

# ELEMENTS OF A CHILDREN AND YOUTH FUNDING MEASURE

## TITLE OF ORDINANCE

NAME YOUR MEASURE. Most people in your city/county will know ONLY the name of the measure – so it is very important. It is your branding and can convey key messages. The name will be used by the media, in your literature, during debates, in the ballot handbook – basically whenever the measure is referred to or spoken about, both before and after the measure passes. The name MUST be explicitly stated in and throughout the measure.

### TIPS:

- The title should include the word “child” and/or “youth.” That is your major selling point.
- You might also want to include the name of your city or county, so it is clear that this is a local measure, close to home – telling the public that it will benefit their community directly – unlike how they might perceive a state or federal measure.

Note: If you do not name the measure in the measure itself, someone else will either name it for you when they refer to it, or it will be referred to as a number or a letter, or in a phrase that may not reflect what you think is important, such as the type of tax it is. The initial measure to create a dedicated fund in San Francisco had no name. Its authors wanted it referred to as “The Children’s Amendment.” They were dismayed when the media refused to call it by that name. In the media’s view, that was not the official name – the official name was “Proposition J.”

## RATIONALE FOR MEASURE

Most measures include a set of “findings” or initial statements about the need and the history that led to the legislation.

This is important for the campaign so voters can understand the most basic arguments for the measure. It is your permanent documentation about why this measure is important. It can include data about the needs of your city’s/county’s children, the benefits and outcomes of similar measures around the state or country, a cost argument for the expenditures, and why a fund is necessary and potentially beneficial.

## PURPOSE AND GOALS

This can be a compelling statement of general principles, as well as overall goals to improve the well-being of children. This can include a commitment to many things, such as equity, prevention, civic participation, best practices, the need for collaboration, leveraging resources, and/or accountability. The goals can cite specific populations that must be addressed, models of care that should be prioritized, and outcomes that are anticipated. The goals can also be stated in terms of the health, safety, and school success for individual children.

This is one of the most important parts of the measure. It is like the preamble of the U.S. Constitution. It cites the most basic principles you intend to adhere to. And most importantly, it will be referred to over and over as the measure is implemented, as controversies inevitably arise, and as you seek to evaluate whether the purpose of the measure is met. It will keep the funding stream focused on what is important.

## SERVICES ELIGIBLE FOR FUNDING

- List the specific services that can be funded, including very short definitions so the public can understand what is being funded. Do not use jargon or overly professional terms. The public needs to understand what they are getting. The list can include things like childcare, health and mental health services; youth employment and training; violence prevention strategies; afterschool programs and tutoring; and arts and cultural enrichment.
- State what children and youth can be served. First cite what age groups you want to serve. Your choices generally will include ages 0 – 18, 0 – 24, age 5 and under. Or the age group could be implied by using words like “early care,” “youth,” or “preschool.” Some groups have called out priority populations to be served, such as system-involved youth, homeless youth, immigrant children and youth, LGBTQ young people, low-income families, children in foster care, and/or children with disabilities.
- Include allowable services to parents if you want to provide parenting and family support services. Say that explicitly and limit services to adults to those specific services. You want to avoid allowing programs or services unrelated to helping children and youth.
- Be clear about what agencies are eligible to apply for funds. You will probably want to allow community-based non-profits and public agencies to apply. Some have tried to mandate that a specific percent (like 80%) go to non-profits to avoid having most of the funding go to what they see as the “bureaucracy.” Stating explicitly that most funding should go to non-profits can be controversial with city employee unions or public officials that want to ensure that city or county departments have access to the resources. Also, some measures either explicitly allow or disallow for-profit organizations. Most avoid the issue.

### TIP

- It is very important to include a definition of children’s services. Otherwise, it becomes too easy to include almost anything (such as fire protection) as a service to children, as children benefit in some way from most things that are done by local government. This is a definition used in some measures: A children’s service benefits children directly and does not include services that benefit children incidentally or as members of a larger class including adults.

## EXCLUDED SERVICES

Protecting the integrity of the Fund is very important, so throughout the measure there can be ways to ensure that the money is spent as intended and in a way that is consistent with the goals of the Fund. One way to accomplish this is to list services that cannot be funded. Things communities have wanted excluded are law enforcement (often listed as specific agencies like Police and District Attorneys), mandated matching funds that would be spent regardless of new money, any service that benefits children incidentally or as members of a larger class including adults, or capital expenses that might gobble up a huge portion of the Fund. You may want to explicitly state that these funds

are not for the core functions of the local school districts, or state they can only be used by the school district for programs done in collaboration between schools and community-based agencies. Each community will have something specific they will want to avoid taking up a big chunk of money. San Francisco listed the zoo in this section of its first measure.

## **PREVENT SUPPLANTING EXISTING FUNDING WITH NEW FUNDS**

This is a critical part of the measure, and one that is often overlooked. It is the assurance that new funds are not used to supplant existing funds. This can be stated several ways in the measure. For instance, it can be in both the goals and excluded uses, clearly stating that the goal is to create new or expanded services, not allowing funds to supplant local funding for existing services.

### **TIP**

One way to ensure that funds are used ONLY for new services is to create what some have called a “Children’s Baseline Budget.” This is a maintenance-of-effort requirement that all current levels of local spending for children and youth be maintained. One specific methodology for ensuring that happens is to require that the current level of spending be calculated by a budget office or a controller after the measure passes, and then requiring each department maintain and document that that level is maintained each year. This not only ensures new money is spent for new items, but it ensures that existing funding for children and youth will not be cut!

## **OVERSIGHT**

Name and describe the body that will oversee the governance of the fund and ensure that it is implemented in a way that is consistent with the goals stated in the measure. It can be a new or existing entity.

Include:

- Power of body – The power of the body can be on a continuum from advisory to decision-making.
- Functions and responsibilities – Responsibilities can include funding recommendations and/or approval, overseeing planning and decision-making, evaluating outcomes, facilitating community engagement, conducting needs assessments, and reviewing finances of the department managing the fund.
- Appointment power to oversight body - legislative body, city or county executive, other – or some combination.
- Number of seats, terms, reimbursements, and conflict-of-interest requirements of oversight body
- Composition and background requirements for members
- Requirements about public meetings, communication and transparency

### **TIPS**

- You can name the seats on the oversight body with as many characteristics you believe are necessary to trust the appointments. If you want to assure a youth voice, non-profit representation, geographic representation, various kinds of

diversity, a high level of expertise in certain fields, or parents, put that in the language of the measure.

- How the oversight body is structured is the most important variable in determining the level of transparency and accountability to the public. With a good appointment process that you will trust and a planning process that ensures public input, many recommend that the oversight body be given maximum power to influence how the money is spent. Ultimately the elected legislative body will have final say in almost every city or county, but even that power can be limited to approval or disapproval of a final package, with return to the oversight body to develop the specifics in addressing concerns. You want to avoid the new fund becoming a political slush fund for every elected official’s pet project.
- After years of having a Fund, the third reauthorization in San Francisco created a second body in its new Children and Youth Fund measure to ensure that there was adequate involvement and input from service providers. Named the “Service Provider Working Group,” it has chairs appointed by the Oversight Committee but has the latitude to structure itself and advise the oversight body and implementing department on funding priorities, policy, planning, evaluation, and other issues.
- You can elevate the capacity of an oversight body by ensuring in the measure that it will have its own staff.

## **ADMINISTRATION**

- Identify the entity in government that will administer the Fund or be responsible for determining what entity will administer the Fund. If you already have an office or department responsible for children or youth services, the fund can be administered there. It could also be administered through other departments, such as health or social services. Other options:
  - An intermediary organization (new or existing) that will be contracted by government to administer the Fund if your city or county officials and attorneys will allow.
  - Using the measure to create an “office or department for children and/or youth” as part of the funding measure, which then requires a section addressing the organizational structure, governance, cost, goals and staffing of the new office.
- You may want to mandate some aspects of the contracting and reporting process for grantees of the fund, such as the funding cycle, the application and selection processes, or requirements about data collection.
- Evaluation is important and popular with the public. Ensure that there is there is a regular and independent evaluation of specific programs funded, as well the overall implementation of the Fund.
- The question of administrative costs – Some have put a cap of 10% on administrative costs. This is popular with the public, which

generally fears too much money going to “bureaucracy.” Other stakeholders, however, are concerned that this may not be high enough. They can be reassured with the clarification that the evaluation can be calculated separately from the administrative costs. Some avoid the issue altogether.

