


BOARD of SUPERVISORS



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MEMORANDUM

TO: Nicole Elliott, Mayor's Office
Jon Givner, Office of the City Attorney
John Arntz, Director, Department of Elections
Shireen McSpadden, Department of Aging and Adult Services
Trent Rhorer, Human Services Agency

FROM:  Derek Evans, Clerk, Rules Committee
Board of Supervisors

DATE: June 3, 2016

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2016, Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 8, 2016, Election, introduced by Supervisor Cohen on May 24, 2016. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 160585 Charter Amendment - Dignity Fund

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to: 1) establish the Dignity Fund to support Seniors and Adults with Disabilities; 2) create an annual set-aside from the property tax for the Dignity Fund in an amount equivalent to an annual tax of two cents for each \$100 of assessed valuation, and a baseline appropriation based on City spending for these purposes in FY2016-2017; 3) establish a planning process for expenditures from the Fund; 4) create an Oversight and Advisory Committee; 5) set an expiration date of June 30, 2037; and, 6) change the Commission on Aging to the Aging and Adult Services Commission, update its responsibilities, and divide the appointing power between the Mayor and the Board of Supervisors, at an election to be held on November 8, 2016.

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

If you have any questions or concerns, please call me at (415) 554-7702 or email: derek.evans@sfbgov.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: Bridget Badasow, Department of Aging and Adult Services
Krista Ballard, Human Services Agency
Louise Rainey, Human Services Agency

1 [Charter Amendment - Dignity Fund]

2

3 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
 4 **County of San Francisco to: 1) establish the Dignity Fund to support Seniors and Adults**
 5 **with Disabilities, 2) create an annual set-aside from the property tax for the Dignity Fund**
 6 **in an amount equivalent to an annual tax of two cents for each \$100 of assessed valuation,**
 7 **and a baseline appropriation based on City spending for these purposes in fiscal**
 8 **year 2016-2017; 3) establish a planning process for expenditures from the Fund; 4) create**
 9 **an Oversight and Advisory Committee; 5) set an expiration date of June 30, 2037; and,**
 10 **5) change the Commission on Aging to the Aging and Adult Services Commission, update**
 11 **its responsibilities, and divide the appointing power between the Mayor and the Board of**
 12 **Supervisors, at an election to be held on November 8, 2016.**

13

14 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
 15 and County, at an election to be held on November 8, 2016, a proposal to amend the Charter of
 16 the City and County by adding Sections 16.128-1 through 16.128-14, and amending
 17 Sections 4.120 and 15.105, to read as follows:

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

23 **SEC. 16.128-1. DIGNITY FUND; PREAMBLE.**

24 *(a) There is hereby established a fund, which shall be called the Dignity Fund ("Fund"),*
 25 *to be administered by the Department of Aging and Adult Services ("DAAS"), or any successor*
agency. Monies in the Fund shall be used or expended by DAAS, subject to the budgetary and

1 fiscal provisions of the Charter, solely to help Seniors and Adults with Disabilities secure and
2 utilize the services and support necessary to age with dignity in their own homes and
3 communities. For purposes of Section 16.128-1 through 16.128.14, "Senior" shall mean a
4 person 60 years old or older, and "Adult with a Disability" shall mean a person 18 years old or
5 older with a disability as defined under the Americans With Disabilities Act.

6 (b) The Dignity Fund is needed to ensure the health and well-being of Seniors and Adults
7 with Disabilities for the following reasons:

8 (1) DAAS and the San Francisco Long Term Care Coordinating Council have
9 advanced a vision and set of long-term goals that highlight best practices, strengthen access to
10 services, coordinate across agencies and City departments, and develop a unified strategy.

11 (2) Important safety net services to Seniors and Adults with Disabilities such as
12 adult day programs and/or other state-funded services directed to low-income populations have
13 suffered significant losses in funding due in part to the reorganization of California's health and
14 long-term care services.

15 (3) San Francisco non-profit community based organizations are the City's most
16 valuable public assets in terms of supporting Seniors and Adults with Disabilities to age with
17 dignity in their own homes and communities.

18 (4) Seniors and Adults with Disabilities are valuable contributors to the City's
19 vitality and must stay connected to friends and family who can help them age in place with
20 dignity.

21 (5) Because a majority of the City's Seniors and Adults with Disabilities live on
22 fixed incomes, the growing economic divisions in the City are putting them increasingly at risk of
23 poor health outcomes and institutionalization.

24 (6) San Francisco has the highest percentage of Seniors and Adults with
25 Disabilities of any urban area in California and the number of Seniors continues to steadily

1 increase, especially for those over the age of 85. Over 40% live alone with inadequate support
2 networks, in part because their families have been forced to seek more affordable housing or
3 employment elsewhere, or because they have no children or they lack supportive families.

