval by ordinance.

## BACKGROUND

### Legacy Business Registry

On March 10, 2015, the Board of Supervisors approved an ordinance amending the City's Administrative Code to direct the Small Business Commission to establish a Legacy Business Registry and authorize an administrative fee not to exceed \$50 to be charged to each Legacy Business (File 14-1038; Ordinance No. 29-15). As specified in the Code, a Legacy Business is a business that has been nominated by a member of the Board of Supervisors or the Mayor and that the Small Business Commission determines, after public hearing, meets the following criteria:

- (1) has operated in San Francisco for 30 or more years, with no break in operations for more than two years and was founded or currently headquartered in San Francisco;
- (2) has contributed to the neighborhood's history and/or identity of a particular neighborhood or community; and
- (3) is committed to maintaining the physical features or traditions that define the business, including craft, culinary or art forms.

Under this previously approved ordinance, the Small Business Commission was also directed to survey San Francisco's Legacy Businesses and make substantive recommendations to the Board of Supervisors for the provision of Legacy Business programs no later than September 30, 2015. Such programs could include business and technical assistance, lease renewal and acquisition assistance, public education and commendation initiatives, financial incentives to encourage stability of businesses and business stabilization and neighborhood continuity initiatives. This survey of Legacy Businesses has not yet been conducted and submittal of recommendations to the Board of Supervisors regarding Legacy Business programs has not yet occurred.

According to Ms. Regina Dick-Endrizzi, the Executive Director of the Office of Small Business, to date, 12 applications from businesses requesting inclusion in the Legacy Business Registry have been submitted for processing and approval. Based on these 12 applications, to date, the Office of Small Business has collected a total of \$600 in administrative fees (12 x \$50). In addition, 20 other businesses have been nominated for inclusion in the Legacy Business Registry and are currently completing applications to be part of the Legacy Business Registry.

Legacy Business Historic Preservation Fund

On November 3, 2015, San Francisco voters approved Proposition J, which is an ordinance that established a Legacy Business Historic Preservation Fund to provide grants to (a) Legacy Businesses and (b) building owners who lease space to Legacy Businesses for at least ten years. To receive such grants, Legacy Businesses would be required to be listed on the Legacy Business Registry. Under Proposition J, Legacy Businesses can receive annual grants of up to \$500 per full-time equivalent employee in San Francisco and building owners who lease space to Legacy Businesses for at least ten years can receive annual grants of \$4.50 per square foot of leased space up to 5,000 square feet per location, with cost of living annual adjustments. Proposition J also expanded the definition of Legacy Business to include businesses and nonprofits that have operated in San Francisco for more than 20 years (instead of 30 or more years)<sup>1</sup>, have significantly contributed to the history or identity of a neighborhood, and, if not included in the Registry, would face a significant risk of displacement because of increased rents or lease termination. All of the funds to implement Proposition J are subject to Board of Supervisors appropriation approval.

Proposition J limits the Legacy Business Registry to 300 additional businesses each fiscal year, although there is no limit on the total number of Legacy Businesses that may ultimately qualify for funds. The Small Business Commission may adopt rules and regulations to implement Proposition J, which must be provided as written notice to the Clerk of the Board of Supervisors. If a member of the Board of Supervisors does not introduce an ordinance to disapprove such rules and regulations within 30 days or enact such ordinance within 90 days, the Small Business Commission regulations become effective.

The proposed two ordinances are intended to begin to implement Proposition J in FY 2015-16.

**DETAILS OF PROPOSED LEGISLATION**

File 16-0151: Ordinance amending the FY 2015-16 and FY 2016-17 Annual Salary Ordinance to reflect the addition of one 9774 Senior Community Development Specialist for the equivalent of seven full pay periods in FY 2015-16 in the Office of Small Business under the Office of Economic and Workforce Development to administer the Legacy Business Registry and Historic Preservation Fund.

File 16-0152: Ordinance appropriating \$343,359 from the General Fund Reserve for grants for a rent stabilization program, professional services and related administrative costs for the Legacy Business Registry and Historic Preservation Fund in the Office of Small Business under the Office of Economic and Workforce Development.

The requested 9774 Senior Community Development Specialist would be a new full-time permanent position in the Office of Small Business to:

<sup>1</sup> Ms. Dick-Endrizzi advises that businesses that have been in business for 30+ years is the primary criteria, however, nominators can use a special consideration for including businesses with 20-29 years of longevity, which will be subject to the Small Business Commission's final determination.

- 1- Facilitate the estimated 300 annual Legacy Business Registry applications;
- 2- Manage the Legacy Business Registry;
- 3- Conduct the above-noted survey of Legacy Businesses and develop recommendations for Legacy Business programs for the Board of Supervisors;
- 4- Manage the Legacy Business promotional assistance program;
- 5- Facilitate and support educational programs for Legacy Businesses;
- 6- Administer the Legacy Business Historic Preservation Fund; and
- 7- Maintain data and produce annual reports and budget requests as necessary.

**FISCAL IMPACT**

The requested \$343,359 of General Fund Reserve monies would be appropriated as shown in Table 1 below.