- You may want to state the role of legislative body in final oversight and approval of funding, particularly if you want to put constraints on it in some way.

#### TIPS

- **Using an intermediary organization to manage the fund:** Many people think they want to have an independent body oversee the decision-making and funding process, rather than a governmental agency that they may not trust. But be careful what you wish for. As flawed as a public agency is, it may be more accountable and transparent than a non-governmental body in the long run.
- **Creating a new office through your measure:** On one hand, you will want to avoid the appearance of creating too much new bureaucracy in your measure. If you keep it simple, the public is assured that money will go directly to services. This can be a tough balance when you also want to use the measure to create a new department that will oversee the money and have other functions that could improve services – like coordination, planning, and oversight of other children and youth services. Some communities create the administrative entity responsible for children and youth services legislatively outside the ballot process, often as a first step to placing a fund on the ballot.

#### PLANNING AND ACCOUNTABILITY

A transparent and thorough planning process that engages all stakeholders is key to the effective management of a public fund. Specific strategies to engage all stakeholders should be included in the measure. The following are examples of mandates that can ensure transparency and accountability to the public:

- Requiring a regular needs assessment as a basis for what should be prioritized by the fund. A needs assessment process can require many types of input from the public, recipients of services, and other arms of government.
- Mandating a services allocation plan that is made public on a regular basis and includes a review and approval process that involves the public.
- Annual or bi-annual written public reports on the Fund that are presented to the legislative body which must conduct a public hearing on the Fund.

#### SOURCE, AMOUNT, DURATION OF FUNDING

The measure must describe the source of funding. This can include a lot of legal detail depending on the source. This can be the place to put the duration of the fund (when it will sunset). A standard sunset is 10 years. A rule of thumb is to make sure the Fund is in place long enough to accomplish something significant, but short enough to convince the

public there will be chance to evaluate it and rescind the measure if need be. While some measures are permanent, having a reasonable sunset is a good selling point for the public especially when the fund is first put in place. Voters will know there will be an opportunity to vote again based on the success of the measure. This section of the measure could also be the place where you include assurance that unspent funds can be carried over from year to year – a very important point.

#### TIPS:

- In addition to naming your measure, you should name the fund. e.g., Solano Fund for Children and Youth. Giving the fund a name serves many purposes, including accounting purposes once the measure passes.
- The details of the funding mechanisms can be quite long and often complicated. To the extent feasible, put the purpose and services to be funded at the beginning of the measure and the legal mechanisms for funding toward the end. Sometimes it’s hard to convince lawyers to put the legal mechanisms for funding at the end of a measure, but for the people who will actually read the measure and must vote on it, it is best to understand the need and what it will accomplish first.

#### SEVERABILITY

Every measure has a “severability” clause – make sure that yours has one. What it means: if one section is invalid, this does not invalidate whole measure

#### GENERAL STRATEGIES TO KEEP IN MIND:

- Put in as many strategies as possible to protect the integrity of the fund and the funding process. It is easy for money to become politicized – and for the intent of the funding to be lost – sometimes on purpose, sometimes not.
- Use words and placement in drafting the measure that help you communicate to all stakeholders (before and after the measure passes) about the purpose, priorities, goals, and principles of the measure.
- Carefully consider the level of detail you want in your measure. Too little detail allows the measure to be implemented in a way desired by whomever implements it at any given time. On the other hand, too much detail can tie the hands of well-meaning administrators by minimizing their flexibility.
- Many of the details described above, such as issues about contracting, planning, and allocation processes can be left to follow-up legislation, or even decisions of an oversight committee.
- The public may be confused between a school measure and a measure for funding other children and youth services. Schools are popular and the public is used to voting for funding for schools. You could explicitly state in your goals or in the rationale for the measure, why a separate measure is needed, or how these services will work collaboratively with schools and supplement what schools provide, and lead to success in school.

## THE DRAFTING PROCESS

### WHO ACTUALLY DRAFTS THE MEASURE?

If your measure is being placed on the ballot by a city or county official body, the final and official draft of the measure will be done by the attorney for your city or county. If you are placing it on the ballot by signature of the voters, the coalition spearheading the measure will be responsible for hiring a lawyer to draft the measure to be placed on the ballot.

