File No. 220119
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Committee Item No. <u>1</u> Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Date Jan 31, 2022

**Board of Supervisors Meeting** 

### Date \_\_\_\_\_

### **Cmte Board**

	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Report Youth Commission Report Introduction Form Department/Agency Cover Letter and/or Report Memorandum of Understanding (MOU) Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 - Ethics Commission Award Letter Application Form 700 Vacancy Notice Information Sheet Public Correspondence
OTHER	(Use back side if additional space is needed)
	Charter Amendment

Completed by: _	Victor Young	Date Jan 27, 2022	
Completed by:		Date	

(SECOND DRAFT)

1 2	[Charter Amendment - Funding for the San Francisco Unified School District; Funding Conditions on City Appropriations for the School District]
2	Describing and setting forth a proposal to the voters at an election to be held on June 7,
4	2022 to amend the Charter of the City and County of San Francisco to modify the process
5	for expending funds in the Public Education Enrichment Fund to support the San
6	Francisco Unified School District; and to require the School District to enter a data sharing
7	agreement with the City and the Board of Education to submit a certification of compliance
8	with specified governance requirements before the City appropriates funds to the San
9	Francisco Unified School District not otherwise required by the Charter or State law.
10	
11	Section 1. Findings. The People of the City and County of San Francisco find as
12	follows:
13	This Charter amendment shall be known as the Better Schools Initiative.
14	It is the intent and moral imperative of the City and County of San Francisco to provide
15	every child and family—without exception—an opportunity to develop to their maximum
16	potential. The extent to which we attend to the wellbeing of San Francisco's children and
17	families is an expression of our collective values and a vital investment in our collective
18	aspirations. San Francisco will thrive when our children and families thrive.
19	This Charter amendment calls for a set of supports and improvements for the San
20	Francisco Unified School District (SFUSD) Board of Education. Just as SFUSD's dedicated
21	teachers, administrators, and support staff serve our City's students, so too should its Board
22	members. All SFUSD students deserve to have Board members who are resolutely focused on
23	the needs of students and their families and unswayed by issues that distract from that focus; who
24	work effectively with the Superintendent as a governance team; who govern SFUSD with a long-
25	term vision and in a fiscally prudent manner; and who take actions aligned with accepted
	governance best practices.

1	Given San Francisco's moral imperative, we are compelled to act with urgency and
2	determination to create public systems that live up to the ambitions of our youth and families.
3	To that end, this measure creates structures and supports that ensure the SFUSD Board of
4	Education is student-centered, strategic, fiscally responsible, professional, responsive to the
5	community, transparent, and focused with the utmost determination on improving academic
6	achievement and student wellbeing; requires agreements between SFUSD and the City to ensure
7	public dollars are transparently spent on student enrichment; and reaffirms San Francisco's
8	commitment to supporting the vision of Universal Early Care and Education.
9	
10	Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
11	and County, at an election to be held on June 7, 2022, a proposal to amend the Charter of the
12	City and County by adding Section 16.121, and revising Sections 16.123-2, 16.123-6, and
13	16.123-8, to read as follows:
14	NOTE: <b>Unchanged Charter text and uncodified text</b> are in plain font.
15	Additions are <u>single-underline italics Times New Roman font</u> . Deletions are <u>strike-through italics Times New Roman font</u> .
16	<b>Asterisks</b> (* * * *) indicate the omission of unchanged Charter subsections.
17	SEC. 16.121. DISCRETIONARY APPROPRIATIONS TO THE SAN FRANCISCO
18	UNIFIED SCHOOL DISTRICT; CERTIFICATION REGARDING GOVERNANCE
19	REQUIREMENTS AND DATA SHARING AGREEMENT.
20	(a) Certification and Data Sharing Agreement Prior to Approval of Discretionary
21	Appropriations to the San Francisco Unified School District. Prior to the City's approval of
22	any appropriation to the San Francisco Unified School District ("District") not required by this
23	<i>Charter or State law, the following conditions must be met:</i>
24	charter or state tan, the jouon tilg contantons must be met.
25	

1	(1) The Board of Education must submit to the Mayor and the Board of
2	Supervisors a written certification stating that the District and the Board of Education complied
3	with the governance requirements of subsection (b) during the preceding calendar year. The
4	certification shall be accompanied by a written report supporting the certification.
5	(2) The District must enter into a data-sharing agreement with the City, or
6	have an existing data-sharing agreement with the City, under which the District agrees to share
7	any appropriate and relevant data with the Department of Children, Youth, and Their Families
8	and the Office of Early Care and Education (or any successor agency) during the period in
9	which the District will use the funds.
10	(b) Governance Requirements.
11	(1) Duties and Roles of the Board Education. The Board of Education shall
12	exercise the following duties and roles as specified:
13	(A) Vision and Strategy. To ensure the District has a strategic plan that
14	reflects the vision, values, and needs of the San Francisco community and a Superintendent who
15	is capable and supported to implement it, the Board of Education shall:
16	(i) Establish the overall vision and high-level goals of the District
17	and monitor progress toward those goals;
18	(ii) Provide input on and approve the strategic plan proposed by
19	the Superintendent under Section (b)(2)(B) of this Section and ensure the community's vision and
20	values are represented in the plan;
21	(iii) Support the Superintendent's efforts to implement the
22	strategic plan, including supporting the coordination and collaboration with City departments
23	serving children and families; and
24	(iv) Serve as the appointing authority of the Superintendent and
25	General Counsel but not dictate, suggest or interfere with respect to any appointment,

