

SEC. 16.108. CHILDREN AND YOUTH FUND.

(a) Preamble.

(1) By overwhelmingly reauthorizing the Children's Fund in 2000 with 74 percent approval, the people of the City and County of San Francisco found and declared that the Children's Fund (now to be known as the Children and Youth Fund) is essential in ensuring the health and success of every San Francisco child.

(2) The previous investment of the Children and Youth Fund allowed for the Department of Children, Youth, and Their Families to serve over 56,000 youth in FY 2012-2013, focusing on the children with the most need.

(3) The Fund successfully stabilized and expanded services for children, youth, and their families, while leveraging other resources.

(4) Addressing the level of unmet need among children and youth remains a significant challenge. The needs of San Francisco's children have been increasing:

(A) One-third of San Francisco's African American and Latino children live below the poverty line. The number of San Francisco children in poverty has increased by 14% in the past 5 years.

(B) The federal poverty level for a family of four is \$23,000; adjusted to San Francisco, it is \$35,000. Self-sufficiency in San Francisco for a family of four is three times that amount, and over half of all families cannot meet the self-sufficiency standard. The Children and Youth Fund provides services that support families and opportunities for children and youth that are essential to meeting their needs and providing pathways out of poverty.

(C) State and federal cuts have significantly reduced children and youth services in San Francisco, including funding for child care, youth employment and high need disconnected transitional-aged youth.

(5) The reauthorization of the Children and Youth Fund will enable the Department of Children, Youth and Their Families (DCYF) to build on the previous success of the Fund and strengthen DCYF's capacity for the future, while fostering innovation and improving transparency and accountability.

(b) Fund for Children and Youth Services. Operative July 1, 2001, there is hereby established a fund to expand children's services, which shall be called the Children and Youth

Fund ("Fund"). Monies in the Fund shall be expended or used only to provide services for children and youth as provided in this section.

(c) **Goals.** The goals of expenditures from the Fund and the planning process created in this section of the Charter 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 ensure that San Francisco is a family-friendly city and to support families as an important part of the City population and civic culture;

(3) To focus on the prevention of problems and on supporting and enhancing the strengths of children, youth and their families;

(4) To complement the City's community development efforts;

(5) To strengthen a community-based network of services in all neighborhoods;

(6) To ensure that children and youth with the highest needs receive maximum benefit from the Fund and that equity is a guiding principle of the funding process;

(7) To distribute funds based on best practices, and successful and innovative models in order to ensure maximum impact;

(8) To the maximum extent feasible, to distribute funds equitably among services for all age groups – from infancy to transitional-aged youth;

(9) To ensure children are provided with gender-responsive and culturally-competent services;

(10) To strengthen collaboration around shared outcomes among all service providers for children, youth and their families, including collaboration among public agencies and non-profit organizations; and

(11) To fill gaps in services and leverage other resources whenever feasible.

(d) **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, 2014-June 30, 2015.

For Fiscal Year 2015-2016, 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 and one-quarter cents (\$.0325) per one hundred dollars (\$100) of assessed valuation for each fiscal year.

For Fiscal Year 2016-2017, 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 and one half cents (\$.0350) per one hundred dollars (\$100) of assessed valuation for each fiscal year.

For Fiscal Year 2017-2018, 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 and three quarters cents (\$.0375) per one hundred dollars (\$100) of assessed valuation for each fiscal year.

For Fiscal Year 2018-2019, and every fiscal year thereafter through Fiscal Year 2040-2041, 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 four cents (\$.04) per one hundred dollars (\$100) of assessed valuation for each fiscal year.

The Fund shall be maintained separate and apart from all other City and County funds and appropriated by annual or supplemental appropriation.

(e) **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 and for Disconnected Transitional-Aged Youth 18 through 24 years old. "Disconnected Transitional-Aged Youth" are those who: are homeless or in danger of homelessness; have dropped out of high school; have a disability or other special needs, including substance abuse; are low-income parents; are undocumented; are new immigrants and/or English Learners; are Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning ("LGBTQQ"); and/or are transitioning from the foster care, juvenile justice, criminal justice or special education system. 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.

