

File No. 211293 Committee Item No. 2  
Board Item No. 7

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Youth, Young Adult, Families Committee Date February 11, 2022

Board of Supervisors Meeting Date March 8, 2022

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
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#### OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI 121721</u> |
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Completed by: Erica Major Date February 4, 2022

Completed by: \_\_\_\_\_ Date February 22, 2022

1 [Forgiveness of Appropriation Advances for San Francisco Unified School District -  
2 \$26,600,000]

3 **Ordinance waiving the condition in Ordinance Nos. 33-19 and 169-19 that required the**  
4 **San Francisco Unified School District to repay the City a total amount of \$26,600,000**  
5 **using revenues from the voter-approved parcel tax in June 2018's Proposition G; and**  
6 **rescinding the direction in those Ordinances to the Controller to transfer funds from**  
7 **accumulated balances of Proposition G revenues to repay the General Fund advances.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Background. In Ordinance No. 33-19, enacted March 7, 2019, the City  
17 appropriated \$220,551,322 of excess Educational Revenue Augmentation Fund property tax  
18 and \$52,000,000 of Rainy Day One-Time Reserve funds for a variety of uses by various City  
19 departments. The ordinance also established a Teacher and Early Care Educator  
20 Unappropriated Emergency Reserve (the "Reserve") to sustain wages for early care  
21 educators and San Francisco Unified School District ("SFUSD") teachers and staff in Fiscal  
22 Year 2020-2021 if other City revenues, SFUSD revenues, and legally available reserves were  
23 not sufficient to do so. The ordinance appropriated \$13,500,000 from the General Fund to the  
24 Reserve. In the Annual Appropriation Ordinance for Fiscal Years 2019-2020, Ordinance No.  
25 169-19, the City appropriated an additional \$13,100,000 from the General Fund to the  
Reserve. The two ordinances appropriated these funds as General Fund advances to  
SFUSD under the condition that SFUSD would later make the City whole using revenues from

1 the parcel tax adopted in June 2018's Proposition G. Proposition G authorized the City to  
2 collect an annual parcel tax, with all revenues from the tax to be transferred to SFUSD and  
3 placed in a fund for restricted uses, including paying teacher salaries and funding staff at high-  
4 needs schools. Because Proposition G was the subject of litigation when the Board enacted  
5 Ordinance Nos. 33-19 and 169-19, the City was not able to release the parcel tax revenues  
6 for appropriation to SFUSD. Ordinance Nos. 33-19 and 169-19 required that the money  
7 appropriated to the Reserve be spent consistent with the provisions of Proposition G. The  
8 ordinances provided that after the resolution of the litigation, when Proposition G revenues  
9 become available for appropriation, the Controller would repay the General Fund advances  
10 using the accumulated balances of Proposition G revenues. The Annual Appropriation  
11 Ordinance enacted in 2020 (Ord. No. 165-20) included similar language regarding the  
12 repayment of funds. The litigation is now fully resolved, and the Proposition G revenues are  
13 available for appropriation. Accordingly, under the terms of Ordinance Nos. 33-19 and 169-  
14 19, the Controller would be required to repay the General Fund advances from Proposition G  
15 revenues.

16  
17 Section 2. Forgiveness of General Fund Advances. Subject to the requirements of this  
18 Section 2, the City hereby rescinds the direction in Ordinance Nos. 33-19 and 169-19 that the  
19 Controller repay to the City the amount of the General Fund advances using the accumulated  
20 balances of Proposition G revenues. And subject to the same restrictions, the City  
21 correspondingly waives the condition in Ordinance Nos. 33-19 and 169-19 requiring  
22 repayment by SFUSD of the appropriated \$26,600,000.

23 The rescission and waiver in this Section 2 are subject to the following conditions:  
24 SFUSD must utilize the \$26,600,000 to reduce its long-term structural deficit, and may not use  
25 the funds for short-term budget relief. This planned use must be documented in an annual

1 budget or official interim budget report submitted to the California Department of Education  
2 (CDE). CDE, or fiscal experts assigned by CDE to monitor SFUSD's fiscal condition, must  
3 certify that this condition has been met by September 30, 2022.  
4

5 Section 3. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor's veto of the ordinance.  
9

10 APPROVED AS TO FORM:  
11 DAVID CHIU, City Attorney

12 By: /s/ \_\_\_\_\_  
13 JON GIVNER  
14 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Forgiveness of Appropriation Advances for San Francisco Unified School District - \$26,600,000]

