

SAN FRANCISCO CHARTER CODE

PARK, RECREATION AND OPEN SPACE FUND (§ 16.107.)

a. Establishment of Fund. There is hereby established the Park, Recreation and Open Space Fund (Fund) to be administered by the Recreation and Park Department (Department) as directed by the Recreation and Park Commission (Commission). Monies therein shall be expended or used solely by the Department, subject to the budgetary and fiscal provisions of the Charter, to provide enhanced park and recreational services and facilities.

b. Annual Set-aside. The City will continue to set aside from the annual tax levy, for a period of thirty years starting with the fiscal year 2000-2001, an amount equivalent to an annual tax of two and one-half cents (\$0.025) for each one hundred dollars (\$100) assessed valuation. Revenues obtained thereby shall be in addition to, and not in place of, any sums normally budgeted for the Department and, together with interest, shall be deposited into the Park, Recreation and Open Space Fund.

The Controller

shall set aside and maintain such an amount, together with any interest earned thereon, in the Fund, and any amount unspent or uncommitted at the end of the fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the purposes specified in this Section.

c. Enhanced Revenue and Efficiency Incentives for the Department. It is the policy of the City and County of San Francisco to give the Department greater incentives to improve operational efficiencies and to increase revenue.

Increases in revenues and savings shall be dedicated as follows:

1. Actual net increases in Department-generated revenues, compared to the previous fiscal year, shall be dedicated to capital and/or facility maintenance improvements to park and recreational facilities;

2. New revenues from outside sources, such as grant or foundation support, shall be used only for enhancement of park and recreational programs, including, but not limited to, capital and/or facility maintenance improvements; and

3. Overall Department expenditure savings shall be retained by the Department to be dedicated to one-time expenditures.

The City shall implement its efforts to increase revenues in a manner consistent with the City's policy of charging City residents a lower fee than that charged nonresidents for the use and enjoyment of Department property.

d. Revenue Bond Authority. Notwithstanding the limitations set forth in Sections 9.107, 9.108, and 9.109 of this Charter, the Commission may request, and upon recommendation of the Mayor the Board of Supervisors may authorize, the issuance of revenue bonds or other evidences of indebtedness, or the incurrence of other obligations, secured by the Park, Recreation and Open Space Fund for acquisition, construction, reconstruction, rehabilitation and/or improvement of real property and/or facilities and for the purchase of equipment.

e. Fund Expenditures on Commission Property. Any real property

acquired with monies from the Fund, including the proceeds of obligations issued pursuant to subsection (d), above, shall be placed under the jurisdiction of the Commission within the meaning of Section 4.113. Fund expenditures to improve, construct, reconstruct or rehabilitate real property shall be limited to property under the jurisdiction of the Commission or property under the jurisdiction of another City department or public agency and subject to an agreement with the Department for its use, management and maintenance.

f. Use and Allocation of the Fund. Each year, the Commission shall adopt a budget for the allocation and expenditure of the Fund in compliance with the budget and fiscal provisions of the Charter, which shall be adopted by the Commission only after a written determination by the Planning Department of conformity with the City's General Plan.

The annual budget for allocation of the Fund that is adopted by the Commission and submitted by the Mayor to the Board of Supervisors shall include:

1. Allocations for after-school recreation programs, urban forestry, community gardens, volunteer programs, and a significant natural areas management program in the amounts allocated for each of those programs from the Park and Open Space Fund in the Department's fiscal year 1999-2000 budget, to the extent that such programs are not so funded in the Department's operating budget or in the budget of another City department.

2. An allocation necessary to ensure that 3% of the monies to be

deposited in the Fund during the upcoming fiscal year pursuant to subsection (b), above, be available at the start of the fiscal year as an undesignated contingency reserve.

3. An allocation of not less than 5% of the monies to be deposited in the Fund during the upcoming fiscal year pursuant to subsection (b), above. These monies shall be dedicated to the acquisition of real property identified in the Capital Plan discussed in subsection (g), below. Any portion of these monies that remains unspent or uncommitted at the end of any fiscal year shall be carried forward, with interest thereon, to the next fiscal year for the purposes set forth herein. The 5% allocation need not be included in the budget submitted to the Board of Supervisors for an upcoming fiscal year to the extent that the total City expenditure for acquisition of property to be placed under the jurisdiction of the Commission for the period commencing with fiscal year 2000-01 and ending with the close of the immediately preceding fiscal year exceeds an amount equal to 5% of the total amount appropriated, or to be appropriated, to the Fund for the period commencing with fiscal year 2000-01 and ending with the close of the upcoming fiscal year.

