

1 [Charter Amendment - Workforce Education and Recovery Fund for City College]

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3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **3, 2020, to amend the Charter of the City and County of San Francisco to establish the**
5 **Workforce Education and Recovery Fund to provide financial support to City College of**
6 **San Francisco for workforce and professional development programs, student support and**
7 **wrap around services supporting student retention, and lifelong learning, enrichment, and**
8 **social justice classes; and to require an annual appropriation in designated amounts to the**
9 **Fund.**

10
11 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
12 and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of
13 the City and County by revising Sections 16.123-1 through 16.123-6 and Section 16.123-8;
14 renumbering existing Sections 16.123-9 and 16.123-10 as Sections 16.123-14 and 16.123-15
15 respectively, and revising those sections; and adding new Sections 16.123-10 through 16.123-13,
16 to read as follows:

17 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
18 **Additions** are *single-underline italics Times New Roman font*.
19 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
20 **Asterisks** (* * * *) indicate the omission of unchanged Charter subsections.

21 **SEC. 16.123-1. PUBLIC EDUCATION ENRICHMENT FUND AND**
22 **WORKFORCE EDUCATION AND RECOVERY FUND; PREAMBLE.**

23 (a) The people of the City and County of San Francisco find and declare that:

24 (1) San Francisco Unified School District ("SFUSD") schools are one of the
25 City's most valuable public assets and every San Francisco student has the right to a quality

1 public education that prepares them to pursue higher education, be competitive in a diversity of
2 job markets, and ultimately contribute to the future health and vitality of San Francisco;

3 (2) City funding for SFUSD public schools is an essential and valuable
4 investment in our youth, as validated by San Francisco voters who overwhelmingly passed (by
5 71 percent) the ballot measure creating the Public Education Enrichment Fund ("PEEF") in
6 2004;

7 (3) The State of California is currently 49th in per pupil spending, and without
8 the PEEF, SFUSD would fall to fifth place in per pupil spending among comparable California
9 school districts;

10 (4) Urban public schools have the greatest need for comprehensive educational
11 programs – including preschool programs, arts and music programs, sports activities, and after
12 school programs – but often have the fewest resources to provide them;

13 (5) In the last decade, the PEEF enabled all San Francisco public school students
14 to benefit from once-underfunded and diminishing critical programs and services including but
15 not limited to: quality physical education and athletics programs, fully functioning libraries at
16 every school staffed by credentialed librarians, arts and music teachers and programs, wellness
17 and behavioral support staffing and translation and interpretation services;

18 (6) In the last decade, critical PEEF funding for sports, libraries, arts and music
19 ensured that every San Francisco public school has a librarian, all elementary schools offer art
20 classes and engagement opportunities, physical education courses are equipped and staffed by
21 credentialed teachers, and sports teams have more coaches and officials along with upgraded
22 uniforms and equipment;

23 (7) The Preschool for All program, initially established by the ballot measure that
24 adopted the PEEF in 2004, successfully served over 18,000 children since the program's
25 creation, with enrollment increasing year to year;

1 (8) Studies have shown that children who participated in Preschool for All
2 demonstrated significantly higher academic achievement than children who did not participate;

3 (9) While the Preschool for All program made great strides in closing the
4 opportunity gap for low-income early age children, the current need far exceeds the current level
5 of services that the City is able to provide;

6 (10) The general education portion of the PEEF enabled SFUSD to triple the
7 number of students enrolled in grades K-8 receiving individual and/or group health and mental
8 health services through student support professionals over the past five years, with the number of
9 high school students receiving five or more counseling sessions at the Wellness Center more than
10 doubling in the last 10 years;

11 (11) The general education portion of the PEEF enabled SFUSD to nearly double
12 the number of high school seniors completing two City College of San Francisco courses;

13 (12) PEEF enabled the Human Capital Support program to recruit and retain a
14 diversity of quality teachers to SFUSD. In the year the program began, there were approximately
15 46 teacher vacancies on the first day of school, whereas there were only three teacher vacancies
16 on the first day of school in FY 2012-2013;

17 (13) SFUSD has seen a resurgence in enrollment in recent years and recognition
18 of the opportunities now available to the young people of San Francisco;

19 (14) The choices businesses make about where to locate are impacted by the
20 quality of public services the City provides, including public safety, transportation and
21 education; a free quality public education can serve as a key factor for businesses to attract and
22 retain workers in our community;

23 (15) Since 2000, SFUSD has made strong improvements in achievement
24 measures and financial management; and during the past decade, SFUSD has built an exemplary
25 record for effective and responsible management of voter-approved parcel taxes and bond

1 measures. Financial and programmatic reviews of PEEF expenditures conducted by the
2 Controller's Office have verified that expenditures were spent in accordance with SFUSD's
3 spending plans and Charter requirements; and

4 (16) As the economy begins to recover, now is the time to continue to invest in
5 our children's future to maintain and grow thriving public schools before declines begin to erode
6 the progress the SFUSD has made.