**Ordinance waiving the condition in Ordinance Nos. 33-19 and 169-19 that required the San Francisco Unified School District to repay the City a total amount of \$26,600,000 using revenues from the voter-approved parcel tax in June 2018's Proposition G; and rescinding the direction in those Ordinances to the Controller to transfer funds from accumulated balances of Proposition G revenues to repay the General Fund advances.**

Existing Law

In Ordinance Nos. 33-19 and 169-19, the City appropriated a total of \$26.6 million to the San Francisco Unified School District (SFUSD) to sustain wages for teachers and staff. The two ordinances appropriated these funds as General Fund advances to SFUSD under the condition that SFUSD would later make the City whole using revenues from the parcel tax adopted in June 2018's Proposition G. Proposition G authorized the City to collect an annual parcel tax, with all revenues from the tax to be transferred to SFUSD and placed in a fund for restricted uses, including paying teacher salaries and funding staff at high-needs schools. Because Proposition G was the subject of litigation when the Board enacted Ordinance Nos. 33-19 and 169-19, the City was not able to release the parcel tax revenues for appropriation to SFUSD. The ordinances provided that after the resolution of the litigation, when Proposition G revenues become available for appropriation, the Controller would repay the General Fund advances using the accumulated balances of Proposition G revenues. The Annual Appropriation Ordinance enacted in 2020 (Ord. No. 165-20) included similar language regarding the repayment of funds. The litigation is now fully resolved, and the Proposition G revenues are available for appropriation. Under the terms of the ordinances, the Controller would be required to repay the General Fund advances from Proposition G revenues.

Amendments to Current Law

This ordinance would effectively forgive the City's loan to SFUSD in Ordinance Nos. 33-19 and 169-19, rescinding the requirement that the Controller repay the City using the Proposition G revenues. But the loan forgiveness is subject to conditions: SFUSD must utilize the \$26.6 million to reduce its long-term structural deficit, and may not use the funds for short-term budget relief. This planned use must be documented in an annual budget or official interim budget report submitted to the California Department of Education (CDE). And CDE, or fiscal experts assigned by CDE to monitor SFUSD's fiscal condition, must certify that this condition has been met by September 30, 2022.

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**CITY AND COUNTY OF SAN FRANCISCO**

**BOARD OF SUPERVISORS**

**BUDGET AND LEGISLATIVE ANALYST**

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292  
FAX (415) 252-0461

February 8, 2022

**TO:** Youth, Young Adult & Families Committee  
**FROM:** Budget and Legislative Analyst   
**SUBJECT:** February 11, 2022 Youth, Young Adult & Families Committee Meeting

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<p><b>Item 2</b> <b>File 21-1293</b></p>	<p><b>Department:</b> Mayor’s Office</p>
<p><b>EXECUTIVE SUMMARY</b></p>	
<p style="text-align: center;"><b>Legislative Objectives</b></p> <ul style="list-style-type: none"> <li>• The proposed ordinance would waive the condition in Ordinance Nos. 33-19 and 169-19 that the San Francisco Unified School District (SFUSD) repay the City \$26.6 million using revenues from the voter-approved June 2018 Proposition G parcel tax; and rescind the direction in those Ordinances to the Controller to transfer funds from accumulated balances of Proposition G revenues to repay the General Fund advances.</li> <li>• The proposed ordinance would require SFUSD to use the \$26.6 million to reduce its long-term structural deficit and not for short-term budget relief and to document its planned use in an official budget report submitted to the California Department of Education (CDE). It also stipulates that CDE, or fiscal experts assigned by CDE to monitor SFUSD’s fiscal condition, must certify that SFUSD has met the above conditions by September 30, 2022.</li> </ul> <p style="text-align: center;"><b>Key Points</b></p> <ul style="list-style-type: none"> <li>• June 2018 Proposition G authorized the City to collect an annual parcel tax and transfer revenues from the tax to SFUSD for restricted uses, including teacher salaries and funding staff at high-needs schools. Proposition G revenues were not initially available for appropriation to SFUSD because the parcel tax was the subject of litigation.</li> <li>• The City appropriated a total of \$26.6 million to SFUSD to sustain wages for teachers and staff in Ordinance Nos. 33-19 and 169-19. The two Ordinances appropriated these funds as General Fund advances to SFUSD under the condition that the Controller repay the General Fund using Proposition G revenues should they become available.</li> <li>• As of November 2021, the litigation is resolved and Proposition G revenues are available for appropriation. Under the terms of the Ordinances, the Controller would be required to repay the General Fund advances from Proposition G revenues.</li> </ul> <p style="text-align: center;"><b>Fiscal Impact</b></p> <ul style="list-style-type: none"> <li>• The proposed ordinance would effectively forgive the City’s \$26.6 million loan to SFUSD by rescinding the requirement that the Controller repay the City using Proposition G revenues.</li> <li>• Repayment of the loan was not assumed in the City’s budget because the litigation was not resolved before the July adoption. Therefore, forgiveness of the loan does not impact the City’s FY 2021-22 budget, but it would result in a reduction to the General Fund balance of \$26.6 million compared to if the loan was repaid.</li> </ul> <p style="text-align: center;"><b>Recommendation</b></p> <ul style="list-style-type: none"> <li>• Approval of the proposed ordinance is a policy matter for the Board of Supervisors.</li> </ul>	