**Table 1: Supplemental Appropriation Request**

City Grants for Rent Stabilization	\$281,250
Other Professional Services	25,000
9774 Senior Community Development Specialist salary and benefits	37,109
Total	\$343,359

City Grants for Rent Stabilization

The City Grants expenditure request for \$281,250 would fund a Legacy Business rent stabilization program under Proposition J, to provide annual grants to building owners who lease space for at least ten years to Legacy Businesses. Each annual grant would provide \$4.50 per square foot of leased space up to 5,000 square feet per location, or a maximum of \$22,500 per rent stabilization grant in the first year, with potential cost of living annual adjustments. Ms. Dick-Endrizzi estimates that the requested \$281,250 in this supplemental appropriation would fund up to 13 property owners this first year.

Ms. Dick-Endrizzi estimates that 8% of the 300 Legacy Businesses each year, or 24 Legacy Businesses, may have property owners who apply for these rent stabilization grants each year. If 24 Legacy Business property owners apply for rent stabilization grant funds each year, and each qualifies for the maximum grant award, the estimated cost would be \$540,000 annually (\$22,500 x 24). Once awarded, the annual rent stabilization grant could continue for the ten year term of the lease. Therefore, if an additional 24 Legacy Business property owners apply each year, this could result in at least an additional \$540,000 each year<sup>2</sup>, or a compounded \$29,700,000 over a ten-year term.

Ms. Dick-Endrizzi also cautions that it is not currently known how many Legacy Businesses will actually enter into ten year leases with property owners who will request these rent

<sup>2</sup> As specified in Proposition J, the annual rent stabilization grant amount could be increased based on cost of living adjustments.

stabilization grants. Ms. Dick-Endrizzi advises that the Small Business Commission will be identifying criteria for awarding such rent stabilization funding, if more applications for rent stabilization grants are received than there is available funding.

The requested \$281,250 grant funding for rent stabilization is for FY 2015-16. As noted above, Proposition J provides that Legacy Businesses can also receive annual grants of up to \$500 per full-time equivalent employee. However, the proposed supplemental appropriation would not fund grants for this purpose. As of the writing of this report, Ms. Dick-Endrizzi cannot indicate the amount of General Fund revenues that will be requested in the FY 2016-17 or subsequent year budgets for grants to building owners who lease space to Legacy Businesses or directly for Legacy Businesses based on the up to \$500 per employee grants.

Other Professional Services

The Other Professional Services expenditure request for \$25,000 would fund a consultant, selected through a Request for Proposal (RFP) process, to develop (a) a logo and brand identity for the Legacy Business Registry Program, (b) toolkit for businesses, (c) marketing program and website to integrate with the Office of Small Businesses’ website. This would be a one-time expenditure. Ms. Dick-Endrizzi also estimates approximately \$7,500 General Fund expenditures in FY 2016-17 for translation and printing of Legacy Business materials.

Senior Community Development Specialist Position

The 9774 Senior Community Development Specialist expenditure request for \$37,109 would fund one new permanent position for seven pay periods in FY 2015-16, based on an anticipated start date of April 9, 2016, as shown in Table 2 below.

**Table 2: New Senior Community Development Specialist Position in FY 2015-16**

<u>FY 2015-16</u>	Effective <u>4/9/16</u>	Effective <u>6/6/16</u>	<u>Difference</u>
9774 Senior Community Development Specialist Salary	\$26,516	\$7,576	\$18,940
Fringe Benefits	<u>10,593</u>	<u>3,027</u>	<u>7,566</u>
Total FY 2015-16	\$37,109	\$10,603	\$26,506

However, the earliest that such a new position could begin would be June 6, 2016, reflecting two pay periods in FY 2015-16, which would result in an estimated costs of \$7,576 for salary and \$3,027 for fringe benefits, or a total cost of \$10,603 in FY 2015-16 as shown in Table 2 above. Therefore, the requested supplemental appropriation for salary and fringe benefits should be reduced by \$26,506 from \$37,109 to \$10,603, as shown in Table 2 above. This \$26,506 reduction will result in an overall reduction in the requested supplemental appropriation from \$343,359 to \$316,853.

Ms. Dick-Endrizzi advises that she is requesting this position be included in her proposed FY 2016-17 budget for the Office of Small Business. If the proposed one new 9774 Senior Community Development Specialist position is hired, as shown in Table 3 below, this position is



estimated to cost approximately \$143,037 in General Fund costs in FY 2016-17, with annual cost of living adjustments in the future.

**Table 3: Annual Cost for Senior Community Development Specialist Position in FY 2016-17**

<u>FY 2016-17</u>	
9774 Senior Community Development Specialist Salary	\$101,689
Fringe Benefits	<u>41,348</u>
Total FY 2016-17	\$143,037

Ms. Dick-Endrizzi does not currently anticipate requesting additional positions to manage the Legacy Business Registry and Legacy Business Preservation Fund. However, additional positions may be requested for supportive and educational programs depending on the response and need of Legacy Businesses in the future.

