


BOARD of SUPERVISORS



City Hall  
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: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office  
Jon Givner, Deputy City Attorney, Office of the City Attorney  
John Arntz, Director, Department of Elections  
LeeAnn Pelham, Executive Director, Ethics Commission  
Naomi Kelly, City Administrator, Office of the City Administrator  
Shireen McSpadden, Executive Director, Department of Aging and Adult Services

FROM: Victor Young, Assistant Clerk, Rules Committee   
Board of Supervisors

DATE: May 28, 2019

SUBJECT: CHARTER AMENDMENT INTRODUCED  
November 5, 2019 Election

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The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 5, 2019, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

**File No. 190570**

**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to change the name of the Aging and Adult Services Commission to the Disability and Aging Services Commission, and establish qualifications for three of the Commission seats; change the name of the Department of Aging and Adult Services to the Department of Disability and Aging Services; and to change the name of the Aging and Adult Services Community Living Fund to the Disability and Aging Services Community Living Fund; at an election to be held on November 5, 2019.**

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

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.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: Andres Power, Mayor's Office  
Rebecca Peacock, Mayor's Office  
Patrick Ford, Ethics Commission  
Lynn Khaw, Office of the City Administrator  
Lihmeei Leu, Office of the City Administrator  
Bridget Badasow, Department of Aging and Adult Services

1 [Charter Amendment - Renaming the Aging and Adult Services Commission, Department of  
2 Aging and Adult Services, and Aging and Adult Services Community Living Fund, and  
3 Establishing Qualifications for Three Commission Seats]

4 **Describing and setting forth a proposal to the voters at an election to be held on November**  
5 **5, 2019, to amend the Charter of the City and County of San Francisco to change the name**  
6 **of the Aging and Adult Services Commission to the Disability and Aging Services**  
7 **Commission, and establish qualifications for three of the Commission seats; change the**  
8 **name of the Department of Aging and Adult Services to the Department of Disability and**  
9 **Aging Services; and to change the name of the Aging and Adult Services Community**  
10 **Living Fund to the Disability and Aging Services Community Living Fund.**

11  
12 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City  
13 and County, at an election to be held on November 5, 2019, a proposal to amend the Charter of  
14 the City and County by revising Sections 4.120, 16.128-1, 16.128-4, 16.128-6, and 16.128-11,  
15 and adding new Section 16.128-13, to read as follows:

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

21 **SEC. 4.120. DISABILITY AND AGING ~~AND ADULT SERVICES~~ COMMISSION.**

22 *(a)* The *Disability and Aging* ~~and Adult~~ Services Commission shall consist of seven  
23 members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may  
24 be removed by the Mayor. The Commission shall oversee the Department of *Disability and*  
25 *Aging* ~~and Adult~~ Services, including the functions of the Public Guardian/Administrator, as well

1 as carry out any additional duties and functions assigned to the Commission by ordinance or  
2 pursuant to Section 4.132.

3 (b) As of January 15, 2020, Seat 1 on the Commission shall be held by a person who is  
4 60 years old or older; Seat 2 shall be held by a person with a disability, as defined under the  
5 Americans With Disabilities Act, who is 18 years old or older; and Seat 3 shall be held by a  
6 person who served in the United States military and who was discharged or released under  
7 conditions other than dishonorable. Seats 4, 5, 6, and 7, shall have no required qualifications in  
8 addition to those set forth in Section 4.101.

9 (c) For the purpose of calculating the terms of particular seats on the Commission,  
10 Seats 1, 2, and 3 are hereby designated as the seats with terms ending on January 15, 2020.  
11 Notwithstanding Charter Section 4.101.5, members in those seats who do not as of January 15,  
12 2020 hold the qualifications set forth in subsection (b) respectively may no longer serve in those  
13 seats.

14  
15 **SEC. 16.128-1. DIGNITY FUND; PREAMBLE.**

16 (a) There is hereby established a fund, which shall be called the Dignity Fund (“Fund”),  
17 to be administered by the Department of Disability and Aging~~and Adult~~-Services (“DAAS”), or  
18 any successor agency. Monies in the Fund shall be used or expended by DAAS, subject to the  
19 budgetary and fiscal provisions of the Charter, solely to help Seniors and Adults with Disabilities  
20 secure and utilize the services and support necessary to age with dignity in their own homes and  
21 communities. For purposes of Section 16.128-1 through 16.128-~~2~~, “Senior” shall mean a person  
22 60 years old or older, and “Adult with a Disability” shall mean a person 18 years old or older  
23 with a disability as defined under the Americans With Disabilities Act.