7 (17) Since 1935, City College of San Francisco ("City College") has provided
8 opportunities for advancement of San Franciscans from all walks of life, including transfer
9 students, older adults, immigrants, and workers.

10 (18) Changes in State funding such as the new "Student Centered Funding
11 Formula" for community colleges have as of 2020 greatly reduced course offerings and harmed
12 City College's ability to serve lifelong learning and enrichment classes.

13 (19) Restructuring at City College, in part as a response to the new "Student
14 Centered Funding Formula," has caused the reduction of over 600 courses between 2017 and
15 2020.

16 (20) Student support services, classified support staff counseling, and wrap-
17 around services supporting student retention are critical to equity in educational attainment.

18 (21) City College's workforce development programs consist of programs for
19 allied health professionals, registered nursing, aircraft maintenance, building trades, emergency
20 responders, hospitality, culinary arts, photography, computer networking, and information
21 technology, and are an essential part of San Francisco's strategy to reduce inequality.

22 (22) The City and County of San Francisco seeks to recruit and retain a locally
23 based workforce invested in the success of the City, especially emergency responders and
24 healthcare workers.

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1 (23) A robust professional development program benefits students and the City
2 by allowing City College's dedicated educators and classified staff to keep up-to-date in their
3 skills.

4 (24) Lifelong learning and older adult enrichment programs such as English as a
5 Second Language, Older Adults, Art, Music, Physical Education, Adult Basic Education, and
6 Language contribute to the health, wellbeing, and civic engagement of all San Franciscans.

7 (25) City College's diversity departments contribute to the success of African
8 American, Latinx, Asian, indigenous, immigrant, youth, and LGBTQ students and those students'
9 communities.

10 (26) City College programs will play a crucial role in the City's recovery from
11 the wide-scale unemployment and economic recession caused by the COVID-19 crisis in 2020
12 and beyond.

13 (27) Economic recession has consistently led to declining funding for City
14 College when City College programs and classes are most needed for workforce and economic
15 recovery.

16 (28) The City and County of San Francisco supports City College of San
17 Francisco through the Workforce Education and Recovery Fund.

18 (b) This measure may be referred to as "The Public Education Enrichment Fund" and
19 the "Workforce Education and Recovery Fund" Amendment of 2014."

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21 **SEC. 16.123-2. PUBLIC EDUCATION ENRICHMENT FUND.**

22 (a) Creating the Fund. There shall be a Public Education Enrichment Fund ("PEEF").
23 The City shall each year appropriate monies to the ~~Public Education Enrichment Fund~~PEEF
24 according to subsections (b), (c), and (d), ~~below~~.

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1 (b) Baseline Appropriations. The ~~Fund~~ PEEF shall be used exclusively to increase the
2 aggregate City appropriations to and expenditures for the San Francisco Unified School District.
3 To this end, the City shall not reduce the amount of such City appropriations (not including
4 appropriations from the ~~Fund~~ PEEF and exclusive of expenditures mandated by state or federal
5 law) in any year during which funds are required to be set aside under this Section 16.123-2
6 below the amount so appropriated for Fiscal Year 2002-2003 ("the base year"). These baseline
7 appropriations shall be separate from the City's annual contributions to the Public Education
8 Enrichment Fund under subsection (c), and shall be appropriated by the City to the School
9 District each year through and including Fiscal Year 2040-2041.

10 The amount of the City's baseline appropriations to the School District shall be adjusted
11 for each year after the base year by the Controller based on calculations consistent from year to
12 year by the percentage increase or decrease in City and County discretionary General Fund
13 revenues. In determining City and County discretionary General Fund revenues, the Controller
14 shall only include revenues received by the City and County that are unrestricted and may be
15 used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Errors
16 in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by an
17 adjustment in the next year's estimate. Using audited financial results for the prior fiscal year, the
18 Controller shall calculate and publish the actual amount of City appropriations that would have
19 been required under this baseline for the School District.

20 (c) Annual Contributions to the ~~Fund~~ PEEF FY 2005-2006 through FY 2009-2010. In
21 addition to the annual baseline appropriation provided above, the City shall, for years two
22 through six of this measure, contribute the following amounts to the ~~Public Education~~
23 ~~Enrichment Fund~~PEEF:

24 Fiscal Year 2005-06 \$10 million

25 Fiscal Year 2006-07 \$20 million

1 Fiscal Year 2007-08 \$30 million

2 Fiscal Year 2008-09 \$45 million

3 Fiscal Year 2009-10 \$60 million

4 (d) Annual Contributions to the ~~Fund~~ PEEF – FY 2010-11 and Thereafter. For Fiscal
5 Years 2010-11 and thereafter, the City's annual contribution to the ~~Public Education Enrichment~~
6 ~~Fund~~PEEF shall equal its total contribution for the prior year, beginning with Fiscal Year 2009-
7 2010, adjusted for the estimated increase or decrease in discretionary General Fund revenues for
8 the year.

9 (e) Audit Requirements. All disbursements from the ~~Fund~~ PEEF and from the baseline
10 appropriations shall be subject to periodic audit by the Controller. The San Francisco Unified
11 School District and the Office of Early Care and Education, or any successor entity ("OECE")
12 shall agree to such audits as a condition of receiving disbursements from the ~~Fund~~ PEEF.

13 **SEC. 16.123-3. ARTS, MUSIC, SPORTS, AND LIBRARY PROGRAMS - PEEF.**

14 Each year during the term of this measure, the City shall appropriate one-third of the
15 money in the ~~Public Education Enrichment Fund~~ PEEF to the San Francisco Unified School
16 District for arts, music, sports, and library programs in the schools.

17 **SEC. 16.123-4. UNIVERSAL ACCESS TO EARLY EDUCATION - PEEF.**

18 (a) Universal Access to Early Education. It shall be the goal of the City and County of
19 San Francisco to provide all children between the ages of three and five years who are City
20 residents the opportunity to attend quality early education programs, giving priority to four-year-
21 old children. It is the goal of the people in adopting this measure to expand such access
22 beginning no later than September 1, 2015, building upon the work of the City's existing
23 Preschool for All program. This portion of the ~~Fund~~ PEEF may also be used to support the
24 development of services for children from birth to three years old.

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1 **SEC. 16.123-5. DIRECT FINANCIAL SUPPORT FOR THE SAN FRANCISCO**
2 **UNIFIED SCHOOL DISTRICT - PEEF.**

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5 **SEC. 16.123-6. EXPENDITURE PLANS - PEEF.**

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10 **SEC. 16.123-8. ADJUSTMENTS - PEEF.**

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13 **SEC. 16.123-9. WORKFORCE EDUCATION AND RECOVERY FUND.**

14 *(a) Creating the Fund. There shall be a Workforce Education and Recovery Fund*
15 *("WERF"). The City shall each year appropriate monies to the WERF according to subsections*
16 *(b), (c), and (d).*

17 *(b) Baseline Appropriations. The WERF shall be used exclusively to provide funds to*
18 *support City College of San Francisco ("City College"). To this end, and beginning in Fiscal*
19 *Year 2021-2022, the City shall appropriate funds to WERF annually each fiscal year through*
20 *and including Fiscal Year 2040-2041, as provided in subsections (c) and (d).*

21 *(c) Annual Contributions to the WERF FY 2021-2022 through FY 2027-2028. The City*
22 *shall contribute the following amounts to the WERF:*

23 *Fiscal Year 2021-2022 \$20 million*

24 *Fiscal Year 2022-2023 \$22 million*

25 *Fiscal Year 2023-2024 \$24 million*

1 Fiscal Year 2024-2025 \$26 million

2 Fiscal Year 2025-2026 \$28 million

3 Fiscal Year 2026-2027 \$30 million

4 (d) Annual Contributions to the WERF – FY 2027-2028 and Thereafter. For Fiscal
5 Years 2027-28 and thereafter, the City's annual contribution to the WERF shall equal its total
6 contribution for the prior year, beginning with Fiscal Year 2026-27, adjusted for the estimated
7 increase or decrease in City and County discretionary General Fund revenues, as set forth in
8 subsection (f).