1	promotion, compensation, or disciplinary action regarding other District staff unless otherwise
2	required by law; and conduct an annual evaluation of the Superintendent.
3	(B) Fiscal Oversight. To create the conditions and policies for the
4	District to operate in an efficient and fiscally prudent manner, the Board of Education shall:
5	(i) In its discretion, approve the District's budget;
6	(ii) Request that the Superintendent present a financial impact
7	analysis for any change in policy or practice that has total financial resource requirements
8	totaling greater than \$2 million in one year or \$5 million over five years;
9	(iii) In its discretion, approve ballot measures proposed by the
10	District, including bond measures;
11	(iv) In its discretion, approve contracts governing the terms and
12	conditions of employment with labor organizations representing the District's employees;
13	(v) In its discretion, approve contracts above \$250,000 as well as
14	those that require Board of Education approval under the California Education Code, but not
15	dictate, suggest, or interfere with respect to any other contracts proposed or entered by the
16	<u>District;</u>
17	(vi) In its discretion, approve capital projects; and
18	(vii) In its discretion, approve the settlement of legal proceedings
19	involving the District.
20	(C) Separation of Duties. So that the Board of Education and
21	Superintendent can fulfill their unique roles while working together as a governance team, the
22	Board of Education and its members, as applicable, shall:
23	(i) Not perform administration or management functions that are
24	clearly the responsibility of the Superintendent and staff;
25	

1	(ii) Submit any requests for information from the District to the
2	Superintendent or the Superintendent's designee and not directly to other District employees
3	except with permission of the Superintendent; and
4	(iii) With the exception of complaints concerning the
5	Superintendent of General Counsel and any complaints asserted within the parameters of an
6	established whistleblower program, refer complaints about District administration or
7	management to the Superintendent or Superintendent's designee so that they may receive proper
8	consideration through the appropriate District process.
9	(D) Community Engagement. To understand and faithfully represent the
10	community's vision and values, the Board of Education, and its members, as applicable, shall:
11	(i) Annually create and execute a plan for engaging with a broad
12	and representative cross-section of the San Francisco community. The plan shall include
13	dedicated activities where the primary goal is to listen to community members;
14	(ii) Subject to any applicable public noticing requirements, use
15	methods other than public comment periods in regular and special board meetings to solicit
16	feedback and input from the community. Methods may include but are not limited to facilitating
17	small group listening sessions, observing School Site Council meetings, and volunteering in
18	<u>schools;</u>
19	(iii) Ensure that forums for community engagement are accessible
20	to community members who may not otherwise be able to attend regular or special Board of
21	Education meetings;
22	(iv) Gather input from the community in advance of major policy
23	decisions that would result in shifts in the District's overall vision and high-level goals; and
24	(v) Share information with the public regarding District
25	performance and major policy decisions that impact student achievement or wellbeing.

1	(E) Governance Standards. To ensure the Board of Education models the
2	highest standard of conduct and efficacy, the Board and its members, as applicable, shall:
3	(i) Keep academic achievement and wellbeing for all students as
4	the primary focus of actions and decisions, and shall not hold any partisan principle, group
5	interest, or personal interest above the education of students;
6	(ii) Act with integrity, treat others with dignity, and understand
7	the implications of demeanor and behavior;
8	(iii) Assume collective responsibility for building unity and
9	creating a positive organizational culture, including recognizing and respecting differences of
10	perspective and style on the Board and among staff, students, families, and the community;
11	(iv) Manage Board meetings in a manner that allows for
12	appropriate consideration of issues, respects community members' time and participation, and
13	places central emphasis on student achievement and wellbeing;
14	(v) Ensure that individual Board members do not exercise the
15	authority of the Board, for example by speaking on behalf of the Board, without express advance
16	permission from the Board;
17	(vi) Ensure that individual Board members do not use their
18	position as a Board member to attempt to influence District employees about issues specifically
19	related to the Board member's child or child's school (when the child is attending a District
20	school or may be attending a District school in the future); and
21	(vii) Adopt and periodically review and revise as appropriate
22	governance principles, norms, and protocols.
23	(F) Professional Development. To support development of the
24	knowledge, skills, habits, and mindsets of Board members to best serve the interests of San
25	Francisco's children and to ensure the Board regularly assesses and reflects upon its