24 \* \* \* \*

1                   **SEC. 16.128-4. ELIGIBLE SERVICES.**

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

4                   (a) Home and Community Based Long Term Care and Support: Home care, adult day  
5 health care, adult social day care, IHSS emergency homecare, short term interim housing  
6 options, housing stabilization and support services, respite care, transitional housing for those  
7 leaving institutional care, related transportation (not already mandated or funded), accessible  
8 transportation programs, and other similar services funded through the City’s Disability and  
9 Aging and Adult Services Community Living Fund, or any successor legislation.

10                   \* \* \* \*

11                   (h) Funding for the Department of Disability and Aging and Adult Services to staff the  
12 Oversight and Advisory Committee created in Section 16.128-11 (“Oversight and Advisory  
13 Committee”), and to support planning and evaluation processes, and facilitate funding allocation;

14                   \* \* \* \*

15  
16                   **SEC. 16.128-6. PLANNING CYCLE.**

17                   \* \* \* \*

18                   (b) Year 1 – Community Needs Assessment. Beginning in fiscal year 2017-2018 and  
19 during every fourth fiscal year thereafter, DAAS shall conduct a Community Needs Assessment  
20 (CNA) to identify services to receive monies from the Fund. The CNA shall include qualitative  
21 and quantitative data sets collected through interviews, focus groups, surveys, or other outreach  
22 mechanisms to determine service gaps and unmet needs. In conducting the CNA, DAAS shall  
23 also review needs assessments prepared by community and other governmental entities. Subject  
24 to the budgetary and fiscal provisions of the Charter, DAAS may contract with consultants and  
25 outside experts for such services as it may require to prepare the CNA. DAAS shall undertake a

1 robust community process to solicit input from Seniors and Adults with Disabilities, in  
2 consultation with the Mayor's Office on Disability or any successor agency.

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

8 DAAS shall develop a set of equity metrics to be used to establish a baseline of  
9 existing services and resources for Seniors and Adults with Disabilities in low-income  
10 neighborhoods and disadvantaged communities, compared to services and resources available in  
11 the City as a whole. This equity analysis shall include an examination of eligibility for existing  
12 programs and will seek to provide more services and support for those low and modest income  
13 residents who are not currently eligible for assistance with home and community-based services.

14 The outreach for the CNA shall create opportunities for a robust cross-section of  
15 stakeholders, including Seniors, Adults with Disabilities, their caregivers, nonprofit agencies,  
16 and other members of the public, to provide input. By September 1, DAAS shall provide its plan  
17 for conducting the CNA to the Oversight and Advisory Committee, the Service Provider  
18 Working Group created in Section 16.128-11(e), the *Disability and Aging and Adult Services*  
19 Commission and the Board of Supervisors. The plan shall be a public document.

20 By March 1, DAAS shall complete a draft CNA and provide this draft to the  
21 Oversight and Advisory Committee and the Service Provider Working Group for review. DAAS  
22 shall also provide the draft CNA to interested City departments and commissions, including but  
23 not limited to the *Disability and Aging and Adult Services* Commission, the Mayor's Office on  
24 Disability, the Long Term Care Coordinating Council, the Human Services Commission, the  
25 Health Commission, the Recreation and Park Commission, the Adult Probation Department, the

1 Veterans Affairs Commission, the Commission on the Status of Women, the Police Commission,  
2 the Library Commission, and the Arts Commission. The CNA shall include an Executive  
3 Summary and clear description of the categories of services provided and unmet needs to be  
4 addressed.

5 By April 1, DAAS shall submit a final version of the CNA to the Disability and  
6 Aging ~~and Adult~~ Services Commission and the DAAS Advisory Council. The final version of  
7 the CNA may incorporate any comments or suggestions made by the Oversight and Advisory  
8 Committee, the public, or the agencies that received copies of the draft CNA. The Disability and  
9 Aging ~~and Adult~~ Services Commission and the Oversight and Advisory Committee shall hold a  
10 joint public hearing to review the CNA.

11 By May 1, the Disability and Aging ~~and Adult~~ Services Commission shall provide  
12 input on and approve or disapprove the CNA. If the Disability and Aging ~~and Adult~~ Services  
13 Commission disapproves the report, DAAS may modify and resubmit the report.