9 (e) Audit Requirements. All disbursements from the WERF and from the baseline
10 appropriations shall be subject to periodic audit by the Controller, City College, or any
11 successor entity, shall agree to such audits as a condition of receiving disbursements from the
12 WERF.

13 (f) Projected Budget Deficits. Notwithstanding the provisions of subsections (b), (c), and
14 (d), the City may freeze the City's annual contribution to the WERF for any fiscal year 2022-
15 2023 through 2040-2041 at the then-current amount when the City's projected budget deficit for
16 the upcoming fiscal year at the time of the Joint Report or Update to the Five Year Financial
17 Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the Board of
18 Supervisors' Budget Analyst exceeds \$200 million, adjusted annually beginning with fiscal year
19 2022-2023 by the percentage increase or decrease in aggregate City discretionary revenues, as
20 determined by the Controller, based on calculations consistent from year to year. In determining
21 aggregate City discretionary revenues, the Controller shall only include revenues received by
22 the City that are unrestricted and may be used at the option of the Mayor and the Board of
23 Supervisors for any lawful City purpose.

24 (g) Suspension and Termination. At any time before March 1, 2021, the Mayor, after
25 consulting with the Controller, and after taking into account the City's projected revenues and

1 expenditures in the City's financial plans, may suspend implementation of Sections 16.123-9
2 through 16.123-13 by issuing a written notice of suspension to the Board of Supervisors and the
3 Controller. Upon the Mayor's submittal of the notice to suspend to the Controller and the Board
4 of Supervisors, implementation of Sections 16.123-9 through 16.123-13 shall be suspended, by
5 operation of law, unless, by April 1, 2021, the Board of Supervisors adopts a resolution, subject
6 to the procedures in Sections 2.105, 2.106 and 3.103, to make Sections 16.123-9 through 16.123-
7 13 operative in the subsequent fiscal year and permanently thereafter.

8 If the City does not finally enact such a resolution by April 1, 2021, then implementation
9 of Sections 16.123-9 through 16.123-13 shall remain suspended in the subsequent fiscal year.

10 Following a suspension of Sections 16.123-9 through 16.123-13 under this subsection
11 (g), the Board of Supervisors may, by adoption of a resolution introduced at the first regular
12 Board of Supervisors meeting in calendar years 2022, 2023, or 2024, and subject to the
13 procedures in Sections 2.105, 2.106 and 3.103, make Sections 16.123-9 through 16.123-13
14 operative in the subsequent fiscal year and permanently thereafter. If the City does not finally
15 enact a resolution described in this paragraph, by December 31, 2024, then Sections 16.123-9
16 through 16.123-13 shall, by operation of law, become inoperative, and the City Attorney shall
17 cause Sections 16.123-9 through 16.123-13 to be removed from the Charter.

18
19 **SEC. 16.123-10. DIRECT FINANCIAL SUPPORT FOR CITY COLLEGE - WERF.**

20 (a) Each year during the term of this measure, the City shall appropriate one-third of the
21 money in the WERF to City College to fund workforce and professional development programs,
22 including but not limited to programs for allied health professionals, registered nursing, aircraft
23 maintenance, building trades, emergency responders, hospitality, culinary arts, photography,
24 computer networking, and information technology.

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1 (b) Each year during the term of this measure, the City shall appropriate one-third of the
2 money in the WERF to City College to fund student support services, classified staff support,
3 wrap-around services supporting student retention, and classified professional development; to
4 support disadvantaged, low-income, immigrant, Lesbian Gay Bisexual Transgender Queer,
5 women, disabled, and veteran students; and to meet students' basic needs, including but not
6 limited to childcare, rental assistance, transportation, and counseling.

7 (c) Each year during the term of this measure, the City shall appropriate one-third of the
8 money in the WERF to City College to fund lifelong learning, enrichment, and social justice
9 classes, including but not limited to English as a Second Language, Older Adults, Art, Music,
10 Physical Education, Adult Basic Education, Ethnic Studies, and Language.

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12 **SEC. 16.123-11. EXPENDITURE PLANS - WERF.**

13 (a) No later than April 1 of each year during the term of this measure, City College shall
14 submit an expenditure plan for funding to be received from the WERF for the upcoming fiscal
15 year to the Mayor and the Board of Supervisors, in response to the Controller's March fund
16 estimate for the coming fiscal year.