1	performance and identifies areas for improvement, the Board and its members, as applicable,
2	<u>shall:</u>
3	(i) Regularly engage in training and ongoing coaching. Such
4	training shall include, at a minimum, the following elements: monitoring and improving student
5	outcomes, governance, financial and budgetary literacy, ethics, equity, community engagement,
6	and leadership;
7	(ii) Ensure initial training on the above elements to new Board
8	members before they assume office or within 60 days of assuming office;
9	(iii) Conduct an annual self-evaluation before completing the
10	Board's evaluation of the Superintendent. The self-evaluation shall, at a minimum: assess the
11	Board's contribution toward improving student outcomes including academic achievement and
12	wellbeing, and assess the Board's adherence to its governance principles, norms, and protocols
13	as adopted by the Board; and
14	(iv) Contract with one or more experts who are not employed by
15	the District to facilitate the training, coaching, and self-evaluations required in subsections
16	(b)(1)(F)(i)-(iii), provided that the Board and the Superintendent must agree on the selection of
17	the experts; or provide opportunities to receive training from outside entities, including but not
18	limited to conferences.
19	(G) Annual Report. To ensure the Board holds improving student
20	outcomes as its highest priority, to ensure the general public has access to clear data regarding
21	student outcomes, and to ensure the Mayor and Board of Supervisors can be effective partners
22	with the District, the Board of Education shall:
23	(i) Request that the Superintendent create an easily
24	understandable and succinct annual report that includes the District's progress toward its
25	

1	overall vision and high-level goals, including student outcome goals for individual student
2	groups' academic achievement and wellbeing; and
3	(ii) Submit the report to the Mayor and the Board of Supervisors.
4	(H) By April 1 each year, each member of the Board of Education must
5	certify in writing that they have read and understand the requirements contained in this
6	subsection $(b)(1)$ .
7	(2) Duties and Roles of Superintendent. The role of the Superintendent is to
8	oversee the management and administration of the District and execute its strategic plan. In
9	addition to any responsibilities required by law or assigned to the Superintendent by the Board
10	of Education, the Superintendent shall have the responsibilities listed below. These
11	responsibilities may not be fulfilled by the Board of Education or by its individual members. The
12	Superintendent shall:
13	(A) Implement the policies, vision, and goals set by the Board of
14	Education;
15	(B) Develop and implement a strategic plan, including receiving Board of
16	Education and community feedback concerning the plan;
17	(C) Unless otherwise required by law, serve as the appointing authority
18	for all employees of the District except the General Counsel, which includes decisions regarding
19	appointment, promotion, compensation, and disciplinary action;
20	(D) Receive and address complaints raised by families, students, staff,
21	and members of the public concerning problems at schools, including but not limited to problems
22	with families, students, District vendors, and staff except the Superintendent and the General
23	Counsel, and with the exception of complaints submitted within the parameters of an established
24	whistleblower program;
25	(E) Manage the District's budget approved by the Board of Education;

1	(F) Inform the Board of Education about progress toward strategic goals
2	and significant operational issues on a timely and regular basis; and
3	(G) Present a financial impact analysis for any change in policy or
4	practice that has total financial resource requirements totaling greater than \$2 million in one
5	year or \$5 million over five years.
6	To the extent financial resources are required to satisfy the governance requirements of this
7	subsection (b), the Board of Education shall include such resources in the District's budget.
8	(c) Statement of Policy Concerning Qualities of Members of the Board of Education.
9	The people of San Francisco believe that effective members of the Board of Education
10	can come from all parts of the community and all backgrounds. The children of San Francisco
11	deserve the best members of the Board of Education that the City has to offer, and to that end,
12	the people of San Francisco aspire to seek members who, at a minimum, have demonstrated the
13	following traits.
14	(A) Commitment to improving all students' outcomes, including academic
15	achievement and wellbeing;
16	(B) Unqualified belief that all District students can achieve at high levels;
17	(C) Community leadership;
18	(D) Commitment to serving in a governance role and not performing duties
19	reserved for management;
20	(E) Commitment to sound fiscal management and strategic resource allocation;
21	and
22	(F) Ability to work collaboratively with colleagues and stakeholders who hold
23	diverse points of view.
24	
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1	(d) No Conflict With State Law. This Section 16.121 is not intended to supersede State
2	law and shall not be interpreted or applied so to create any requirement, power, or duty in
3	conflict with State law.
4	
5	SEC. 16.123-2. PUBLIC EDUCATION ENRICHMENT FUND.
6	(a) <b>Creating the Fund.</b> There shall be a Public Education Enrichment Fund. The
7	City shall each year appropriate monies to the Public Education Enrichment Fund according to
8	subsections (b), (c), and (d), below.
9	(b) <b>Baseline Appropriations.</b>
10	(1) Amount of Baseline Appropriations. The Fund shall be used exclusively
11	to increase the aggregate City appropriations to and expenditures for the San Francisco Unified
12	School District. To this end, except as provided in subsection (b)(2) or in Section 16.123-8, the
13	City shall not reduce the amount of such City appropriations (not including appropriations from
14	the Fund and exclusive of expenditures mandated by state or federal law) in any year during
15	which funds are required to be set aside under this Section 16.123-2 below the amount so
16	appropriated for Fiscal Year 2002-2003 ("the base year"). These baseline appropriations shall be
17	separate from the City's annual contributions to the Public Education Enrichment Fund under
18	subsection (c), and shall be appropriated by the City to the School District each year through and
19	including Fiscal Year 2040-2041, except as provided in subsection (b)(2) or in Section 16.123-8.
20	The amount of the City's baseline appropriations to the School District shall be adjusted
21	for each year after the base year by the Controller based on calculations consistent from year to
22	year by the percentage increase or decrease in City and County discretionary General Fund
23	revenues. In determining City and County discretionary General Fund revenues, the Controller
24	shall only include revenues received by the City and County that are unrestricted and may be
25	used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

1	Additionally, in determining aggregate City and County discretionary General Fund revenues,
2	the Controller shall not include revenues received by the City under the increased rates in
3	Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d),
4	953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on
5	November 3, 2020, and shall not include revenues received by the City under Article 36 of the
6	Business and Tax Regulations Code adopted by the voters at the general municipal election on
7	November 3, 2020. Errors in the Controller's estimate of discretionary revenues for a fiscal year
8	shall be corrected by an adjustment in the next year's estimate. Using audited financial results for
9	the prior fiscal year, the Controller shall calculate and publish the actual amount of City
10	appropriations that would have been required under this baseline for the School District.
11	(2) School District Spending Proposal and Data Sharing Agreement.
12	(A) In Fiscal Year 2024-25, again in Fiscal Year 2028-29, and every
13	fifth year thereafter, as a condition of receiving funds under this Section 16.123-2, the School
14	District shall submit a proposal to the Department of Children, Youth, and Their Families, the
15	Mayor, and the Board of Supervisors describing how it plans to use the baseline funds described
16	in this subsection (b) during the subsequent five fiscal years consistent with the Charter, the
17	Community Needs Assessment described in Section 16.108, the outcomes framework described in
18	Section 16.127-5, and the Children and Families Plan described in Section 16.127-2, if that Plan
19	has been published. The Board of Supervisors shall consider the report and shall approve or
20	disapprove the School District's proposal by resolution. Before adopting such a resolution, the
21	Board of Supervisors shall request recommendations from the School District's Public
22	Education Enrichment Fund Community Advisory Committee, or any successor body created by
23	the School District. If the Board of Supervisors adopts a resolution disapproving the School
24	District's proposal, the School District may submit a modified proposal. The City shall not
25	provide the School District any funds under this subsection (b) during the five-year period until

1	and unless the Board of Supervisors adopts a resolution, with approval by the Mayor, approving
2	a proposal submitted by the School District.
3	(B) Beginning in Fiscal Year 2023-24, the City shall not provide the
4	School District any funds under this subsection (b) in any fiscal year unless the School District
5	has entered a data sharing agreement with the City in which the School District agrees to share
6	any appropriate and relevant data with the Department of Children, Youth, and Their Families
7	and the Office of Early Care and Education (or any successor agency) in that fiscal year.
8	* * * *
9	
10	SEC. 16.123-6. EXPENDITURE PLANS.
11	(a) No later than April 1 of each year- <i>during the term of this measure</i> , the San
12	Francisco Unified School District ("District") and the Office of Early Care and Education
13	("OECE") or any successor agency shall each submit an expenditure plan for funding to be
14	received from the Public Education Enrichment Fund for the upcoming fiscal year to the Mayor
15	and the Board of Supervisors, in response to the Controller's March fund estimate for the coming
16	fiscal year. The District's expenditure plan shall also (1) describe the District's plans to ensure
17	oversight and transparency of the spending through regular review by the Board of Education,
18	the District's Public Education Enrichment Fund Community Advisory Committee, or any
19	successor body to that Committee created by the District, and (2) specifically describe plans to
20	ensure oversight and transparency in the event the District considers changing its expenditure
21	plan in the middle of the fiscal year.
22	(b) The plans shall include a budget for the expenditures, descriptions of programs
23	and services, performance goals, student impact goals, target populations, hiring and recruitment
24	plans for personnel, plans for matching or other additional funding, operating reserves,
25	identification of carryover funds from the previous fiscal year and reallocation use for the