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

18 (c) Year 2 – Services and Allocation Plan. Beginning in fiscal year 2018-2019 and  
19 during every fourth fiscal year thereafter, DAAS, in consultation with the Oversight and  
20 Advisory Committee, shall prepare a Services and Allocation Plan (“SAP”) to determine services  
21 that will receive monies from the Fund. All services identified in Section 16.128-4 are potentially  
22 eligible to receive funding, but DAAS is not required to classify allocations according to the  
23 service categories in that section. DAAS shall use the following process to prepare the SAP:

24 (1) DAAS shall disseminate a draft SAP to interested City departments and  
25 commissions, including but not limited to the Disability and Aging ~~and Adult~~ Services

1 Commission, the Mayor’s Office on Disability, the Long Term Care Coordinating Council, the  
2 Human Services Commission, the Health Commission, the Recreation and Park Commission, the  
3 Adult Probation Department, the Commission on the Status of Women, the Police Commission,  
4 the Library Commission, and the Arts Commission. In preparing the draft SAP, DAAS shall  
5 confer with the Department of Children, Youth and Their Families to coordinate funding for  
6 services for Transitional-Aged Youth, as defined in Charter Section 16.108(e), with Disabilities  
7 from both the Dignity Fund and the Children and Youth Fund.

8 \* \* \* \*

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

16 \* \* \* \*

17  
18 **SEC. 16.128-11. ADVISORY COMMITTEE.**

19 (a) Creation. There shall be a Dignity Fund Oversight and Advisory Committee  
20 (“Oversight and Advisory Committee”) to monitor and participate in the administration of the  
21 Dignity Fund as provided in Charter Sections 16.128-1et seq., and to take steps to ensure that the  
22 Fund is administered in a manner accountable to the community.

23 (b) Responsibilities.

24 (1) The Oversight and Advisory Committee shall develop recommendations for  
25 DAAS and the Fund regarding outcomes for services to Seniors and Adults with Disabilities, the



1 evaluation of services, common data systems, a process for making funding decisions, program  
2 improvement and capacity-building of service providers, community engagement in planning  
3 and evaluating services, leveraging dollars of the Fund, and the use of the Fund as a catalyst for  
4 innovation. The Oversight and Advisory Committee shall promote and facilitate transparency  
5 and accountability in the administration of the Fund and in the planning and allocation process.

6 (2) As provided in Section 16.128-6, the Oversight and Advisory Committee shall  
7 provide input into the planning process for the Community Needs Assessment (“CNA”) and the  
8 final CNA, the Services and Allocation Plan, and the over-all spending plan for the Fund to be  
9 presented to the Disability and Aging and Adult Services Commission, and shall review the  
10 annual Data and Evaluation Report. Nothing in this Section 16.128-11 shall limit the authority of  
11 the Mayor and the Board of Supervisors to propose, amend, and adopt a budget under Article IX  
12 of the Charter.

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

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

16 (c) Composition. The Oversight and Advisory Committee shall have 11 members. The  
17 Disability and Aging and Adult Services Commission shall appoint two of its members to the  
18 Oversight and Advisory Committee. The Advisory Council to the Department of Disability and  
19 Aging and Adult Services shall appoint three of its members to the Oversight and Advisory  
20 Committee. And the Long Term Care Council shall appoint three of its members to the Oversight  
21 and Advisory Committee. The Mayor shall appoint the remaining three at-large members of the  
22 Oversight and Advisory Committee~~Council~~, subject to rejection by the Board of Supervisors  
23 within 30 days following transmittal of the Notice of Appointment.

24 \* \* \* \*

1                    **SEC. 16.128-13. CONFORMING AMENDMENTS.**

2                    (a) The City Attorney shall cause all references in the Municipal Code to the Aging  
3 and Adult Services Commission, the Department of Aging and Adult Services, and the Aging and  
4 Adult Services Community Living Fund to be amended to refer to the Disability and Aging  
5 Services Commission, the Department of Disability and Aging Services, and the Disability and  
6 Aging Services Community Living Fund, respectively.

7                    (b) Upon completion of the amendments required by subsection (a), the City Attorney  
8 shall cause this Section 16.128-13 to be removed from the Charter.

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

12 By:

  
13 ANNE PEARSON  
14 Deputy City Attorney

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