4 (7) The constant increase in economic pressure and lack of support for Seniors
5 and Adults with Disabilities has impacted the cultural and ethnic diversity of the City.

6 (8) As of 2015, over 19,200 people 55 years of age and older were living in San
7 Francisco with Alzheimer's disease or dementia. This number is projected to increase to 26,868
8 by 2030 – a 40% increase in 15 years.

9 (9) Over 70% of veterans in the City are over the age of 55 and 28% of those
10 have disabilities. As of 2015, 40% of all veterans rely on Veterans Administration health care
11 with the remainder reliant on outside agencies to provide care, representing a massive
12 undertaking by community based organizations.

13 (10) As of 2015, approximately 60% of people with HIV in San Francisco were
14 over 50 years old. In 2020, it is estimated, 70% of people with HIV in San Francisco will be
15 over 50 years old.

16 (11) In 2013, the Insight Center determined that a single person 65 years of age
17 or older needed a monthly income of \$2,526 to rent housing and meet his or her basic needs in
18 San Francisco. At that time, the fair market rent for a one-bedroom apartment was \$1,500 a
19 month and 62% of all Seniors could not afford that rent. As of 2016, the fair market monthly
20 rent for the same apartment is \$1,635. Many apartments have higher rents. The median rent for
21 a one bedroom apartment in San Francisco is now approximately \$3,600 per month.

22
23 **SEC. 16.128-2. GOALS OF THE DIGNITY FUND.**

24 The goals of expenditures from the Fund and the planning process created in
25 Charter Sections 16.128-1 through 16.128-14, shall be:

1 (a) To ensure that San Francisco's Seniors and Adults with Disabilities are provided the
2 opportunity to age with dignity and with affordable, quality services and support.

3 (b) To ensure San Francisco is an aging- and disability-friendly city, helping individuals
4 age with dignity in communities as an important part of the City population and civic culture.

5 (c) To focus on the prevention of problems and on supporting and enhancing the
6 strengths of older adults, people with disabilities, and their hands-on care providers.

7 (d) To complement the City's housing and community development efforts by providing
8 needed long-term services and support in housing to keep individuals in their homes and
9 communities.

10 (e) To strengthen a community-based network of services and support in all
11 neighborhoods.

12 (f) To ensure that Seniors and Adults with Disabilities receive maximum benefit from the
13 Fund and that equity is a guiding principle of the funding process.

14 (g) To distribute funds based on best practices, the highest need, and successful and
15 innovative models in order to ensure maximum impact.

16 (h) To the maximum extent feasible, to distribute funds equitably among services for all
17 eligible groups, regardless of race, ethnicity, sexual orientation, or gender identity or other
18 identifying characteristics.

19 (i) To ensure Seniors and Adults with Disabilities are provided with gender responsive
20 and culturally competent services.

21 (j) To strengthen collaboration around shared and agreed upon outcomes among service
22 providers for Seniors and Adults with Disabilities and their hands-on care providers, including
23 collaboration among public agencies and non-profit organizations.

24 (k) To fill gaps in services.

25 (l) To leverage other resources whenever feasible.

1 (m) To support programs that prioritize:

2 (1) Stabilizing people, through food, homecare, transportation, and case
3 management services;

4 (2) Stabilizing housing to permit people to age in place successfully, through
5 eviction protection, housing preservation, and accessibility improvements to existing housing;

6 (3) Preventive health care and healthy aging;

7 (4) Supporting transitions to the best home and community care and support,
8 through ombudsman services, transitional care programs, and navigation assistance; and

9 (5) Caregiver support.

10
11 **SEC. 16.128-3. ANNUAL SET-ASIDE.**

12 Beginning with fiscal year 2017-2018 and continuing through the term of the Fund, the
13 City each year shall set aside from the property tax levy an amount equivalent to an annual tax
14 of two cents (\$.02) for each \$100 of assessed valuation. Revenues from the set-aside, together
15 with interest, shall be deposited into the Fund. Revenues from the set-aside shall be in addition
16 to the baseline appropriation required by Section 16.128-7.

17 The Controller shall maintain the Fund separate and apart from all other City funds.
18 Any amount in the Fund unspent or uncommitted at the end of the fiscal year shall be carried
19 forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this
20 Charter, shall be appropriated then or thereafter for the services and purposes specified in
21 Section 16.128-5.

22
23 **SEC. 16.128-4. NEW SERVICES.**

24 Monies in the Fund shall be used exclusively for the costs of services to Seniors and
25 Adults with Disabilities as set forth in Section 16.128-5.

