


BOARD of SUPERVISORS



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MEMORANDUM

TO: Kanishka Karunaratne, Liaison to the Board of Supervisors, Mayor's Office
Jon Givner, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Naomi Kelly, City Administrator, Office of the City Administrator
Maria Su, Director, Department of Children, Youth and Their Families

FROM:  Alisa Somera, Legislative Deputy Director, Rules Committee
Board of Supervisors

DATE: October 22, 2018

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 5, 2019 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 5, 2019, Election, introduced by Supervisor Kim on October 16, 2018. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 181001

Charter Amendment (First Draft) to establish the Free City College Fund to defray certain costs of City College students, and to require annual appropriations in designated amounts to the Fund; at an election to be held on November 5, 2019.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7711 or email: alisa.somera@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
Mawuli Tugbenyoh, Mayor's Office
Rebecca Peacock, Mayor's Office
Patrick Ford, Ethics Commission
Lynn Khaw, Office of the City Administrator
Lihmeei Leu, Office of the City Administrator

1 [Charter Amendment - Free City College Fund]

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3 **Describing and setting forth a proposal to the voters at an election to be held on**
4 **November 5, 2019, to amend the Charter of the City and County of San Francisco to**
5 **establish the Free City College Fund to defray certain costs of City College students, and to**
6 **require annual appropriations in designated amounts to the Fund.**

7
8 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
9 and County, at an election to be held on November 5, 2019, a proposal to amend the Charter of
10 the City and County by adding Section 16.130, to read as follows:

11 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
12 **Additions** are *single-underline italics Times New Roman font*.
13 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Charter
15 subsections.

16 **SEC. 16.130. FREE CITY COLLEGE FUND.**

17 **(a) Establishment of Fund. There is hereby established in the City treasury the Free**
18 **City College ("Fund"), to be administered by the Department of Children, Youth, and Their**
19 **Families ("DCYF"), or any successor agency. Monies in the Fund shall be expended by the City**
20 **acting through DCYF, subject to the budgetary and fiscal provisions of the Charter, to provide**
21 **assistance to San Francisco residents enrolled in City College of San Francisco ("City**
22 **College").**

23 **(b) Annual Baseline Contributions to the Fund. The City shall make an annual**
24 **baseline contribution to the Fund for each fiscal year, beginning with fiscal year 2020-2021 and**
25 **ending with fiscal year 2030-2031. The annual baseline contributions to the Fund for fiscal**
years 2020-2021 through 2022-2023 are as follows:

1 For fiscal year 2020-2021, the City shall make an annual baseline contribution to the
2 Fund in the amount of \$15 million.

3 For fiscal year 2021-2022, the City shall make an annual baseline contribution to the
4 Fund in the amount of \$15.7 million.

5 For fiscal year 2022-2023, the City shall make an annual baseline contribution to the
6 Fund in the amount of \$16.4 million.

7 **(c) Adjustments to the Baseline Contributions for FY 2023-2024 through FY 2030-**
8 **2031.** Each year in fiscal years 2023-2024 through 2030-2031, the Controller shall adjust the
9 baseline contribution by the percentage increase or decrease in aggregate City discretionary
10 revenues based on calculations consistent from year to year.

11 **(d) Projected Budget Deficits.** Notwithstanding the provisions of subsection (b), the
12 City, acting through the Board of Supervisors, may freeze the City's annual contribution to the
13 Fund at the prior year's level for any fiscal year between and including fiscal year 2021-2022
14 through fiscal year 2029-2030 when the City's projected budget deficit for the upcoming fiscal
15 year exceeds \$200 million, adjusted annually beginning with fiscal year 2020-2021 by the
16 percentage increase or decrease in aggregate City discretionary revenues, as determined by the
17 Controller, based on calculations consistent from year to year. The Controller shall calculate
18 the City's projected budget deficit at the time of the Joint Report or Update to the Five Year
19 Financial Plan prepared jointly by the Controller, the Mayor's Budget Director, and the Board
20 of Supervisors' Budget Analyst.

21 **(e) Aggregate City Discretionary Revenues.** In determining aggregate City
22 discretionary revenues under this Charter section 16.130, the Controller shall include only
23 revenues received by the City that are unrestricted and may be used at the option of the Mayor
24 and the Board of Supervisors for any lawful City purpose.

1 (f) **Additional Contributions.** Notwithstanding subsections (b) and (c), the City may
2 contribute more to the Fund than the annual baseline amounts required under subsections (b)
3 through (c), but those increases shall not alter or affect the amounts of the City's required
4 annual baseline contributions for subsequent fiscal years.

5 (g) **Unspent and Uncommitted Funds.** The Controller shall maintain the Fund separate
6 and apart from all other City funds. Any amount in the Fund unspent or uncommitted at the end
7 of the fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary
8 and fiscal limitations of this Charter, shall be appropriated then or thereafter for the services
9 and purposes specified in this Charter Section 16.130, unless otherwise limited by subsection (h)
10 below.

11 (h) **Free City College Reserve.** Any amount in the Fund in excess of the amount
12 expended in any fiscal year shall constitute the Free City College Reserve ("Reserve"). The
13 total amount in the Reserve may not exceed 20% of the upcoming fiscal year's annual baseline
14 contribution. Any funds in excess of the 20% limit shall be returned to the General Fund.