17 (b) The plan shall include a budget for the expenditures, descriptions of programs and
18 services, performance goals, target populations, hiring and recruitment plans for personnel,
19 plans for matching or other additional funding, operating reserves, and any other matters that
20 City College deems appropriate or the Mayor or the Board of Supervisors requests.

21 (c) The Mayor and the Board of Supervisors may request further explanation of items
22 included in the plan, and City College shall respond in a timely manner to such inquiries. The
23 Board may place appropriations provided for under this measure on reserve until it has received
24 adequate responses to its inquiries.

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1 **SEC. 16.123-12. COMMUNITY ADVISORY COMMITTEE - WERF.**

2 As a condition of receiving funds under Section 16.123-9, City College shall establish a
3 Community Advisory Committee to provide recommendations to the City College Board of
4 Trustees on the use of the WERF, and the Community Advisory Committee shall provide to the
5 City College Board of Trustees an annual report each fiscal year providing recommendations for
6 use of the WERF. The City shall have no obligation to transfer funds under Section 16.123-9
7 until City College has established the Committee and the Committee has provided the annual
8 reports.

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10 **SEC. 16.123-13. ADJUSTMENTS - WERF.**

11 (a) Audit Recommendations. The Mayor and the Board of Supervisors may suspend the
12 City's disbursements from the WERF under Section 16.123-9, in whole or in part for any year
13 where the Controller certifies that City College has failed to adopt audit recommendations made
14 by the Controller.

15 (b) Reserve Policies. The Mayor and the Board of Supervisors may suspend the City's
16 disbursements from the WERF under Section 16.123-9, in whole or in part for any year where
17 the Controller certifies that City College has failed to adopt reserve policies recommended by
18 the Controller.

19 (c) Transfer and Use of Suspended Distributions. If the Mayor and the Board of
20 Supervisors suspend City distributions from WERF under subsection (a) or (b), the City shall
21 transfer the amount that would otherwise be distributed from WERF for that year to the San
22 Francisco City College Financial Assistance Fund, established by Administrative Code Section
23 10.100-288.

24 (d) New Local Revenues. The Board of Supervisors may, by ordinance, proportionally
25 reduce the contribution to WERF and the disbursements to City College required by Section

1 16.123-9 if the voters of San Francisco adopt new, dedicated revenue sources for City College,
2 and the offsetting reduction in disbursements is specifically authorized by the local revenue
3 measure.

4 (e) At the end of each fiscal year, any monies that remain uncommitted in the WERF
5 shall be returned to the General Fund.

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7 **SEC. 16.123-~~9~~14. STATE REDISTRIBUTION OF LOCAL EDUCATION**
8 **REVENUES – WERF AND PEEF.**

9 (a) The people of the City and County of San Francisco find and declare that major
10 urban school districts and colleges, such as exist in San Francisco, serve an ethnically and
11 economically diverse student population that requires more resources than currently provided
12 under state guidelines. In adopting this measure, the people of San Francisco choose to provide
13 additional City resources to complement, and not supplant, state funding for the San Francisco
14 Unified School District and City College.

15 (b) Consistent with subsection (a), the people of the City and County of San Francisco
16 specifically find that their contributions to and disbursements from the baseline appropriations
17 and the ~~Public Education Enrichment Fund~~ PEEF and the WERF are discretionary expenditures
18 by the City for the direct benefit of the children of San Francisco, students of City College, their
19 families, and the community at large. In the event that the State attempts, directly or indirectly, to
20 redistribute these expenditures to other jurisdictions or to offset or reduce State funding to the
21 School District or City College because of these expenditures, the City shall transfer said monies
22 that would otherwise be distributed to the School District each year to the City's
23 ~~Children's~~ Children and Youth Fund established in Charter Section 16.108, and that would
24 otherwise be distributed to City College to the San Francisco City College Financial Assistance
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1 Fund, established by Administrative Code Sections 10.100-288, for the provision of substantially
2 equivalent services and programs.

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4 **SEC. 16.123-105. SUNSET.**

5 The provisions of Sections 16.123-1 through 16.123-105 shall expire at the end of Fiscal
6 Year 2040-2041, unless extended by the voters. Upon expiration, the City Attorney shall cause
7 those sections to be removed from the Charter.

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9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: /S/ Jana Clark
12 JANA CLARK
13 Deputy City Attorney

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