1	current fiscal year, and any other matters that the District and the OECE or any successor
2	agency deem appropriate or the Mayor or the Board of Supervisors requests.
3	(c) In addition to the annual expenditure plan described in this Section 16.123-6, the
4	District shall submit to the Mayor and the Board of Supervisors quarterly and year-end reports
5	describing actual expenditures and activities as described in subsection (b), including but not
6	limited to explanation of progress in design and delivery of programs, and in meeting student
7	impact goals identified in the annual expenditure plan.
8	(ed) The Mayor and or the Board of Supervisors may request further explanation of
9	items included in the plans, and the District and the OECE or any successor agency shall
10	respond in a timely manner to such inquiries. The Board may place appropriations provided for
11	under this measure on reserve until it has received adequate responses to its inquiries.
12	
13	SEC. 16.123-8. ADJUSTMENTS.
14	(a) Audit Recommendations. The Mayor and the Board of Supervisors may suspend
15	the City's disbursements from the baseline appropriations or the Public Education Enrichment
16	Fund under Sections 16.123-3, 16.123-4, or 16.123-5 in whole or in part for any year where the
17	Controller certifies that the San Francisco Unified School District ("District") or the Office of
18	Early Care and Education ("OECE") or any successor agency has failed to adopt audit
19	recommendations made by the Controller.
20	As part of the audit function, the Controller shall periodically review performance and
21	cost benchmarks developed by the School District and the OECE or any successor agency,
22	including:
23	(1) Fund dollars spent for services, materials, and supplies permitted under the
24	Charter;
25	(2) Fund dollars spent as reported to the City;

1	(3) Supporting documentation of Fund expenditures; and,
2	(4) Progress towards established workload, efficiency, and effectiveness
3	measures.
4	(b) <b>Reserve Policies.</b> The Mayor and the Board of Supervisors may suspend the City's
5	disbursements from the baseline appropriations or the Public Education Enrichment Fund under
6	Sections 16.123-2, 16.123-4, or 16.123-5 in whole or in part for any year where the Controller
7	certifies that the San Francisco Unified School District or the OECE has failed to adopt reserve
8	policies recommended by the Controller.
9	* * * *
10	(d) New Local Revenues. The Board of Supervisors may, by ordinance, proportionally
11	reduce the contribution to the Public Education Enrichment Fund and the disbursements to the
12	San Francisco Unified School District and the OECE required by Sections 16.123-1 through
13	16.123-10 if the voters of San Francisco adopt new, dedicated revenue sources for the School
14	District or the OECE, and the offsetting reduction in disbursements is specifically authorized by
15	the local revenue measure.
16	(ed) New State Revenues. Following full implementation of the per-student funding
17	targets outlined for SFUSD the District in the State's Local Control Funding Formula ("LCFF"),
18	as adopted in 2013, the Board of Supervisors may, by ordinance, proportionally reduce the
19	contribution to the Public Education Enrichment Fund and the disbursements to the San
20	Francisco Unified School District required by this measure if the percentage increase in per-
21	pupil LCFF funding provided by the State of California to the San Francisco Unified School
22	District in any subsequent fiscal year exceeds the percentage increase in the City's cost of living
23	during the previous fiscal year.
24	The Board of Supervisors may, by ordinance, proportionally reduce the contribution to
25	the Public Education Enrichment Fund and the disbursements to the OECE if the State of

1	California provides funding to the City for universal preschool, provided that such
2	disbursements are not required to match state and/or other funding.
3	
4	APPROVED AS TO FORM:
5	DAVID CHIU, City Attorney
6	By: /s/ JON GIVNER
7	JON GIVNER Deputy City Attorney
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### LEGISLATIVE DIGEST

[Charter Amendment - Funding for the San Francisco Unified School District; Funding Conditions on City Appropriations for the School District]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022 to amend the Charter of the City and County of San Francisco to modify the process for expending funds in the Public Education Enrichment Fund to support the San Francisco Unified School District; and to require the School District to enter a data sharing agreement with the City and the Board of Education to submit a certification of compliance with specified governance requirements before the City appropriates funds to the San Francisco Unified School District not otherwise required by the Charter or State law.

### Existing Law

The San Francisco Unified School District ("School District") is not a City department. It is a separate entity governed by an elected Board of Education. The City does not govern the School District and does not set rules for the governance of the Board of Education. But the City provides funding to the School District every year. Some of that funding is required by the Charter, and other funding is discretionary, which means the Board of Supervisors and the Mayor choose to appropriate extra funds to the School District in addition to the funding required by the Charter.

The Charter requires the City to distribute money each year from Public Education Enrichment Fund ("PEEF") in three categories: one-third to the School District for arts, music, sports and library programs; one-third for universal preschool programs; and one-third to the School District for general education purposes. The PEEF requires that a certain amount of property tax be set aside for these three purposes and also establishes a "baseline" requiring that in addition to the set-aside contribution, the City must maintain the same levels of spending on these programs as existed before the establishment of the mandatory funds in the Charter. The baseline grows each year at the same rate as the City's discretionary revenue grows.

#### Amendments to Current Law

This measure would place a restriction on the City's ability to appropriate discretionary funds to the School District. As described above, the Board of Supervisors and the Mayor sometimes choose to appropriate extra funds to the School District in addition to the funding required by the Charter. The measure would prohibit the City from appropriating such funds unless two conditions are met: First, the School District must agree to share data with City departments about how the School District spends the City funds. Second, the Board of Education must submit to the Mayor and the Board of Supervisors a written certification, with an accompanying report, stating that the School District and the Board of Education have complied with a set of governance requirements. Those requirements generally include

establishing and supporting a strategic plan, the Board of Education refraining from interference in the administrative affairs of the School District, establishing responsible fiscal oversight, engaging with community members, modeling high standards of conduct, and participating in professional development and training.