(f) **Eligible Uses.** The City shall only use monies from the Fund for the following purposes:

(1) Services for children up to 18 years old and Disconnected Transitional-Aged Youth up to and including 24 years old, including:

(A) Affordable child care and early education;

(B) Recreation, cultural and after-school programs, including without limitation, arts programs;

(C) Health services, including prevention, education, and behavioral and mental health services;

(D) Training, employment and job placement;

(E) Youth empowerment and leadership development;

(F) Youth violence prevention programs;

(G) Youth tutoring and educational enrichment programs;

(H) Family and parent support services;

(I) Support for collaboration among grantees to enhance service delivery and provider capacity-building, and for community development efforts; and

(J) Services responsive to issues of gender, sexual orientation, and gender identification, including, but not limited to, services to address the needs of girls and LGBTQQ communities.

(2) Funding for the Department of Children, Youth and Their Families ("DCYF") and the Children, Youth and Their Families Oversight and Advisory Committee created in Section [16.108-1](#) ("Oversight and Advisory Committee").

(3) Administration of the Fund and evaluation of Fund goals and services.

(4) Technical assistance and capacity-building for service providers and community-based partners.

(g) **Excluded Services.** Notwithstanding subsection (f), services for children and Disconnected Transitional-Aged Youth 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 and Disconnected Transitional-Aged Youth 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 and Disconnected Transitional-Aged Youth;

(5) Acquisition (other than by lease for a term of ten years or less) of any real property or land, or capital expenditures, or predevelopment or construction costs for housing;

(6) Maintenance, utilities or any similar operating costs of any facility not used primarily and directly by children and Disconnected Transitional-Aged Youth, or of any recreation or park facility (including a zoo), library, hospital, or housing; or

(7) Medical health services, other than prevention, education, and behavioral and mental health support services.

(h) **Baseline.** The Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for those services for children and Disconnected Transitional-Aged Youth 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) 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 Controller shall calculate City appropriations made in fiscal year 2013-2014 for services for Disconnected Transitional-Aged Youth aged 18 through 24 years. Beginning with fiscal year 2014-2015, that amount shall be added to the base amount and adjusted as provided below. The City shall not reduce the amount of such City appropriations for services for Disconnected Transitional-Aged Youth (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) under this section below the amount so appropriated for fiscal year 2013-2014, as adjusted.

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 Fiscal Year 2040-2041, the Controller shall calculate and publish the actual amount of City appropriations for services for children and Disconnected Transitional-Aged Youth 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.

(i) **Five-Year Planning Cycle.** The City shall appropriate monies from the Fund according to a five-year planning process. This process is intended to: (1) increase transparency, accountability, and public engagement; (2) provide time and opportunities for community participation and planning; (3) ensure program stability; and (4) maximize the effectiveness of the services funded.

(1) **Year 1 – Community Needs Assessment.** During every fifth fiscal year beginning with Fiscal Year 2015-2016, DCYF shall conduct a Community Needs Assessment (CNA) to identify services to receive monies from the Fund. The CNA should include qualitative and quantitative data sets collected through interviews, focus groups, surveys, or other outreach mechanisms to determine service gaps in programming for children, youth, and families. Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside experts for such services as the department may require to prepare the CNA. DCYF shall undertake a robust community process in every supervisorial district, soliciting input from a diverse cross-section of parents, youth, non-profit organizations, and other key stakeholders to develop the CNA:

(A) DCYF shall develop a plan for how to conduct the CNA. The CNA shall include an equity analysis of services and resources for parents, children, and youth. DCYF shall develop a set of equity metrics to be used to establish a baseline of existing services and resources in low-income neighborhoods and disadvantaged communities, compared to services and resources available in the City as a whole. The outreach for the CNA shall create opportunities for parents, youth, nonprofit agencies, and other members of the public, to provide input. By September 1,

DCYF shall provide its plan for conducting the CNA to the Oversight and Advisory Committee, the Service Provider Working Group created in Section [16.108-1\(e\)](#), and the Board of Supervisors. The plan shall be a public document.

(B) By March 1, DCYF shall complete a draft CNA and provide this draft to the Oversight and Advisory Committee and the Service Provider Working Group for review. DCYF shall also provide the draft CNA to interested City departments, including the First Five Commission, the Office of Early Care and Education (or any successor entity), the Recreation and Park Commission, the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission.

(C) By April 1, DCYF shall submit a final version of the CNA to the Oversight and Advisory Committee and the Board of Supervisors. The final version may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft CNA.