15 (i) **Eligible Uses.** The City shall use monies from the Fund only to benefit eligible
16 students who are San Francisco residents enrolled in City College or to administer the Fund, as
17 follows:

18 (1) **Full-Time California Promise Grant Eligible Students:** San Francisco
19 residents eligible for a California Promise Grant who attend City College on a full-time basis,
20 and who are receiving state or federal financial aid, may receive a stipend of up to \$500 per
21 semester that may be used for books, college fees other than enrollment fees, supplies, and
22 transportation costs related to their enrollment at City College. For purposes of this subsection
23 (i)(1), "full-time basis" means enrollment in 12 or more credit units per semester. For purposes
24 of this subsection (i)(1), and subsections (i)(2) and (i)(3), a California Promise Grant means a
25

1 grant established by Part 40.2 (commencing with Section 67430) of Division 5 of Title 3 of the
2 California Education Code, or any successor California grant program.

3 (2) **Part-Time California Promise Grant Eligible Students:** San Francisco
4 residents eligible for a California Promise Grant who attend City College on a part-time basis,
5 and who are receiving state or federal financial aid, may receive a stipend of up to \$200 per
6 semester that may be used for books, college fees other than enrollment fees, supplies, and
7 transportation costs related to their enrollment at City College. For purposes of this subsection
8 (i)(2), "part-time basis" means enrollment in 6 to 11 credit units per semester.

9 (3) **Students Ineligible for a California Promise Grant:** Subject to available
10 appropriated funds, the City shall expend monies in the Fund to pay all enrollment fees for San
11 Francisco residents who are ineligible for a California Promise Grant.

12 (4) **Stipend Amount Adjustment.** The Controller shall adjust the stipend amount
13 in subsections (i)(1) and (i)(2) annually for all fiscal years starting with fiscal year 2021-2022,
14 in accordance with the Consumer Price Index. The Controller shall use for these purposes the
15 San Francisco All Items Consumer Price Index for All Urban Consumers (CPI-U), or its
16 successor, as reported by the U.S. Department of Labor's Bureau of Labor Statistics.

17 (5) **Administrative Costs.** The City may expend money in the Fund to cover the
18 actual costs of the Controller and DCYF, for administration of the Fund.

19 **(i) Board of Supervisors Amendments.**

20 (1) The Board of Supervisors may from time to time, by an ordinance adopted by
21 a majority of the Board, increase or decrease the stipend amount to California Promise Grant
22 eligible students in subsections (i)(1) and/or (i)(2) and, as applicable, the adjusted stipend
23 amount under subsection (i)(4).

24 (2) The Board of Supervisors may from time to time, by an ordinance adopted by
25 a two-thirds majority of the Board, expand the eligible uses of the Fund to permit the City to use

1 monies from the Fund to benefit any or all students enrolled at City College by defraying any
2 costs related to their enrollment in City College.

3 (k) Report. In fiscal year 2027-28, the Controller shall produce and file with the Board
4 of Supervisors, a report on the Fund.

5 (l) Sunset. The provisions of Sections 16.130 shall expire at the end of Fiscal Year 2030-
6 31, at which time all unexpended and uncommitted funds shall revert to the General Fund.

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

10 By:

11 
12 JANA CLARK
13 Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment - Free City College Fund]

Describing and setting forth a proposal to the voters at an election to be held on November 5, 2019, to amend the Charter of the City and County of San Francisco to establish the Free City College Fund to defray certain costs of City College students, and to require annual appropriations in designated amounts to the Fund.

Existing Law

In 2016, by ordinance, the City established the San Francisco City College Financial Assistance Fund as a category four fund to provide financial assistance to students at City College of San Francisco ("City College"). The ordinance further provided that the Department of Children, Youth, and Their Families ("DCYF") would administer the fund and use monies in the fund to make grants to reimburse City College for enrollment fees and other education-related financial support for students.

Amendments to Current Law

The proposal is a Charter amendment that establishes the Free City College ("Fund"), to be administered by DCYF. The proposal would require that the Controller maintain the Fund separate and apart from all other City funds and carry forward to the next fiscal year any amount in the Fund unspent or uncommitted at the end of the fiscal year. The proposal would require that monies in the Fund be used by the City to benefit San Francisco residents enrolled in City College by providing funds for student stipends to cover education costs, subject to certain defined conditions, and to cover the City's costs related to administering the Fund.

The proposal would require that beginning in fiscal year 2020-2021 the City annually appropriate a "baseline amount" to the Fund as follows:

For fiscal year 2020-2021 - \$15 million.

For fiscal year 2021-2022 - \$15.7 million.

For fiscal year 2022-2023 - \$16.4 million.

The proposal would require that for fiscal years 2023-2024 through 2030-2031, the Controller would adjust the baseline contribution by the percentage increase or decrease in aggregate City discretionary revenues.

FILE NO. 181001

The proposal would allow the City to suspend growth in the baseline for any year in which the Controller, projected a budget deficit of \$200 million or more. The proposal would allow the City to contribute more to the Fund than the annual baseline amounts required, without affecting the City's required baseline contribution.

The proposal would require that any amount in the Fund over what is spent in any fiscal year be kept in the Free City College Reserve ("Reserve"). But the total amount in the Reserve would not be allowed to exceed 20% of the next year's annual baseline contribution. Any amount over the 20% limit would be returned to the General Fund.

The proposal would allow the Board to adjust the student stipend amounts by a majority vote and would allow the Board, by a two-thirds majority vote, to expand the eligible uses of the Fund to benefit any or all students enrolled at City College by defraying any costs related to their enrollment in City College.

Finally, the proposal would require the Controller to produce and file with the Board a report on the Fund, in fiscal year 2027-28.

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