

LEGEND

~~Strikethrough~~ texts notes proposed deletions.

Bold, red texts notes proposed changes or additions.

Normal texts with no special formatting will not be changed.

CITY AND COUNTY OF SAN FRANCISCO

NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEAN-UP FUND

These Rules and Regulations are promulgated in accordance with San Francisco Administrative Code Section 10.100-114. ~~These are Program Regulations 1-20 and Administrative Regulations 1-10 promulgated in accordance with San Francisco Administrative Code sections 10.98 and 10.98-1 and Resolution 944-90 of the San Francisco Board of Supervisors.~~

~~Questions or comments concerning these regulations should be directed to the Office of the Chief Administrative Officer, 289 City Hall, San Francisco, CA 94102, (415) 554-4851.~~

PROGRAM REGULATIONS

ELIGIBILITY TO RECEIVE A GRANT

1. An applicant must meet ~~all~~ of the following tests:
 - be at the time of application a non-profit organization organized under the Internal Revenue Code Section 501(c)(~~3~~) or 501(d) or Chapter 4 of Part II, Division 2 of the California Revenue and Taxation Code, or
 - be an entity or group of individuals agreeing to use a fiscal agent which is a non-profit organization as described above, or
 - ~~be a department/office of the City and County of San Francisco.~~
2. The applicant must demonstrate organizational stability as evidenced by: (a) substantive past performance in the proposed or a similar activity, and (b) two (2) years of operations prior to applying for the grant. If unable to do so, the applicant must use a fiscal agent meeting these qualifications.
3. ~~An applicant, other than a City agency, must provide a declaration signed by the Chair of its Board under penalty of perjury declaring its intent to implement a policy of fair employment practice and Equal Employment Opportunity to all qualified~~

persons without discrimination on the basis of race, religion, sex, national origin, ethnicity, age, physical handicap, political affiliation, sexual orientation, color, marital status, or medical condition.

4.—An applicant, other than a City agency, must provide a declaration signed by the Chair of its Board under penalty of perjury certifying that it allows minority and women vendors and suppliers certified by the Human Rights Commission to compete on an equal basis with other suppliers to supply goods and services purchased by the applicant.

CITY DEPARTMENTS

5.—In any one grant year, City departments may collectively receive no more than 30% of the grant funds distributed. For the purpose of these regulations, City departments shall be considered to include the Housing Authority, Redevelopment Agency, and San Francisco Unified School District.

6.—Grants must be used to increase rather than to maintain current level of City service in neighborhood beautification and graffiti clean-up. Grants may not be substituted for existing funds. Departments must maintain current efforts in order to be eligible to receive a grant.

PROJECTS QUALIFIED/NOT QUALIFIED

7. **3.** Projects qualified for a grant must be performed in San Francisco and be the actual performance of neighborhood beautification and/or graffiti clean-up work that results in discernable beautification and/or clean-up. While projects may have educational content, the preponderance of grant funds must be utilized for actual beautification and/or clean-up.

8.—Projects not qualified include but are not limited to those which consist of efforts such as planning, design, lobbying, education, exhibits, conferences, studies, shows, rent/purchase of office space, or travel except travel expenses that are incurred in transporting equipment and personnel to perform a project.

PROJECT LIMITATIONS

9.—All projects are subject to the following limitations:

- a. ~~No significant additional maintenance: projects will not be considered which, in the exclusive judgment of the Chief Administrative Officer, would create significant permanent additional maintenance responsibility for any City agency.~~
- b. ~~Reimbursements for City assistance: non-City projects which require significant City involvement or supervision must reimburse the City for its costs.~~
- c. ~~No Overhead: The intent of the City and County of San Francisco to pay for materials, labor and direct supervision for the project. Organizational overhead or management costs generally will not be an allowed expense. Exceptions will be made where the applicant can demonstrate that management expense is necessary to ensure prudent expenditure of grant funds.~~

PREFERENCE FOR PROJECTS

~~10-~~**4.** The following projects will be given preference:

- d. Youth programs: projects that involve youths in the execution of the project.
- e. Innovation projects: projects that propose an innovative and feasible approach to neighborhood beautification or graffiti clean-up.
- f. Neighborhood generated: projects developed and proposed by neighborhood or local business organizations.
- g. Benefit areas of San Francisco that are economically disadvantaged: ~~areas as defined low/moderate income under the provisions of the Community Development Program. A description of these areas will be provided by the Chief Administrative Officer.~~
- h. ~~Organizations currently making efforts: projects proposed by organizations that have a demonstrated record of involvement in projects consistent with the purposes of this fund.~~

- i. ~~Volunteer Labor: projects that maximize volunteer labor. (Note: Paid labor is not prohibited, but volunteer labor will be given preference in project approval.)~~

Each preference area will be weighted equally.