(D) By May 1, the Oversight and Advisory Committee shall provide input on, approve or disapprove the CNA. If the Oversight and Advisory Committee disapproves the report, DCYF may modify and resubmit the report.

(E) By June 1, the Board of Supervisors shall consider and approve or disapprove, or modify, the CNA. If the Board disapproves the CNA, DCYF may modify and resubmit the CNA, provided, however, that the City may not expend monies from the Fund until the Board of Supervisors has approved the CNA.

(2) **Year 2 – Services and Allocation Plan.** During every fifth fiscal year beginning with Fiscal Year 2016-2017, DCYF shall prepare a Services and Allocation Plan ("SAP") to determine services eligible to receive monies from the Fund. DCYF shall use the following process to prepare the SAP:

(A) DCYF shall prepare a draft SAP in consultation with interested City departments, including the First Five Commission, the Office of Early Care and Education (or any successor entity), the Recreation and Park Commission, the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library

Commission, and the Arts Commission, as well as the San Francisco Unified School District, community-based service providers, parents, children, youth, and other members of the public.

The SAP must:

- (i) Demonstrate consistency with the CNA and with Citywide vision and goals for children and families;
- (ii) Include all services for children and Disconnected Transitional-Aged Youth;
- (iii) Be outcome-oriented and include goals and measurable and verifiable objectives and outcomes;
- (iv) Include capacity-building and evaluation of services as separate funding areas;
- (v) State how services will be coordinated and have specific amounts allocated towards specific goals, service models, populations and neighborhoods;
- (vi) Include funding for youth-initiated projects totaling at least 3 percent of the total proposed expenditures from the Fund for the cycle;
- (vii) Include evaluation data from the previous funding cycle and the details of the Children and Youth Baseline; and,
- (viii) Incorporate strategies to coordinate and align all services for children funded by all governmental or private entities and administered by the City, whether or not those services are eligible to receive monies from the Fund.

(B) The SAP shall include an equity analysis of services and resources for parents, children and youth. Using the equity metrics developed for preparation of the CNA, the SAP shall compare proposed new, augmented, and coordinated services and resources for low-income neighborhoods and disadvantaged communities with services and resources available to the City as a whole.

(C) Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside experts for such services as the department may require to prepare the SAP, including the equity analysis of services and resources for parents, children and youth.

(D) By March 1, DCYF shall provide the draft SAP to the Oversight and Advisory Committee and the Service Provider Working Group. DCYF shall also provide the draft SAP to the San Francisco Unified School District and interested City departments, including the First Five Commission, the Office of Early Care and Education (or any successor entity), the Recreation and Park Commission, the Health Commission, the Human Services Commission, the

Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission and the Arts Commission.

(E) By April 1, DCYF shall submit a final version of SAP to the Oversight and Advisory Committee and the Board of Supervisors. The final version may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft SAP.

(F) By May 1, the Oversight and Advisory Committee shall approve or disapprove the SAP. If the Oversight and Advisory Committee disapproves the SAP, DCYF may modify and resubmit the SAP.

(G) By June 1, the Board of Supervisors shall consider and approve or disapprove, or modify, the SAP. If the Board disapproves the SAP, DCYF may modify and resubmit the SAP, provided, however, that the City may not expend monies from the Fund until the SAP has been approved by the Board of Supervisors.

(H) During subsequent years of the planning cycle, DCYF, with the approval of the Oversight and Advisory Committee and the Board of Supervisors, may amend the SAP to address emerging needs.

(3) **Year 3 – Selection of Contractors.** During every fifth fiscal year beginning with Fiscal Year 2017-2018, DCYF shall conduct competitive solicitations for services to be funded from the Fund.

(4) **Year 4 – Service Cycle Begins.** Contracts for services shall start on July 1 of Year 4 of the planning cycle, beginning with Fiscal Year 2018-2019. During subsequent years of the planning cycle, DCYF, with the approval of the Oversight and Advisory Committee, may issue supplemental competitive solicitations to address amendments to the SAP and emerging needs. All expenditures for services from the Fund shall be consistent with the most recent CNA and SAP.

(5) DCYF may recommend, and the Oversight and Advisory Committee and the Board of Supervisors may approve, changes to the due dates and timelines provided in this subsection (i). The Board of Supervisors shall approve such changes by ordinance.

