

[Establishing an Emergency Health Care Services Fund and baseline funding for the Fund.]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 16.126 to increase the fiscal authority of the Health Commission and establish a stable baseline funding level for the Department of Public Health to ensure the continued operation of San Francisco public health services.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2005, a proposal to amend the Charter of the City and County adding Section 16.126, to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

SEC. 16.126. EMERGENCY HEALTH CARE SERVICES FUND.

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Department of Public Health, which shall be called the Emergency Health Care Services Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended, or used by the Department for its operation including, but not limited to, programs, capital improvements, management, supervision, maintenance, and day-to-day administration of the Department. Funds may also be used to pursue the goal of universal health care, pursuant to a plan adopted by the Health Commission, subject to approval of the Board of Supervisors.

(b) Beginning with the fiscal year 2006-2007 and in each fiscal year thereafter, there is hereby appropriated to the Emergency Health Care Services Fund the following:

1. An amount (the "Base Amount") which shall be no less than the amount of all appropriations from the General Fund, including all supplemental appropriations, for the fiscal year 2004-2005 (the "Base Year"), adjusted as provided in subsection (c) below, for the Department of Public Health and for all other City and County commissions, departments and agencies to the extent they provide services to the Department of Public Health.

2. All other funds received by the City and County from any source, including state and federal sources or a dedicated local source such as a sales tax, for the support of public health and the Department of Public Health.

(c) The Base Amount shall initially be determined by the Controller. Adjustments to the Base Amount shall be made as follows:

1. The Base Amount shall be adjusted for each year after fiscal year 2005-2006 by the Controller based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by adjustment in the next year's estimate.

2. An adjustment shall also be made for any increases in General Fund appropriations to the Department in subsequent years to provide continuing or new services not provided in the Base Year, but excluding additional appropriations for one-time expenditures such as capital expenditures or litigation judgments and settlements.

3. In a year when the Health Commission certifies, based on local, state, or federal data, that there is an increased cost of providing health care services, the Board of Supervisors, by resolution, may require an adjustment be made for such increase, so that the Base Amount is adequate to fund current services.

(d) The Treasurer shall maintain the amounts required to be appropriated by this Section, together with any interest earned thereon, in the Emergency Health Care Services Fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward, together with interest thereon, to the next fiscal year for the purposes specified in this Article.

(e) The Department shall be subject to the provisions of Article IX of this Charter except:

(1) No later than March 1 of each year, after professional review, public hearing and after receiving the recommendations of advisory groups to the Health Commission, the Commission shall approve and submit its proposed budget for the next fiscal year to the Mayor and the Board of Supervisors for their review and consideration. The Department shall propose a budget that is balanced without the need for additional General Fund monies, but may include service reductions. The Mayor and Board of Supervisors may not reduce the Health Department's budget below the Base Amount established in this Section, but may modify expenditures. If the Health Commission proposes service reductions, the Mayor and Board of Supervisors shall each hold a public hearing during the evening or on a weekend on such reductions prior to the deadline for the Mayor's submission of the budget. The Mayor shall submit the budget to the Board of Supervisors, and specify any changes he or she has made in a separate document. Should the Health Commission request additional General Fund support above the base amount, it shall submit an augmentation request for those funds in the standard budget process and subject to normal budgetary review and amendment.

(2) The Commission shall be required to maintain adequate staffing levels to provide quality health care services as described in this Charter section, and shall include an overview of the staffing plan as part of its budget submission.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney

SUPERVISOR DALY, SANDOVAL
BOARD OF SUPERVISORS