1 Monies in the Fund shall not be appropriated or expended for services that received any
2 of the funds included in the Controller's baseline budget covering fiscal year 2016-2017 as
3 provided in Section 16.128-7, whether or not the costs of such services increase. Nor shall
4 monies from the Fund be appropriated or expended for services that substitute for or replace
5 services included or partially included in that baseline budget, except and solely to the extent
6 that the City ceases to receive federal, State, or private agency funds that the funding agency
7 required to be spent only on those services.

8 The Controller's baseline budget shall mean the Controller's calculation of the actual
9 amount of City appropriations for services for fiscal year 2016-2017 that would have qualified
10 as eligible services under Section 16.128-5 but were paid for from other sources, as adjusted.
11

12 **SEC. 16.128-5. ELIGIBLE SERVICES.**

13 The City shall only use monies from the Fund for the following categories of services and
14 purposes, to benefit Seniors and Adults with Disabilities:

15 (a) Home and Community Based Long Term Care and Support: Home care, adult day
16 health care, adult social day care, IHSS emergency homecare, short term interim housing
17 options, housing stabilization and support services, respite care, transitional housing for those
18 leaving institutional care, related transportation (not already mandated or funded), accessible
19 transportation programs, and other similar services funded through the City's Aging and Adult
20 Services Community Living Fund, or any successor legislation.

21 (b) Food and Nutrition Programs: Nutrition programs, including group meals,
22 home-delivered meals, home-delivered groceries, food stamps outreach, and related education
23 and outreach programs such as chronic disease self-management programs.

24 (c) Consumer and Caregiver Education, Empowerment, and Support: Programs
25 including computers and digital learning, peer support programs, employment and training

1 programs not otherwise mandated, senior companions, information and assistance programs,
2 health insurance counseling and advocacy counseling, service connection programs, including
3 resource centers supporting those with Alzheimer’s disease and dementia, and family caregiver
4 support programs.

5 (d) Senior/Disabled Community and Service Centers: Programs including senior
6 centers, neighborhood-based village projects and similar programs, case management and care
7 coordination, housing-based service connection programs, and other community-building
8 activities that lead to more aging- and disability-friendly neighborhoods.

9 (e) Empowerment, Self-Advocacy and Legal Services Programs: Programs including
10 benefits counseling and advocacy, eviction prevention, housing advocacy, long term care
11 consumer rights, ombudsman programs, naturalization services, legal services and support, and
12 IHSS/Supplemental Security Income (“SSI”)/Medi-Cal advocacy, including strengthening share
13 of cost options.

14 (f) Health and Wellness Promotion: Programs including abuse and fraud prevention,
15 grief counseling and suicide prevention, telephone reassurance, medication management, money
16 management, and behavioral health not otherwise funded or mandated, health promotion and
17 screening, and other activities that promote well-being and decrease social isolation.

18 (g) Targeted Services: Outreach, planning and targeted services and support to LGBT
19 seniors, veterans, ethnic communities, people with disabilities and chronic conditions, their
20 caregivers and other high-need groups as strong and integrated components of the service
21 categories above.

22 (h) Funding for the Department of Aging and Adult Services to staff the Oversight and
23 Advisory Committee created in Section 16.128-13 (“Oversight and Advisory Committee”), and
24 to support planning and evaluation processes, and facilitate funding allocation;

25 (i) Administration of the Fund and evaluation of Fund goals and services;

1 (j) Technical assistance and capacity-building for service providers and community-
2 based partners; and,

3 (k) Services that supplement, expand, or enhance existing programs for Seniors or
4 Adults with Disabilities.

5
6 **SEC. 16.128-6. EXCLUDED SERVICES.**

7 Notwithstanding Sections 16.128-4 and 16.128-5, services paid for by the Fund shall not
8 include:

9 (a) Services provided by the Police Department or other law enforcement agencies,
10 courts, the District Attorney, Public Defender, City Attorney, the Fire Department, and detention
11 or probation services mandated by state or federal law;

12 (b) Any service that benefits Seniors or Adults with Disabilities incidentally or only as
13 members of a larger population of adults;

14 (c) Any service realigned by the State or for which a fixed or minimum level of
15 expenditure is mandated and funded by state or federal law, to the extent of the level of funding
16 provided;

17 (d) Acquisition of any capital item unless for the primary and direct use by Seniors and
18 Adults with Disabilities and that is necessary for the expansion of services and support;

19 (e) Acquisition, other than by lease for a term of ten years or less, of any real property
20 or land, or capital expenditures, or predevelopment or construction costs for housing;

21 (f) Maintenance, utilities, or any similar operating costs of any facility not used
22 primarily and directly by Seniors and Adults with Disabilities or of any recreation or park
23 facility, library, hospital, or housing;

24 (g) Medical health services, other than prevention, education, and behavioral and
25 mental health support services; or

1 (h) Services provided by hospitals and long-term care institutions.