The measure would also impose additional conditions on the School District to receive funds under the PEEF. The measure would require the School District to submit a proposal to the City once every five years describing how it plans to use PEEF baseline funds consistent with City's plans for child and family supports and services. The City could not provide the School District any PEEF baseline funds until the Board of Supervisors and the Mayor approve a proposal submitted by the School District. And the City could not provide the School District any baseline funds unless the School District has agreed to share data with City departments about how the School District spends the funds. Finally, the measure would require the School District to submit to the City quarterly and year-end reports describing how the School District spends and uses PEEF funding.

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### **OFFICE OF THE CONTROLLER**

Ben Rosenfield Controller

Todd Rydstrom Deputy Controller

CITY AND COUNTY OF SAN FRANCISCO

Ms. Angela Calvillo Clerk of the Board of Supervisors 1 Dr. Carlton B. Goodlett Place Room 244 San Francisco, CA 94102-4689

RE: File 211284 – Charter amendment to establish a Children's Agency and Commission

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would have a minimal impact on the cost of government, beginning in fiscal year 2024-2025.

The proposed amendment would establish a new Children's Agency to administer the City's existing departments and offices that provide services for children and youth. It would establish a Children's Commission to provide oversight for the Agency. Finally, it would limit the City's authority to allocate discretionary funds to the San Francisco Unified School District.

The proposed Children's Agency would bring together three existing entities - the current Department of Children, Youth and Their Families, the Office of Early Care and Education and the Children and Families First Commission. These offices each have funding sources, allocations and program and service requirements specified in the Charter and codes. These requirements would not be materially changed by the proposal.

The proposed amendment specifies a new Children's Commission consisting of seven members four appointed by the Mayor and three appointed by the Board of Supervisors. The new Commission would increase the cost of government by approximately \$350,000 annually. These funds would provide for a commission secretary, commissioner compensation, and costs such as preparing public materials and broadcasting hearings on SFGovTV.

The amendment specifies new planning and reporting requirements. There would be a new fiveyear planning and funding cycle for the property tax set-aside known as the Children's Fund, a required proposal and reporting process for the San Francisco Unified School District (SFUSD) for funding from the current Public Education Enrichment Fund, and a required annual State of the City's Children report from the Mayor's Office.

January 21, 2022

2 | File 211284 - Charter amendment to establish a Children's Agency and Commission

Finally, the measure would restrict the City's ability to appropriate discretionary funds to SFUSD. In some years, the Board of Supervisors and the Mayor have allocated City general fund contributions to SFUSD over and above the funding required by the Charter. The measure would prohibit the City from appropriating such funds unless the Board of Education submits to the Mayor and the Board of Supervisors a written certification, with an accompanying report, stating that the School District and the Board of Education have complied with a set of governance requirements.

Stevenson Sincerely,

Ben Rosenfield Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

**BOARD of SUPERVISORS** 



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

December 21, 2022

File No. 211284

Lisa Gibson Environmental Review Officer Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Dear Ms. Gibson:

On December 14, 2021, the following proposed Charter Amendment for the June 7, 2022, Election was received and assigned to the Board of Supervisors' Rules Committee:

File No. 211284

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to 1) establish a new Children's Agency responsible for overseeing, aligning, and coordinating the development of systems, services, policies, and planning strategies to strengthen the City's services for children, youth, and families; 2) authorize the Agency to include the Department of Children, Youth, and Their Families, which is responsible for administering the City's Children and Youth Fund and promoting the development of programs and planning strategies to enhance services for children, youth, and their families; 3) authorize the Agency to include a new Department of Early Childhood, which will assume the duties previously assigned to the Office of Early Care and Education promoting the development of programs, policies, and strategies to enhance services for children ages 0-5; 4) establish a Children's Commission to oversee the Agency; 5) modify the process for expending funds in the Children and Youth Fund to support services for children; 6) modify the process for expending funds in the Public Education Enrichment Fund to support the San Francisco Unified School District; and 7) require the Board of Education to submit a certification of compliance with specified governance requirements before the City appropriates funds to the San Francisco Unified School District not otherwise required by the Charter or State law; at an election to be held on June 7, 2022.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Vitor young

By: Victor Young, Assistant Clerk Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer Joy Navarrete, Environmental Planning Don Lewis, Environmental Planning Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

12/23/2021

Joy Navarrete

**BOARD of SUPERVISORS** 



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

### MEMORANDUM

- TO: Ben Rosenfield, City Controller, Office of the Controller
- FROM: Victor Young, Assistant Clerk, Rules Committee Board of Supervisors



- DATE: December 21, 2021
- SUBJECT: CHARTER AMENDMENT INTRODUCED June 7, 2022 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the June 7, 2022, Election. This matter is being referred to you in accordance with Rules of Order 2.22.3.