PRIVATE PROPERTY

- ~~11.~~ **5.** Neighborhood beautification projects may be performed on private property provided that the project promotes a substantial public benefit, and the benefit to the private property owner is only incidental.
- ~~12.~~ **6.** Graffiti clean-up projects may be performed on private property only if the project meets the criteria set forth in ~~11~~ 5 above and if it is in conjunction with a broader neighborhood beautification program.
- ~~13.~~ **7.** Public property is defined as property owned by the United States government, the State of California, the City and County of San Francisco, or any other local governmental agency within the corporate limits of the City and County of San Francisco.

PROJECT MATCH

- ~~14.~~ Grantees must supply funds or in-kind contributions in an amount equal to fifteen (15%) of the grant amount. Funds used as match may be from current efforts being made by the grantee. However, organizational management and/or overhead costs are not eligible in-kind matches.

AUDITS

- ~~15.~~ Grantees must be audited by the City and County of San Francisco or
Withholding of any financial records shall be a material and shall require immediate termination of the grant. A may be designated by the City for audit services.

FINANCIAL AND PROGRAM REPORTING

~~16. Grantees must agree to provide to the Chief Administrative Officer in a form to be specified by the CAO semi-annual finance reports on project expenses and copies of invoices and other evidence of payments made with grant funds.~~

OTHER SOURCES OF FUNDS

~~17. Upon application for a grant, the applicant must state from which other City departments it is also seeking funds and list any City funds for which they have applied or which it has received during the past three (3) years.~~

PERMITS/PERMISSIONS

18: **8.** Grantees are responsible for securing all necessary permits and permission to accomplish the purpose of the grant.

LIABILITY INSURANCE

~~19. Liability insurance or a hold-harmless agreement may be required prior to distribution of a grant. If insurance is required, it may be funded from the grant.~~

APPLICATION/GUIDELINES PROCEDURES

20: **9.** The Chief Administrative Officer shall develop and make available to the public application forms, procedures, and grant guidelines which are consistent with these regulations.

ADMINISTRATIVE REGULATIONS

PERCENT DESIGNATION

~~1. Each time a taxpayer makes a business tax payment, he or she will have the option of designating a percentage, up to the allowable ceiling, of that payment for deposit in the Neighborhood Beautification and Graffiti Clean-up Fund (Neighborhood Beautification Fund).~~

~~2. Once the taxpayer makes a designation, that designation is irrevocable for the payment in question.~~

- 3.—Taxpayers may not designate more than 1% of their annual payroll expense or business tax to the fund. However, the designation may be made either entirely at the time of the end-of-the-year payment or by way of up to 1% of the prepayment and not more than 1% of the remainder due at the end of the year.
- 4.—Taxpayers may not earmark the expenditure of the funds they designated for deposit in the Neighborhood Beautification Fund nor may they condition their designation upon the expenditure money in the Neighborhood Beautification Fund for a specific purpose.

\$1 MILLION LIMIT ON DESIGNATION

- 5.—No more than 1 million dollars may be deposited in the Neighborhood Beautification Fund pursuant to taxpayer designations in any given year. Amounts designated in excess of 1 million dollars will be deposited in the General Fund.
- 6.—In the event that taxpayer designations do not reach the \$1 million limit, the City and County of San Francisco is under no obligation to provide additional funds to reach the \$1 million limit or any other amount. Any additional City funds would be deposited in the Neighborhood Beautification Fund only if the Board of Supervisors chooses to appropriate that sum.
- 7.—Monies in the Neighborhood Beautification Fund that remain uncommitted at the end of the fiscal year shall be carried forward and maintained in the fund for the subsequent year. However, funds carried forward from a prior year shall not be counted toward the annual 1 million-dollar limit on designations to the fund.
- 8.—Interest earned from the Neighborhood Beautification Fund will not be counted against the \$1 million dollar limit.

DONATIONS

- 9.—As specified in the ordinance, donations may be made to the Neighborhood Beautification Fund. A donation is a voluntary payment made by an entity and does not diminish the business tax obligation owed. Funds received pursuant to donations will not count against the 1 million dollar limit. Donated funds may be targeted or conditioned by the benefactor for specific projects or purposes.

CONTROLLER DETERMINATION

10. No later than April of each year the Controller shall determine the percentage ceiling of total tax liability which taxpayers may designate for deposit in the Neighborhood Beautification Fund.

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