Revenues Anticipated

As noted above, to date, the Office of Small Business has collected \$600 in administrative fees based on the \$50 one-time administrative fee and 12 applications submitted. Proposition J limits the Legacy Business Registry to 300 additional businesses each fiscal year. Therefore, based on the \$50 one-time administrative fee, total revenues of \$15,000 per year would be realized (300 x \$50).

General Fund Reserve Balance

The City’s General Fund Reserve balance is currently \$73,391,443. If the Board of Supervisors approves the requested \$343,359 supplemental appropriation ordinance, the General Fund Reserve would be reduced to \$73,048,084.

**POLICY CONSIDERATION**

The Controller indicated in the November 2015 Voter Information Pamphlet that Proposition J would result in significant costs to government if the Mayor and Board of Supervisors chose to fully fund the Legacy Business programs. According to the Controller’s estimates, the cost of these programs could grow by approximately \$2.1 million to \$3.7 million annually beginning in FY 2015-16, ultimately reaching a potential cost of between \$51 million and \$94 million annually once all qualifying legacy businesses and leased spaces are enrolled in 25 years. However, the Controller noted that these costs will depend on decisions made through the budget process, as an ordinance such as Proposition J cannot bind future Mayors and Board of Supervisors to provide funding for this or any other purposes. All such expenditures would be subject to appropriation approval by the Board of Supervisors.

As noted above, the Small Business Commission will be developing rules and regulations, including identifying criteria for awarding rent stabilization and Legacy Business grant funding. Such regulations could provide broader or more restrictive criteria, such as proving financial need or restricted to specific types or sizes of businesses, which could potentially limit or expand the number of Legacy Businesses and property owners that would qualify to receive

General Fund revenues appropriated for this purpose. As also noted above, the Small Business Commission must provide written notice to the Clerk of the Board of Supervisors regarding future Legacy Business rules and regulations. If a member of the Board of Supervisors does not introduce an ordinance to disapprove such rules and regulations within 30 days or enact such ordinance within 90 days, the Small Business Commission regulations become effective.

## RECOMMENDATIONS

1. Amend the proposed supplemental appropriation (File 16-0152) to reduce the request of General Reserve monies for (a) salary and fringe benefits for one new position by \$26,506, from \$37,109 to \$10,603 to reflect the required timing to hire the new position, and (b) the total supplemental appropriation by \$26,506 from \$343,359 to \$316,853.
2. Approval of the proposed ordinances, as amended, is a policy decision for the Board of Supervisors.

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Regina Dick-Endrizzi, Director, Office of Small Business  
Todd Rufo, Director, Office of Economic and Workforce Development

FROM: Linda Wong, Assistant Clerk, Budget and Finance Committee

DATE: March 28, 2016

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Supervisor David Campos:

**File No. 160151**

**Ordinance amending Ordinance No. 129-15 (Annual Salary Ordinance - FYs 2015-2016 and 2016-2017) to reflect the addition of one (1) 9774 Sr. Community Development Specialist for the equivalent of seven full pay periods before the end of FY2015-2016 in the Office of Small Business in the Mayor's Office of Economic and Workforce Development (ECN) to administer the Legacy Business Registry and Historic Preservation Fund.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Lisa Pagan, Office of Economic and Workforce Development

## Wong, Linda (BOS)

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**From:** Wong, Linda (BOS)  
**Sent:** Monday, March 28, 2016 11:11 AM  
**To:** Dick-Endrizzi, Regina (ECN); Rufo, Todd (ECN)  
**Cc:** Pagan, Lisa (ECN)  
**Subject:** File Nos. 160151 and 160152 - REFERRALS FROM BOARD OF SUPERVISORS (Budget & Finance Committee)  
**Attachments:** 160151.pdf; 160152.pdf

Good morning,

Attached are referrals for BOS File Nos. 160151 and 160152, which are being sent to you for informational purposes. If you have any comments or reports to be included with the files, please respond to this email or forward them to me at the address listed below.

### **File No. 160151**

Ordinance amending Ordinance No. 129-15 (Annual Salary Ordinance - FYs 2015-2016 and 2016-2017) to reflect the addition of one (1) 9774 Sr. Community Development Specialist for the equivalent of seven full pay periods before the end of FY2015-2016 in the Office of Small Business in the Mayor's Office of Economic and Workforce Development (ECN) to administer the Legacy Business Registry and Historic Preservation Fund.

### **File No. 160152**

Ordinance appropriating \$343,359 from the General Reserve for grants and related administrative costs for the Legacy Business Registry and Historic Preservation Fund in the Office of Small Business in the Mayor's Office of Economic and Workforce Development in FY2015-2016.

Sincerely,

Linda Wong  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: 415.554.7719 | Fax: (415) 554-5163  
[Linda.Wong@sfgov.org](mailto:Linda.Wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

**The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.**

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Campos, Peskin

**Subject:**

Public Employment - Amending the Annual Salary Ordinance for a Legacy Business Registry and Historic Preservation Fund Manager in the Office of Small Business in the Mayor's Office of Economic and Workforce Development

**The text is listed below or attached:**

[ ]

Signature of Sponsoring Supervisor: David Campos

For Clerk's Use Only: