

Children's Amendment – Proposition D

SEC. 16.108. CHILDREN'S FUND. [Effective July 1, 2001]

(a) **Fund for Children's Services.** Operative July 1, 2001, there is hereby established a fund to expand children's services, which shall be called the Children's Fund ("Fund"). Monies in the Fund shall be expended or used only to provide services for children as provided in this section.

(b) **Goals.** The goals of expenditures from the Fund shall be:

- (1) To ensure that San Francisco's children are healthy, ready to learn, succeed in school and live in stable, safe, and supported families and communities;
- (2) To reach children in all neighborhoods;
- (3) To the maximum extent reasonable, to distribute funds equitably among services for infants and preschoolers, elementary school age children and adolescents;
- (4) To focus on the prevention of problems and on supporting and enhancing the strengths of children, youth and their families;
- (5) To strengthen collaboration between the City and County of San Francisco and the San Francisco Unified School District;
- (6) To fill gaps in services and to leverage other resources whenever feasible; and
- (7) To foster projects initiated by San Francisco youth.

(c) **Amount.** There is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of three cents (\$.03) per one hundred dollars (\$100) of assessed valuation for each fiscal year beginning with July 1, 2001—June 30, 2002, and ending with July 1, 2015—June 30, 2016. If the 2010 U. S. Census shows that children make up a percentage of the population of the City and County that is at least two percentage points more than their percentage as shown in the 2000 U. S. Census, then the amount of the property tax levy set aside under this section shall be increased for each fiscal year beginning after publication of the 2010 Census. The increase shall be in an amount equal to: one-quarter cent (\$.0025) per one hundred dollars of assessed valuation, for each two full percentage points of increase in the percentage of the City and County population that is made up of children. The Fund shall be maintained separate and apart from all other City and County funds and appropriated by annual or supplemental appropriation.

(d) **New Services.** Monies in the Fund shall be used exclusively for the costs of services to children less than 18 years old provided as part of programs that predominantly serve children less than 18 years old, above and beyond services funded from sources other than the previous Children's Fund prior to July 1, 2001. To this end, monies from the Fund shall not be appropriated or expended for services that received any of the funds included in the higher of the Controller's baseline budget covering July 1, 2000—June 30, 2001 appropriations, or the Controller's baseline budget covering July 1, 1999—June 30, 2000 appropriations, whether or not the cost of such services increases. Nor shall monies from the Fund be appropriated or expended for services that substitute for or replace services included or partially included in the higher of the two baseline budgets, except and solely to the extent that the City ceases to receive federal, state or private agency funds that the funding agency required to be spent only on those services. The Controller's baseline budget shall mean the Controller's calculation of the actual amount of City appropriations for services for children that would have been eligible to be paid from the Fund but are paid from other sources.

(e) **Eligible Services.** Services for children eligible for Fund assistance shall include only:

- (1) Affordable child care and early education;
- (2) Recreation, cultural and after-school programs, including without limitation, arts programs;
- (3) Health services, including prevention, education, mental health, and pre-natal services to pregnant women;
- (4) Training, employment and job placement;
- (5) Youth empowerment and leadership development;
- (6) Youth violence prevention programs;
- (7) Youth tutoring and educational enrichment programs; and
- (8) Family and parent support services for families of children receiving other services from the Fund.

(f) **Excluded Services.** Notwithstanding subsection (e), services for children paid for by the Fund shall not include:

- (1) Services provided by the Police Department or other law enforcement agencies, courts, the District Attorney, Public Defender, City Attorney; or the Fire Department; detention or probation services mandated by state or federal law; or public transportation;
- (2) Any service that benefits children incidentally or as members of a larger population including adults;
- (3) Any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure;
- (4) Acquisition of any capital item not for primary and direct use by children;
- (5) Acquisition (other than by lease for a term of ten years or less) of any real property; or
- (6) Maintenance, utilities or any similar operating costs of any facility not used primarily and directly by children, or of any recreation or park facility (including a zoo), library, or hospital.

(g) **Baseline.** The Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for those services for children that are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law). To this end, the City shall not reduce the amount of such City appropriations for eligible services (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in any of the fifteen years during which funds are required to be set aside under this section below the amount so appropriated for the fiscal year 2000-2001 ("the base year") as set forth in the Controller's baseline budget, as adjusted ("the base amount"). The base amount shall be adjusted for each year after the base year 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 revenue, the Controller shall only include revenues received by the City and County that are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. The method used by the Controller to determine

discretionary revenues shall be consistent with method used by the Controller to determine the Library and Children's Baseline Calculations dated June 20, 2000, which the Controller shall place on file with the Clerk of the Board in File No. 000952. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year's estimate. Within 90 days following the end of each fiscal year through 2014-2015, the Controller shall calculate and publish the actual amount of City appropriations for services for children that would have been eligible to be paid from the Fund but are paid from other sources, separately identifying expenditures mandated by state or federal law.

(h) **Three-Year Planning Cycle.** To provide time for community participation and planning, and to ensure program stability, appropriations from the Fund for all fiscal years beginning after June 30, 2004 shall be made pursuant to a three-year planning cycle as set forth in subsections (h) through (l). During every third fiscal year beginning with the 2001-2002 fiscal year, the City shall prepare a Community Needs Assessment to determine services eligible to receive moneys from the Fund. During every third fiscal year beginning with the 2002-2003 fiscal year, the City shall prepare a Children's Services and Allocation Plan ("the Plan"), based on the Community Needs Assessment approved during the previous year. The Board of Supervisors may modify an existing Community Needs Assessment or Plan, provided that any modification shall occur only after a noticed public hearing. All appropriations from the Fund shall be consistent with the most recent Plan, provided that the Board of Supervisors may approve an amendment to the Plan at the same time it approves an appropriation.

(i) **Community Needs Assessment and Children's Services and Allocation Plan.**

- (1) The Community Needs Assessment and the Plan shall be in writing, shall be made available to the public in draft form not later than January 31 of each fiscal year in which they are required, shall be presented by March 31 of each such fiscal year to the commissions listed in subsection (m)(3) for review and comment, and by April 30 of each such fiscal year shall be presented to the Board of Supervisors for approval.
- (2) Prior to preparation of each draft Community Needs Assessment, the City shall hold at least one public hearing in each geographical area defined in Charter Section 13.110. The City shall also make available opportunities for parents, youth, and agencies receiving monies from the Fund to provide information for the Community Needs Assessment. The Community Needs Assessment shall include the results of a citywide survey of parents and youth to be conducted by the Controller every three years.
- (3) The Plan shall include all services for children furnished or funded by the City or funded by another governmental or private entity and administered by the City, whether or not they received or may receive monies from the Fund. The Plan shall be outcome-oriented and include goals, measurable and verifiable objectives and measurable and verifiable outcomes.
- (4) The Plan shall state how all services receiving money from the Fund will be coordinated with other children's services. The Plan shall specify amounts of funding to be allocated: (i) toward achieving specified goals, measurable and verifiable objectives and measurable and verifiable outcomes, (ii) to specified service models; and (iii) for specific populations and neighborhoods. The Plan shall also state the reasons for the allocations and demonstrate how the allocations are consistent with the Community Needs Assessment. A minimum of three percent of the funding allocated under the Plan shall be for youth-initiated projects.

(j) **Evaluation.** The Plan shall include an evaluation of services that received money from the Fund at any time during the last three fiscal years. The evaluation shall involve those who use the funded services and other parents and youth.

(k) **Failure of Board to Act.** If the Board of Supervisors has not approved a Community Needs Assessment before the first day of the fiscal year during which the Plan is to be prepared, the Plan shall be based on the Community Needs Assessment as originally submitted to the Board of Supervisors.

(l) **Selection of Contractors.** Except for services provided by City employees, the Fund shall be expended through contractors selected based on their responses to one or more requests for proposals issued by the City. The City shall award contracts to coincide with the City's fiscal year starting July 1.

(m) **Implementation.**

- (1) In implementation of this section, facilitating public participation and maximizing availability of information to the public shall be primary goals.
- (2) So long as there exists within the executive branch of City government a Department of Children, Youth and Their Families, or an equivalent department or agency as its successor, that department shall administer the Children's Fund and prepare the Community Needs Assessment and the Plan pursuant to this section. If no such department or agency exists, the Mayor shall designate a department or other City body to administer the Children's Fund pursuant to this section.
- (3) In addition to all other hearings otherwise required, the Recreation and Park, Juvenile Probation, Youth, Health and Human Services Commissions shall each hold at least one separate or joint hearing each fiscal year to discuss issues relating to this section. The Department of Children, Youth and Their Families, or other agency as described above in section (m)(2), shall consult with the Recreation and Park Department, Arts Commission, Juvenile Probation Department, Unified School District, Health Department, Department of Human Services, Commission on the Status of Women, Police Department, Library Department and Municipal Transportation Agency in preparation of portions of the Community Needs Assessment and the Plan that relate to their respective activities or areas of responsibility.
- (4) The Board of Supervisors may by ordinance implement this section.

(n) **Advisory Committee.** There shall be a Children's Fund Citizens' Advisory Committee ("the Committee") that shall consist of 15 members, each appointed by the Mayor to a three-year term, to serve at the Mayor's pleasure. At least three members of the Committee shall be parents and at least three members shall be less than 18 years old at the time of appointment. For each of the following areas, there shall be at least one Committee member with professional expertise in that area: early childhood development, childcare, education, health, recreation and youth development. The Committee shall meet at least quarterly, and shall advise the department or agency that administers the Children's Fund and the Mayor concerning the Children's Fund. The Committee shall convene by July 1, 2001. Each member of the Committee shall receive copies of each proposed Community Needs Assessment and each Plan (including the evaluation required as part of the Plan). Members of the Committee shall serve without pay, but may be reimbursed for expenses actually incurred.

(o) **Unspent Funds.** All unspent funds in the Children's Fund created by former Charter Section 16.108 shall be transferred to the Children's Fund established herein.

(p) **Effect of Procedural Errors.** No appropriation, contract or other action shall be held invalid or set aside by reason of any error, including without limitation any irregularity, informality, neglect or omission, in carrying out procedures specified in subsections (h) through (n) unless a court finds that the party challenging the action suffered substantial injury from the error and that a different result would have been probable had the error not occurred. (Amended November 2000)