Prior to the adoption of the annual budget by the Recreation and Park Commission, the Department, in conjunction with the Citizens Advisory Committee discussed in subsection (h), below, shall conduct two public hearings in the evenings or on weekends to permit the public to comment on the Department's full budget and programming allocations.

g. Planning and Reporting Measures. The Commission shall adopt several long-term plans that include, but are not limited to, the following:

1. Strategic Plan.

By December 1, 2000, the Department shall prepare, for Commission consideration and approval, a five-year Strategic Plan, to be updated annually, that establishes or reaffirms the mission, vision, goals and objectives for the Department. This Strategic Plan will be used to guide the Department's work over the next five years.

2. Capital Plan.

By December 1, 2000, the Department shall prepare, for Commission consideration and approval, a five-year Capital Plan, to be updated annually, for the development, renovation, replacement and maintenance of capital assets, and the acquisition of real property. In its Capital Plan the Department shall propose specific properties to be acquired for open space, recreation facilities, significant natural areas, and other recreational purposes and shall prioritize capital and maintenance improvements and provide budgets associated with such improvements. Capital and acquisition projects will be designated by the Department based upon needs identified by the Department and the community. Capital projects will include the planning, design and construction of projects that rehabilitate, restore or replace existing facilities or that develop new facilities. Acquisition projects will include, but will not be limited to, purchase, lease, exchange, eminent domain, license or any other vehicle giving the City a right, whether revocable or not, to use real property, or any interest therein, or any improvement or development rights thereon, for recreational purposes, including, but not limited to, protection of natural resources, development of community gardens and development of urban trails, provided that, notwithstanding anything herein to the contrary, no

acquisition of less than fee simple title may be for a term of less than ten years.

3. Operational Plan. By December 1, 2001, the Department shall prepare, for Commission consideration and approval, a five-year Operational Plan, to be updated annually, detailing proposed improvements to the Department's services and responsiveness to customer needs. The annual Operational Plan will serve as a tool for improving the operational efficiency of the Department and will include measurable performance standards for the Department. The Department shall prepare the initial Operational Plan after conducting a performance audit of Departmental operations. Thereafter, the Department will conduct periodic performance audits.

The Commission shall establish a community input process, which may include the Citizens Advisory Committee discussed in section (h), below, through which citizens of the City and County of San Francisco will provide assistance to the Commission as it develops criteria and establishes the plans required by this subsection. Prior to the adoption of each five-year plan, the Department shall conduct at least five hearings in locations distributed geographically throughout the City to receive and to consider the public's comments upon the plan. The Commission shall ensure that at least two of these hearings are held in the evenings or on weekends for the public's convenience.

The Department shall report annually, as a part of the City's budget process, to the Mayor and to the Board of Supervisors, on the

status of  
the plans and on the status of Department goals, objectives and  
capital project  
timelines for the current fiscal year, as well as provide reports on  
performance  
measures required by this Section.

h. Citizens Advisory Committee. The Board of Supervisors shall  
establish, by  
ordinance, a Citizens Advisory Committee.

i. Environmental and Design Guidelines. The Commission shall adopt  
written  
environmental and design guidelines for new facilities, parks, and  
open spaces  
and the renovation or rehabilitation of existing facilities, parks,  
and open  
spaces. These guidelines shall be consistent with any applicable  
standards of  
the Art and Planning Commissions.

j. Capital Projects. Notwithstanding the provisions of Section 3.104  
of this  
Charter, the Commission shall have the authority to prepare and  
approve the  
plans, specifications and estimates for all contracts and orders, and  
to award,  
execute and manage all contracts and orders, for capital projects on  
real  
property under its jurisdiction or management. Capital projects  
supported by the  
Fund, other than those projects identified by the Department as long-  
term  
projects, must be fully constructed within three years of the initial  
budget  
allocation for those projects. Long-term projects must be fully  
constructed  
within five years of the initial budget allocation. Any exceptions to  
this  
provision must be authorized by a two-thirds vote of the Commission.

The Recreation and  
Park Department and the Department of Public Works  
(DPW) shall establish a committee to develop a written,  
capital  
implementation program, for the consideration of both Departments,  
that will  
govern DPW's involvement in capital projects undertaken by the

Recreation

and Park Department. In developing this program, the committee shall consider the Capital Plan discussed in subsection (g), above, staffing levels in both Departments, and the availability of other resources.

k. Unspent Funds. All unspent funds in the Park and Open Space Fund on June 30, 2000 shall continue to be held for the use and benefit of the Department. These monies shall be expended in a manner consistent with the general purposes for which they were originally appropriated.

In addition to the requirements set forth by this Section, all expenditures from the Fund shall be subject to the budget and fiscal provisions of the Charter.

HISTORY: <p>(Amended March 2000)</p>