**MANDATE STATEMENT**

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

**BACKGROUND**

The City appropriated a total of \$26.6 million to the San Francisco Unified School District (SFUSD) to sustain wages for teachers and staff in Ordinance Nos. 33-19 and 169-19.<sup>1</sup> The two Ordinances appropriated these funds as General Fund advances to SFUSD under the condition that the Controller repay the General Fund using revenues from the parcel tax adopted in the June 2018 Proposition G should they become available. Ordinance No. 33-19 established a Teacher and Early Care Educator Unappropriated Emergency Reserve (Reserve) to sustain wages for early care educators and SFUSD teachers if other revenues were not sufficient to do so. The Ordinance appropriated \$13.5 million from the General Fund to the Reserve, and the Annual Appropriation Ordinance for FY 2018-19 and FY 2019-20 appropriated an additional \$13.1 million from the General Fund to the Reserve.

Proposition G authorized the City to collect an annual parcel tax and transfer revenues from the tax to SFUSD for restricted uses, including teacher salaries and funding staff at high-needs schools. Because Proposition G was the subject of litigation<sup>2</sup> at the time the Ordinances were approved, the City could not release Proposition G revenues to SFUSD. The Ordinances stipulated that once the litigation was resolved and Proposition G revenues were available for appropriation, the Controller would repay the General Fund advances using the accumulated Proposition G revenues. As of November 2021, the litigation is resolved and Proposition G revenues are available for appropriation. Under the terms of the Ordinances, the Controller would be required to repay the General Fund advances from Proposition G revenues.

*Proposition G One-Time Revenues*

Because of ongoing litigation, \$150 million in Proposition G revenues were withheld over three years (\$50 million annually). SFUSD funded a portion of the planned annual Proposition G expenditures (\$40 million of the \$50 million) using the \$26.6 million loan from the City and \$93.4 million from SFUSD's Rainy Day Reserve, for a total of \$120 million over three years. Over the three years, \$30 million of the Proposition G parcel tax went unspent (\$10 million annually).

Due to resolution of the Proposition G litigation, \$150 million in one-time parcel tax revenue is available, including \$26.6 million payable to the City as repayment for the loan to SFUSD and

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<sup>1</sup> Ordinance 33-19 (File 18-1186) was a supplemental appropriation ordinance approved in February 2019. Ordinance 169-19 was the annual appropriation ordinance for FY 2019-20 & FY 2020-21.

<sup>2</sup> In 2018, 61% of San Francisco voters authorized the Proposition G annual parcel tax for restricted uses, including teacher salaries and funding staff at high-needs schools. A lawsuit argued that a two-thirds supermajority vote was required to pass the ballot measure. In November 2021, the California Supreme Court declined to hear the case, affirming the California Appellate Court's ruling that the parcel tax should be upheld.



\$123.4 million payable to SFUSD. Of the \$123.4 million payable to SFUSD, \$40 million must go to the District's Rainy Day Reserve, \$53.4 million may be for general uses,<sup>3</sup> and \$30 million must be for Proposition G eligible uses according to a December 2021 SFUSD presentation to the San Francisco Board of Education.