2
3 **SEC. 16.128-7. BASELINE MAINTENANCE OF EFFORT.**

4 (a) The annual set-aside referenced in Section 16.128-3 shall be used exclusively to
5 increase the aggregate City appropriations and expenditures for those services for Seniors and
6 Adults with Disabilities that are eligible to be paid from the Fund (exclusive of expenditures
7 mandated by state or federal law). To this end, the City shall not reduce the amount of such City
8 appropriations for eligible services (not including appropriations from the Fund and exclusive of
9 expenditures mandated by state or federal law) below the amount so appropriated for fiscal
10 year 2016-2017 ("the base year") as set forth in the Controller's baseline budget, as adjusted
11 ("the baseline amount"), except that the baseline amount shall be adjusted as provided in
12 subsection (b).

13 (b) Each year, the City shall adjust the baseline amount by the percentage increase or
14 decrease in aggregate City discretionary revenues, as determined by the Controller, based on
15 calculations consistent from year to year. In determining aggregate City discretionary revenues,
16 the Controller shall only include revenues received by the City that are unrestricted and may be
17 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. The
18 Controller is authorized to increase or reduce budgetary appropriations as required by this
19 subsection (b) to align the baseline amount to the amount required by formula based on actual
20 revenues received during the fiscal year.

21 (c) The City may suspend growth in the baseline funding pursuant to subsection (b) when
22 the City's projected budget deficit for the upcoming fiscal year at the time of the Joint Report or
23 Update to the Five Year Financial Plan as prepared jointly by the Controller, the Mayor's
24 Budget Director, and the Board of Supervisors' Budget Analyst exceeds \$200 million, adjusted
25 annually by changes in aggregate City discretionary revenues.

1
2 **SEC. 16.128-8. PLANNING CYCLE.**

3 (a) The City shall appropriate monies from the Fund according to a four-year planning
4 process. This process is intended to: (1) increase transparency, accountability, and public
5 engagement; (2) provide time and opportunities for community participation and planning; (3)
6 ensure program stability; and (4) maximize the effectiveness of the services funded.

7 (b) Year 1 - Community Needs Assessment. Beginning in fiscal year 2017-2018 and
8 during every fourth fiscal year thereafter, DAAS shall conduct a Community Needs Assessment
9 (CNA) to identify services to receive monies from the Fund. The CNA shall include qualitative
10 and quantitative data sets collected through interviews, focus groups, surveys, or other outreach
11 mechanisms to determine service gaps and unmet needs. In conducting the CNA, DAAS shall
12 also review needs assessments prepared by community and other governmental entities. Subject
13 to the budgetary and fiscal provisions of the Charter, DAAS may contract with consultants and
14 outside experts for such services as it may require to prepare the CNA. DAAS shall undertake a
15 robust community process to solicit input from Seniors and Adults with Disabilities, in
16 consultation with the Mayor's Office on Disability or any successor agency.

17 DAAS shall, in consultation with the Oversight and Advisory Committee, develop a plan
18 for how to conduct the CNA with the Oversight and Advisory Committee. The CNA shall include
19 a gap analysis comparing actual performance with potential or desired performance and an
20 equity analysis of services and resources for Seniors, Adults with Disabilities, and their
21 caregivers.

22 DAAS shall develop a set of equity metrics to be used to establish a baseline of existing
23 services and resources for Seniors and Adults with Disabilities in low-income neighborhoods
24 and disadvantaged communities, compared to services and resources available in the City as a
25 whole. This equity analysis shall include an examination of eligibility for existing programs and

1 will seek to provide more services and support for those low and modest income residents who
2 are not currently eligible for assistance with home and community-based services.

3 The outreach for the CNA shall create opportunities for a robust cross-section of
4 stakeholders, including Seniors, Adults with Disabilities, their caregivers, nonprofit agencies,
5 and other members of the public, to provide input. By September 1, DAAS shall provide its plan
6 for conducting the CNA to the Oversight and Advisory Committee, the Service Provider Working
7 Group created in Section 16.128-13(e), the Commission on Aging and Adult Services and the
8 Board of Supervisors. The plan shall be a public document.

9 By March 1, DAAS shall complete a draft CNA and provide this draft to the Oversight
10 and Advisory Committee and the Service Provider Working Group for review. DAAS shall also
11 provide the draft CNA to interested City departments and commissions, including but not limited
12 to the Aging and Adult Services Commission, the Mayor's Office on Disability, the Long Term
13 Care Coordinating Council, the Human Services Commission, the Health Commission, the
14 Recreation and Park Commission, the Adult Probation Department, the Veterans Affairs
15 Commission, the Commission on the Status of Women, the Police Commission, the Library
16 Commission, and the Arts Commission. The CNA shall include an Executive Summary and clear
17 description of the categories of services provided and unmet needs to be addressed.