#### File No. 211284

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to 1) establish a new Children's Agency responsible for overseeing, aligning, and coordinating the development of systems, services, policies, and planning strategies to strengthen the City's services for children, youth, and families; 2) authorize the Agency to include the Department of Children, Youth, and Their Families, which is responsible for administering the City's Children and Youth Fund and promoting the development of programs and planning strategies to enhance services for children, youth, and their families; 3) authorize the Agency to include a new Department of Early Childhood, which will assume the duties previously assigned to the Office of Early Care and Education promoting the development of programs, policies, and strategies to enhance services for children ages 0-5; 4) establish a Children's Commission to oversee the Agency; 5) modify the process for expending funds in the Children and Youth Fund to support services for children; 6) modify the process for expending funds in the Public Education Enrichment Fund to support the San Francisco Unified School District; and 7) require the Board of Education to submit a certification of compliance with specified governance requirements before the City appropriates funds to the San Francisco Unified School District not otherwise required by the Charter or State law; at an election to be held on June 7, 2022.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller Peg Stevenson, City Performance Director Natasha Mihal, City Services Auditor **BOARD of SUPERVISORS** 



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

## MEMORANDUM

- TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office Anne Pearson, Deputy City Attorney, Office of the City Attorney John Arntz, Director, Department of Elections LeeAnn Pelham, Executive Director, Ethics Commission Maria Su, Director, Dept. of Children, Youth and their Families
- FROM: Victor Young, Assistant Clerk, Rules Committee
- DATE: December 21, 2021
- SUBJECT: CHARTER AMENDMENT INTRODUCED June 7, 2022 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the June 7, 2022, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

#### File No. 211284

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to 1) establish a new Children's Agency responsible for overseeing, aligning, and coordinating the development of systems, services, policies, and planning strategies to strengthen the City's services for children, youth, and families; 2) authorize the Agency to include the Department of Children, Youth, and Their Families, which is responsible for administering the City's Children and Youth Fund and promoting the development of programs and planning strategies to enhance services for children, youth, and their families; 3) authorize the Agency to include a new Department of Early Childhood, which will assume the duties previously assigned to the Office of Early Care and Education promoting the development of programs, policies, and strategies to enhance services for children ages 0-5; 4) establish a Children's Commission to oversee the Agency; 5) modify the process for expending funds in the Children and Youth Fund to support services for children; 6) modify the process for expending funds in the Public Education Enrichment Fund to support the San Francisco Unified School District; and 7) require the Board of Education to submit a certification of compliance with specified governance requirements before the City appropriates funds

# to the San Francisco Unified School District not otherwise required by the Charter or State law; at an election to be held on June 7, 2022.

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) 554-7723 or email: victor.young@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 Patrick Ford, Ethics Commission **BOARD of SUPERVISORS** 



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. (415) 554-5184 Fax No. (415) 554-5163 TDD/TTY No. (415) 554-5227

### MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission Itzel Estrada, Youth Commission

FROM: Angela Calvillo, Clerk of the Board by

by

DATE: December 21, 2021

### SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following proposed legislation which is being referred to the Youth Commission as per Charter, Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

### File No. 211284

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to 1) establish a new Children's Agency responsible for overseeing, aligning, and coordinating the development of systems, services, policies, and planning strategies to strengthen the City's services for children, youth, and families; 2) authorize the Agency to include the Department of Children, Youth, and Their Families, which is responsible for administering the City's Children and Youth Fund and promoting the development of programs and planning strategies to enhance services for children, youth, and their families; 3) authorize the Agency to include a new Department of Early Childhood, which will assume the duties previously assigned to the Office of Early Care and Education promoting the development of programs, policies, and strategies to enhance services for children ages 0-5; 4) establish a Children's Commission to oversee the Agency; 5) modify the process for expending funds in the Children and Youth Fund to support services for children; 6) modify the process for expending funds in the Public Education Enrichment Fund to support the San Francisco Unified School District; and 7) require the Board of Education to submit a certification of compliance with specified governance requirements before the City appropriates funds

to the San Francisco Unified School District not otherwise required by the Charter or State law; at an election to be held on June 7, 2022.

Please return this cover sheet with the Commission's response to Victor Young, Assistant Clerk, Rules Committee.