### **SFUSD Budget**

The State's examination of the District's 2021-22 adopted budget triggered additional State oversight due to projections that the District may not be able to satisfy multiyear financial commitments and maintain required reserve levels for FY 2022-23 and FY 2023-24. The State required SFUSD to provide a Board of Education approved fiscal stabilization plan to the California Department of Education, including budget adjustments to restore and maintain a positive fund balance and required reserve levels in FY 2022-23 and FY 2023-24. The State Superintendent of Public Instruction also assigned a fiscal expert to assist the District in identifying budget reductions and to provide financial advice.

As of December 2021, SFUSD projected budget deficits of \$125 million in FY 2022-23 and \$140 million in FY 2023-24. In December 2021, the San Francisco Board of Education approved a budget balancing plan for FY 2022-23 and FY 2023-24 to stabilize the budget and meet the State-imposed deadline to address its ongoing structural deficit. SFUSD submitted the plan for review and approval to the California Department of Education and expects to receive the results of their review by the end of March according to SFUSD staff.

The budget balancing plan identified \$90 million in expenditure reductions and \$35 million in funding sources to address the \$125 million deficit in FY 2022-23. Based on assumed cost escalations, the plan estimates that these measures will address projected deficits in future years. The proposed \$90 million in expenditure reductions would reduce the total budget by 7.0 percent and includes \$50 million in ongoing reductions to school site budgets (12.4 percent of school site budgets) to account for declines in student enrollment and \$40 million in ongoing reductions to SFUSD's Central Office budgets<sup>4</sup> (4.6 percent of central budgets). According to SFUSD staff, revenue projections for SFUSD have improved since the budget balancing plan was released based on the Governor's January Budget, which will allow SFUSD to restore some of the proposed expenditure reductions, and SFUSD expects to present a revised budget balancing plan to the San Francisco Board of Education in March.

## **DETAILS OF PROPOSED LEGISLATION**

The proposed ordinance would waive the condition in Ordinance Nos. 33-19 and 169-19 that the San Francisco Unified School District repay the City \$26.6 million using revenues from the voter-

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<sup>3</sup> According to SFUSD staff, \$40 million of the \$93.4 million from SFUSD's Rainy Day Reserve must be returned to the reserve and the remaining \$53.4 million does not have to be returned to the reserve and can be applied towards general uses.

<sup>4</sup> Central Office budgets include budgets for administrative services, instructional support for schools, operational support services (e.g., custodial services), and other services that are centrally managed.

approved June 2018 Proposition G parcel tax; and rescind the direction in those Ordinances to the Controller to transfer funds from accumulated balances of Proposition G revenues to repay the General Fund advances.

Under the proposed ordinance, forgiveness of the General Fund advances is subject to the following conditions:

- SFUSD must use the \$26.6 million to reduce its long-term structural deficit and not for short-term budget relief;
- The planned use must be documented in an official budget report submitted to the California Department of Education (CDE); and
- CDE, or fiscal experts assigned by CDE to monitor SFUSD's fiscal condition, must certify that SFUSD has met the above conditions by September 30, 2022.

### **FISCAL IMPACT**

The proposed ordinance would effectively forgive the City's \$26.6 million loan to SFUSD by rescinding the requirement that the Controller repay the City using Proposition G revenues. According to City Controller Ben Rosenfield, repayment of the loan was not assumed in the City's budget because the litigation was not resolved before the July adoption. Therefore, forgiveness of the loan does not impact the City's FY 2021-22 budget, but it would result in a reduction to the General Fund balance of \$26.6 million compared to if the loan was repaid.

### **RECOMMENDATION**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

BOARD of SUPERVISORS



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San Francisco, CA 94102-4689  
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TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Vincent C. Matthews, Ed.D., Superintendent, San Francisco Unified School District

FROM: Erica Major, Assistant Clerk, Youth, Young Adult, and Families Committee

DATE: December 17, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Youth, Young Adult, and Families Committee has received the following hearing matter, introduced by Mayor Breed on December 14, 2021.

**File No. 211293**

**Ordinance waiving the condition in Ordinance Nos. 33-19 and 169-19 that required the San Francisco Unified School District to repay the City a total amount of \$26,600,000 using revenues from the voter-approved parcel tax in June 2018's Proposition G; and rescinding the direction in those Ordinances to the Controller to transfer funds from accumulated balances of Proposition G revenues to repay the General Fund advances.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org).

c: Viva Mogi, San Francisco Unified School District  
Esther Casco, San Francisco Unified School District  
Mele Lau Smith, San Francisco Unified School District