18 By April 1, DAAS shall submit a final version of the CNA to the Commission on Aging
19 and Adult Services and the DAAS Advisory Council. The final version of the CNA may
20 incorporate any comments or suggestions made by the Oversight and Advisory Committee, the
21 public, or the agencies that received copies of the draft CNA. The Commission on Aging and
22 Adult Services and the Oversight and Advisory Committee shall hold a joint public hearing to
23 review the CNA.

1 By May 1, the Commission on Aging and Adult Services shall provide input on and
2 approve or disapprove the CNA. If the Commission on Aging and Adult Services disapproves the
3 report, DAAS may modify and resubmit the report.

4 By June 1, the Board of Supervisors shall consider and approve or disapprove, or
5 modify, the CNA. If the Board disapproves the CNA, DAAS may modify and resubmit the CNA,
6 provided, however, that the City may not expend monies from the Fund until the Board of
7 Supervisors has approved the CNA.

8 (c) Year 2 – Services and Allocation Plan. Beginning in fiscal year 2018-2019 and
9 during every fourth fiscal year thereafter, DAAS, in consultation with the Oversight and
10 Advisory Committee, shall prepare a Services and Allocation Plan (“SAP”) to determine
11 services that will receive monies from the Fund. All services identified in Section 16.128-5 are
12 potentially eligible to receive funding, but DAAS is not required to classify allocations according
13 to the service categories in that section. DAAS shall use the following process to prepare the
14 SAP:

15 (1) DAAS shall disseminate a draft SAP to interested City departments and
16 commissions, including but not limited to the Aging and Adult Services Commission, the
17 Mayor’s Office on Disability, the Long Term Care Coordinating Council, the Human Services
18 Commission, the Health Commission, the Recreation and Park Commission, the Adult Probation
19 Department, the Commission on the Status of Women, the Police Commission, the Library
20 Commission, and the Arts Commission. In preparing the draft SAP, DAAS shall confer with the
21 Department of Children, Youth and Their Families to coordinate funding for services for
22 Transitional-Aged Youth, as defined in Charter Section 16.108(e), with Disabilities from both the
23 Dignity Fund and the Children and Youth Fund.

24 The SAP must:
25

1 (A) Demonstrate consistency with the CNA and with Citywide vision and
2 goals for the Fund;

3 (B) Include all services for Seniors and Adults with Disabilities to secure
4 and utilize the services and support necessary to age with dignity in their own homes and
5 communities.

6 (C) Be outcome-oriented and include goals and measurable and
7 verifiable objectives and outcomes;

8 (D) Include capacity-building and evaluation of services as separate
9 funding areas;

10 (E) State how services will be coordinated and have specific amounts
11 allocated towards specific goals, service models, populations, and neighborhoods;

12 (F) Include funding for neighborhood-initiated projects totaling at least
13 3% of the total proposed expenditures from the Fund for the four-year planning cycle established
14 in this Section 16.128-8;

15 (G) Include funding for pilot programs to develop and test new and
16 innovative programs, in an amount not to exceed 3% of the total proposed expenditures from the
17 Fund for the cycle;

18 (H) Include funding for an undesignated contingency reserve, in an
19 amount not to exceed 2% of the total proposed expenditures from the Fund for the cycle;

20 (I) Include, as a separate line item, an allocation of funds required for the
21 preparation, monitoring, and evaluation of the CNA and SAP required under this Section
22 16.128-8 and the Evaluation and Data Report required under Section 16.128-9;

23 (J) Include evaluation data from the previous funding cycle and the
24 details of the Dignity Fund Baseline; and

1 (K) Incorporate strategies to coordinate and align services for Seniors
2 and Adults with Disabilities funded by all governmental or private entities and administered by
3 the City, whether or not those services are eligible to receive monies from the Fund.

4 (2) The SAP shall reference the gap analysis and equity analysis of services and
5 resources for Seniors, Adults with Disabilities, and their caregivers included in the CNA. Using
6 the equity metrics developed for preparation of the CNA, the SAP shall compare proposed new,
7 augmented, and coordinated services and resources for low-income and moderate-income
8 neighborhoods and disadvantaged communities with services and resources available to the City
9 as a whole.

10 (3) Subject to the budgetary and fiscal provisions of the Charter, DAAS may
11 contract with consultants and outside experts for such services as the Department may require to
12 prepare the SAP, including the equity analysis of services and resources for Seniors, Adults with
13 Disabilities, and their caregivers.