### ADVANTAGES AND DISADVANTAGES OF HOW THE MEASURE GETS ON THE BALLOT

The advantage of putting the measure on the ballot by signature of the voters is that you get exactly what you want in the measure. If it is being put on the ballot by the city or county, you will have to work with elected officials (hopefully a champion) and the attorneys to get what you want. So you want to cultivate your negotiating skills, and go in knowing exactly what is legally possible and what isn't. If you are hiring your own lawyer to draft the measure, know that this is an area of the law that requires considerable expertise in election, government and public finances.

### CREATING A SHARED VISION THROUGH THE DRAFTING PROCESS

No matter who is doing the final drafting, it is important for the coalition advocating for the measure to go through all of the elements of the measure and make decisions about what you want in the measure. This forces you to get down to business and make decisions. Reaching a consensus with your allies about the basic elements of the measure takes time, but ultimately it brings you together and prepared you for the challenges of a campaign.

Use the drafting process to bring your coalition and your allies together, and to establish a strong consensus and a shared vision before the measure is finalized.

### BUILDING POWER WITH THE SHARED VISION

Many people start this journey saying whether they win or lose at the ballot, this is an opportunity to build the power of the children/youth movement in their city or county. The drafting process can be a key part of that as you engage more people (including youth) in the civic process and build productive collaborations across diverse community institutions to arrive at a consensus. This is a rare opportunity to have your allies and partners actually draft a law. For youth it is particularly empowering, so involve them actively in the process.

### TIPS

- The drafting process could take anywhere from 6 weeks to 3 months, so start early, and leave plenty of time to draft edit and finalize your measure.
- Throughout this process, your measure will continue to evolve. Creating the perfect measure is impossible but striking a balance to draft the best measure possible, with sufficient political and public support, means making sacrifices. Be prepared to compromise.

## CRAFTING THE RIGHT QUESTION

### The most important sentence in the campaign.

The actual question that will appear on the ballot will probably have a greater impact on how people vote than anything else. For many people that is ALL they will see before they vote yes or no. It is important to pay attention. The City or County attorney will write the question. If you have an ongoing relationship with that person, use it to influence the framing of the question. Try very hard to have the word "child" or "youth" and the specific services that will be funded at the beginning of the question, and the word "tax" or other details of the funding mechanism at the end.

### CAN YOU TELL THE DIFFERENCE?

#### GREAT: ALAMEDA COUNTY CHILDCARE AND EARLY EDUCATION MEASURE-

To expand access to childcare and preschool for low- and middle-income families; help homeless and at-risk children, including help preventing child abuse and neglect; attract and retain quality childcare workers; and add spaces for childcare at locations throughout the county, shall the County of Alameda enact a 30-year ½% sales tax providing approximately 140 million dollars annually with citizens' oversight, public disclosure of spending, and mandatory annual audits?  
**65% VOTED YES**

#### OK: CITY OF RICHMOND CHILDREN AND YOUTH FUND MEASURE -

Shall the Charter of the City of Richmond be amended to provide that a portion of general fund money shall be set aside for funding youth programs and services?  
**76% VOTED YES**

**WEAK: SAN FRANCISCO CHILDCARE MEASURE -** Shall the City impose a new gross receipts tax of 1% on revenues a business receives from leasing warehouse space in San Francisco, and 3.5% on revenues a business receives from leasing some commercial spaces in San Francisco, to fund quality early care and education for young children and for other public purposes?  
**50% VOTED YES**

#### GREAT STRUCTURE: CITY OF MERCED MARIJAUNA TAX MEASURE -

Generating approximately \$1,000,000 annually locally to fund Merced Police, Fire, Parks, Recreation services such as 911 emergency response; neighborhood-based policing; fire/gang prevention services; skilled police officers and firefighters; and safe, clean parks; shall the City of Merced adopt an ordinance authorizing an annual commercial cannabis business tax of up to: \$25 per square foot of cultivation space, or 10% of gross receipts until ended by voters, with independent citizens oversight?  
**78% VOTES YES**

### TIP

Before the question is finalized for the ballot, Many cities or counties provide a formal hearing to appeal the wording. USE IT.