(j) **Evaluation.** DCYF shall provide for the evaluation on a regular basis of all services funded through the Fund, and shall prepare on a regular basis an Evaluation and Data Report for the Oversight and Advisory Committee. Subject to the budgetary and fiscal provisions of the

Charter, DCYF may contract with consultants and outside experts for such services as the department may require to conduct such evaluations and to prepare the Evaluation and Data Report.

(k) **Selection of Contractors.** The Oversight and Advisory Committee shall recommend standards and procedures for the selection of contractors to be funded from the Fund. It shall be the policy of the City to use competitive solicitation processes where appropriate and to give priority to the participation of non-profit agencies.

(l) **Implementation.**

(1) In implementation of this Section [16.108](#), facilitating public participation and maximizing availability of information to the public shall be primary goals.

(2) DCYF shall administer the Fund and prepare the CNA and the SAP pursuant to this Section [16.108](#).

(3) The Board of Supervisors may by ordinance implement this Section [16.108](#).

(m) **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 (i) through (l) 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; November 2014)

SEC. 16.108-1. CHILDREN, YOUTH AND THEIR FAMILIES OVERSIGHT AND ADVISORY COMMITTEE.

(a) **Creation.** There shall be a Children, Youth and Their Families Oversight and Advisory Committee ("Oversight and Advisory Committee") to review the governance and policies of the Department of Children, Youth and Their Families ("DCYF"), to monitor and participate in the administration of the Children and Youth Fund as provided in Charter Section [16.108](#) ("Fund"), and to take steps to ensure that the Fund is administered in a manner accountable to the community.

(b) **Responsibilities.**

(1) The Oversight and Advisory Committee shall develop recommendations for DCYF and the Fund regarding outcomes for children and youth services, the evaluation of services, common data systems, a process for making funding decisions, program improvement and

capacity-building of service providers, community engagement in planning and evaluating services, leveraging dollars of the Fund and the use of the Fund as a catalyst for innovation. The Oversight and Advisory Committee shall promote and facilitate transparency in the administration of the Fund.

(2) As provided in Section [16.108](#), the Oversight and Advisory Committee shall review and approve the planning process for the Community Needs Assessment ("CNA") and the final CNA, the Services and Allocation Plan, and DCYF's overall spending plan (including, as separate items, approval of the departmental budget and of DCYF's proposed grants as a package), and shall review the annual Data and Evaluation Report. Nothing in this Section shall limit the authority of the Mayor and the Board of Supervisors to propose, amend, and adopt a budget under Article IX of the Charter.

(3) The Oversight and Advisory Committee shall participate in the evaluation of the Director of DCYF, assist in recruitment for the Director when the position is vacant, and may recommend candidates to the Mayor.

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

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

(c) **Composition.** The Oversight and Advisory Committee shall have eleven members. The Mayor shall appoint members for Seats 1 through 6. The Board of Supervisors shall appoint members for Seats 7 through 11. The Mayor and the Board of Supervisors shall appoint the initial members of the Committee by July 1, 2015. The terms of the initial appointees to the Committee shall commence on the date of the first meeting of the Committee, which may occur when at least eight members have been appointed and are present.

(d) **Implementation.** The Board of Supervisors shall further provide by ordinance for the membership, structure, functions, appointment criteria, terms and support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such legislation to be effective by July 1, 2015.

(e) **Service Provider Working Group.** The Oversight and Advisory Committee shall create a Service Provider Working Group ("Working Group") to advise the Oversight and Advisory Committee on funding priorities, policy development, the planning cycle, evaluation design and plans, and any other issues of concern to the Working Group related to the Fund or the

responsibilities of DCYF or other departments receiving monies from the Fund. The Working Group shall engage a broad cross-section of service providers in providing information, education and consultation to the Oversight and Advisory Committee. All members of the Working Group shall be actively providing services to children, youth and their families. The Working Group shall be supported by DCYF staff, and shall meet at least four times a year. The Oversight and Advisory Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible for developing the structure of the Working Group and facilitating the meetings. After the terms of the initial co-chairs expire, the Working Group shall select its own chairs. Working Group meetings shall be open and encourage widespread participation.

(Added November 2014)