14 (4) The Board of Supervisors shall by ordinance outline the timeline for the
15 development of the Services and Allocation Plan. Prior to completion of the first SAP and while
16 the first planning cycle is in process, DAAS, in consultation with the Oversight and Advisory
17 Committee, may expend monies from the Fund based on existing needs assessment analysis.

18 (d) Years 3 and 4 – Selection of Contractors. Beginning with Fiscal Years 2019-2020
19 and 2020-2021 and during every fourth fiscal year thereafter, DAAS shall conduct competitive
20 solicitations for services to be funded from the Fund. Requests for proposals will be grouped by
21 issue area and spread out on a schedule known in advance to provide for a smooth and efficient
22 timeline. The Human Services Agency and the Department of Aging and Adult Services shall
23 work together and manage resources so that the RFP process will keep to the schedule and
24 contract awards will be made within a reasonable time.

1 (e) Years 3 and 4 – Service Cycle Begins. Contracts for services shall start on July 1,
2 beginning with Fiscal Year 2019-2020. During subsequent years of the four-year planning cycle
3 established in this Section 16.128-8, DAAS, with the approval of the Oversight and Advisory
4 Committee, may issue supplemental competitive solicitations to address amendments to the SAP
5 and emerging needs.

6 (f) DAAS may recommend, and the Oversight and Advisory Committee and the Board of
7 Supervisors may approve, changes to the due dates and timelines provided in this
8 Section 16.128-8. The Board of Supervisors shall approve such changes by ordinance.

9
10 **SEC. 16.128-9. EVALUATION.**

11 DAAS shall provide for the evaluation on a regular basis of all services funded through
12 the Fund, and shall prepare on a regular basis an Evaluation and Data Report for the Oversight
13 and Advisory Committee. Subject to the budgetary and fiscal provisions of the Charter, DAAS
14 may contract with consultants and outside experts for such services as the Department may
15 require to conduct such evaluations and to prepare the Evaluation and Data Report. This
16 evaluation process is intended to be reasonable in scope and to build on and strengthen existing
17 program evaluations.

18
19 **SEC. 16.128-10. SELECTION OF CONTRACTORS.**

20 The Oversight and Advisory Committee shall recommend standards and procedures for
21 the selection of contractors to be funded from the Fund. It shall be the policy of the City to use
22 competitive solicitation processes where appropriate and to give priority to the participation of
23 non-profit agencies.

24
25 **SEC. 16.128-11. IMPLEMENTATION.**

1 (a) The Board of Supervisors may by ordinance implement Sections 16.128-1 through
2 16.128-14.

3 (b) In implementing Sections 16.128-1 through 16.128-14, primary goals shall include
4 facilitating public participation and maximizing availability of information to the public.

5
6 **SEC. 16.128-12. EFFECT OF PROCEDURAL ERRORS.**

7 No appropriation, contract, or other action shall be held invalid or set aside by reason of
8 any error, including without limitation any irregularity, informality, neglect, or omission, in
9 carrying out procedures specified in Sections 16.128-1 through 16.128-14, unless a court finds
10 that the party challenging the action suffered substantial injury from the error and that a
11 different result would have been probable had the error not occurred.

12
13 **SEC. 16.128-13. ADVISORY COMMITTEE.**

14 (a) Creation. There shall be a Dignity Fund Oversight and Advisory Committee
15 ("Oversight and Advisory Committee") to monitor and participate in the administration of the
16 Dignity Fund as provided in Charter Section 16.128-1 et seq., and to take steps to ensure that the
17 Fund is administered in a manner accountable to the community.

18 (b) Responsibilities.

19 (1) The Oversight and Advisory Committee shall develop recommendations for
20 DAAS and the Fund regarding outcomes for services to Seniors and Adults with Disabilities, the
21 evaluation of services, common data systems, a process for making funding decisions, program
22 improvement and capacity-building of service providers, community engagement in planning
23 and evaluating services, leveraging dollars of the Fund, and the use of the Fund as a catalyst for
24 innovation. The Oversight and Advisory Committee shall promote and facilitate transparency
25 and accountability in the administration of the Fund and in the planning and allocation process.

1 (2) As provided in Section 16.128-8, the Oversight and Advisory Committee shall
2 provide input into the planning process for the Community Needs Assessment (“CNA”) and the
3 final CNA, the Services and Allocation Plan, and the over-all spending plan for the Fund to be
4 presented to the Aging and Adult Services Commission, and shall review the annual Data and
5 Evaluation Report. Nothing in this Section 16.128-13 shall limit the authority of the Mayor and
6 the Board of Supervisors to propose, amend, and adopt a budget under Article IX of the Charter.

7 (3) The Oversight and Advisory Committee shall establish and maintain a Service
8 Provider Working Group as provided in subsection (e).

9 (4) The Oversight and Advisory Committee shall meet at least six times a year.

10 (c) Composition. The Oversight and Advisory Committee shall have 11 members. The
11 Aging and Adult Services Commission shall appoint two of its members to the Oversight and
12 Advisory Committee. The Advisory Council to the Department of Aging and Adult Services shall
13 appoint three of its members to the Oversight and Advisory Committee. And the Long Term
14 Care Council shall appoint three of its members to the Oversight and Advisory Committee. The
15 Mayor shall appoint the remaining three at-large members of the Oversight and Advisory
16 Council, subject to confirmation by the Board of Supervisors. If the Board fails to act on the
17 Mayor’s appointments within 60 days of their submittal to the Board, the appointments shall be
18 deemed confirmed.

19 The appointing authorities shall appoint the initial members by February 1, 2017. The
20 terms of the initial appointees to the Committee shall commence on the date of the first meeting
21 of the Committee, which may occur when at least eight members have been appointed and are
22 present.

23 (d) Implementation. The Board of Supervisors shall further provide by ordinance for the
24 membership, structure, functions, appointment criteria, terms, and administrative and clerical
25

1 support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such
2 legislation to be effective by January 1, 2017.

3 (e) Service Provider Working Group. The Oversight and Advisory Committee shall
4 create a Service Provider Working Group (“Working Group”) to advise the Oversight and
5 Advisory Committee on funding priorities, policy development, the planning cycle, evaluation
6 design and plans, and any other issues of concern to the Working Group related to the Fund or
7 the responsibilities of DAAS or other departments receiving monies from the Fund. The Working
8 Group shall engage a broad cross-section of service providers in providing information,
9 education, and consultation to the Oversight and Advisory Committee. All members of the
10 Working Group shall be actively providing services to Seniors, Adults with Disabilities, and their
11 caregivers. DAAS staff shall provide administrative and clerical support to the Working Group.
12 The Working Group shall meet at least four times a year. The Oversight and Advisory
13 Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible
14 for developing the structure of the Working Group and facilitating the meetings. After the terms
15 of the initial co-chairs expire, the Working Group shall select its own chairs. Working Group
16 meetings shall be open to the public and encourage widespread participation.

17
18 **SEC. 16.128-14. SUNSET.**

19 The provisions of Sections 16.128-1 through 16.128-14 shall expire at the end of Fiscal
20 Year 2036-37.

21
22 **SEC. 4.120. AGING AND ADULT SERVICES COMMISSION ON AGING.**

23 (a) The Aging and Adult Services Commission ~~on the Aging~~ shall consist of seven
24 members appointed pursuant to this Section 4.120. Four of the members shall be appointed by
25 the Mayor, and three of the members shall be appointed by the Board of Supervisors. Vacancies

1 shall be filled by the appointing authority. Members may be removed by the appointing
2 authority only pursuant to Section 15.105. ~~by the Mayor, pursuant to Section 3.100, for four-~~
3 ~~year terms. Members may be removed by the Mayor.~~

4 In order to stagger the terms of members, four members shall initially serve two-year
5 terms, and three members shall initially serve four-year terms. The initial two- and four-year
6 terms of office shall be instituted as follows:

7 (1) The respective terms of office of members of the Commission on Aging who
8 hold office on the first day of February 1, 2017, shall expire at noon on that date, and terms of
9 the four members to be appointed by the Mayor to the Aging and Adult Services Commission and
10 the three members to be appointed by the Board of Supervisors shall begin at that time. The
11 Aging and Adult Services Commission shall come into existence when four of the seven members
12 have been appointed by the respective appointing authorities.

13 (2) The Clerk of the Board of Supervisors shall determine by lot which two of the
14 four Mayoral appointees shall serve an initial two-year term, and which two of the three
15 appointees of the President of the Board of Supervisors shall serve an initial two-year term. The
16 remaining appointees shall serve four-year terms. All subsequent terms shall be four years.

17 (b) The Commission shall oversee the Department of Aging and Adult Services,
18 including the functions of the Public Guardian/Administrator, as well as carry out any additional
19 duties and functions assigned to the Commission by ordinance or pursuant to Section 4.132. The
20 duties and functions of the Commission shall be assigned pursuant to Section 4.132.

21
22 **SEC. 15.105. SUSPENSION AND REMOVAL.**

23 (a) ELECTIVE AND CERTAIN APPOINTED OFFICERS. Any elective officer, and
24 any member of the Airport Commission, Asian Art Commission, Civil Service Commission,
25 Commission on the Status of Women, Golden Gate Concourse Authority Board of Directors,

1 Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal
2 Transportation Agency Board of Directors, Port Commission, Public Utilities Commission,
3 Recreation and Park Commission, Fine Arts Museums Board of Trustees, ~~Taxi Commission~~, War
4 Memorial and Performing Art Center Board of Trustees, Board of Education or Community
5 College Board is subject to suspension and removal for official misconduct as provided in this
6 section. Such officer may be suspended by the Mayor and the Mayor shall appoint a qualified
7 person to discharge the duties of the office during the period of suspension. Upon such
8 suspension, the Mayor shall immediately notify the Ethics Commission and Board of
9 Supervisors thereof in writing and the cause thereof, and shall present written charges against
10 such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their
11 next regular meetings following such suspension, and shall immediately furnish a copy of the
12 same to such officer, who shall have the right to appear with counsel before the Ethics
13 Commission in his or her defense. The Ethics Commission shall hold a hearing not less than five
14 days after the filing of written charges. After the hearing, the Ethics Commission shall transmit
15 the full record of the hearing to the Board of Supervisors with a recommendation as to whether
16 the charges should be sustained. If, after reviewing the complete record, the charges are
17 sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the
18 suspended officer shall be removed from office; if not so sustained, or if not acted on by the
19 Board of Supervisors within 30 days after the receipt of the record from the Ethics Commission,
20 the suspended officer shall thereby be reinstated.


21 (b) BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD
22 OF APPEALS, ELECTIONS COMMISSION, ETHICS COMMISSION, ~~AND~~
23 ENTERTAINMENT COMMISSION, AND AGING AND ADULT SERVICES COMMISSION.
24 Members of the Building Inspection Commission, the Planning Commission, the Board of
25 Appeals, the Elections Commission, the Ethics Commission, ~~and~~ the Entertainment Commission.

1 and the Aging and Adult Services Commission may be suspended and removed pursuant to the
2 provisions of subsection (a) of this section except that the Mayor may initiate removal only of
3 the Mayor's appointees and the appointing authority shall act in place of the Mayor for all other
4 appointees.

5 * * * *

6
7 Section 2. The provisions of this Charter amendment shall become operative on
8 January 1, 2017, unless otherwise provided in the legislation.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

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13 By: 
14 THOMAS J. OWEN
Deputy City Attorney

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LEGISLATIVE DIGEST
(First Draft - 5/24/2016)

[Charter Amendment - Dignity Fund]

Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco to: 1) establish the Dignity Fund to support Seniors and Adults with Disabilities; 2) create an annual set-aside from the property tax for the Dignity Fund in an amount equivalent to an annual tax of two cents for each \$100 of assessed valuation, and a baseline appropriation based on City spending for these purposes in fiscal year 2016-2017; 3) establish a planning process for expenditures from the Fund; 4) create an Oversight and Advisory Committee; 5) set an expiration date of June 30, 2037; and, 6) change the Commission on Aging to the Aging and Adult Services Commission, update its responsibilities, and divide the appointing power between the Mayor and the Board of Supervisors, at an election to be held on November 8, 2016.

Existing Law

The City currently does not have a specific fund to pay for services to seniors and adults with disabilities.

The City has a Commission on Aging that oversees programs for seniors and related programs, including programs for adults with disabilities. The Mayor appoints all the members of the Commission.

Amendments to Current Law

The proposal is a Charter amendment that would create a Dignity Fund to fund increased programs and services to assist seniors and adults with disabilities. For 30 years, beginning with fiscal year 2017-2018, the City would set aside from the property tax an amount equivalent to an annual tax of two cents (\$.02) for each \$100 of assessed valuation. In addition to the set-aside, the City would appropriate to the Department of Aging and Adult Services (DAAS) a baseline amount equal to the amount the City spent on programs and services to seniors and adults with disabilities in fiscal year 2016-2017, adjusted each year for changes in City discretionary revenues.

The proposal would define what types of services could be supported by the Fund, and would establish a four-year planning process for spending from the Fund. As part of each four-year cycle, DAAS, in consultation with other City agencies, would prepare a Community Needs Assessment, a Services and Allocation Plan, and an Equity Analysis. The proposal would require evaluation on a regular basis of services and programs supported by the Fund.

The proposal would create an Oversight and Advisory Committee and establish its powers and duties. The Committee would consist of 11 members. The Mayor would appoint and the Board of Supervisors would confirm 3 at-large members. The remaining members would be drawn from the City's Aging and Adult Services Commission, the Advisory Council to DAAS, and the Long Term Care Council. The Oversight and Advisory Committee would establish a Service Provider Working Group to work with the Committee.

The Fund, including the set-aside and the baseline appropriation, would expire at the end of fiscal year 2036-2037.

The proposal would also re-name the "Commission on Aging" as the "Aging and Adult Services Commission." The Mayor would appoint 4 members of the Commission and the Board of Supervisors would appoint the other 3 members. The Commission would oversee DAAS.

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