***************************************	***************************************
RESPONSE FROM YOUTH COMMISSION	Date:
No Comment	
Recommendation Attached	
	Chairperson, Youth Commission

#### Alisa Somera

Legislative Deputy Director San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 415.554.7711 direct | 415.554.5163 fax alisa.somera@sfgov.org

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

Sent: Tuesday, January 4, 2022 12:09 AM

To: BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-

legislative\_aides@sfgov.org>

Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS)

<alisa.somera@sfgov.org>; Laxamana, Junko (BOS) <junko.laxamana@sfgov.org>; Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>

Subject: FW: File 211284 - SFUSD should be Subject to Sunshine

From: Darcie Bell <<u>darciebell@gmail.com</u>>

Sent: Monday, January 3, 2022 5:25 PM

**To:** Board of Supervisors, (BOS) <<u>board.of.supervisors@sfgov.org</u>>; BOS-Legislative Aides <<u>bos-</u> <u>legislative\_aides@sfgov.org</u>>; Paulino, Tom (MYR) <<u>tom.paulino@sfgov.org</u>>; Breed, Mayor London (MYR) <<u>mayorlondonbreed@sfgov.org</u>>

Subject: File 211284 - SFUSD should be Subject to Sunshine

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor and Supervisors:

The School District and Board of Education are not currently subject to the Sunshine Ordinance that demands a higher level of transparency and good government of San Francisco city agencies than weaker, similar state laws. If the purpose of the charter amendment is to ensure good government at the School District, the Sunshine Ordinance that the voters passed to govern their own City representatives, should apply to the school district as well. Please amend File <u>211284</u> as follows: Add to the SFUSD Governance Requirements 16.121(b) the following subsection (3): 16.121(b)

(3) Enhanced Transparency. The District, Board of Education, and each of their members and employees (each a "District Party" and together the "District Parties") shall comply with all provisions of the Sunshine Ordinance, San Francisco Administrative Code chapter 67, as amended from time to time, and its successors, including but not limited to the enhancements to public access required by the Ordinance that are not required by the Brown Act or Public Records Act. The Board of Education shall pass all necessary motions or resolutions to implement this subsection. Solely for the purposes of the Sunshine Ordinance:

(A) the District shall be considered a department;

(B) the Superintendent shall be considered the department head of the District;

(C) the Board of Education and each of its standing committees shall be considered policy bodies;

(D) any District Party having custody of any public record or public information shall be considered a custodian of a public record;

(E) any person may exercise the administrative and judicial remedies provided for in the Sunshine Ordinance against District Parties; and

(F) the Supervisor of Records, Sunshine Ordinance Task Force, Ethics Commission, and Superior Court shall have jurisdiction over all District Parties and, to the extent provided for by the Sunshine Ordinance, may process petitions, complaints, and suits regarding alleged violations of the Sunshine Ordinance, Brown Act, or Public Records Act against any District Party.

Regards, Darcie Bell

Sent from my iPhone

From:	Judith Baker
To:	Young, Victor (BOS)
Subject:	Children's Amendment
Date:	Friday, January 21, 2022 8:58:39 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members of the Rules Committee,

I understand the Amendment will be greatly modified so I can only submit these comments on the process and whether there is a need for a Commission including Early Childhood Education (ECE). I have worked in ECE since 1967 so have a personal view about how important community engagement is and how ECE has changed throughout the years.

I was shocked when I found out that an Amendment was being proposed that no one except a few high level officials knew about. María Su, when asked at an advisory meeting who knew about and developed the Amendment besides herself, said the Mayor's Office. Anything that will benefit the children and families as well as teachers and providers in ECE as well as other agencies has only come from a robust community process including parents and providers and community members. I can think back to the original CARES program in the late 90s to the recent Initiatives to gain dedicated funding for ECE. This did not happen.

Also the Coordination and Administration of ECE has evolved throughout this time from being part of an agency where many of us felt overlooked to the proposed DEC which I feel will benefit those working in the field, families and children. We do not need another bureaucracy "coordinating" our ECE agencies. Thank you for your consideration of my comments. Sincerely,

Judith Baker, M.A. ECE Former ED South of Market Childcare, Temporary Program Director Holy Family Day Home, Administrative Assistant and Project Director(retired) Friends of St Francis Childcare—all for Identification Purposes Only Member, Early Childhood Advocacy Coalition

Sent from my iPhone

Judith Baker 415-518-4052 judith\_baker@att.net This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My name is Lucero Herrera She/Her Self - Determination Advocate at the Young Women Freedom Center also a mother of a 7-year-old Salvadorean son.

I do not support this, This amendment does not speak on Children of Color, Immigrant Families. In the name of "collaboration" - This eliminates the only collaborative body mandated to create a single plan for children and youth, the Our Children Our Families Council.

In the name of "community voice" - This eliminates the strongest community voice, the Service Providers Working Group.

This charter amendment is complex. It adds a new layer of bureaucracy, eliminates existing planning and oversight bodies imposes new outcome mandates and allow for reduced funding of children's services.

In community Salute, Lucero Herrera She/Her/Hers Self - Determination Coordinator Young Women Freedom Center 832 Folsom Street Suite 700, San Francisco 94107 lucero@youngwomenfree.org 0:415.703.8800 Ext 207 c:510.755.9321

?

"I want to read and write so I can stop being the shadow of other people. I work and working I transform the world. As flowers they are nature, As decorations they are culture. No longer part of the mass, but one of the people" - Paulo Freire



Monday, January 24, 2022

Dear Board of Supervisors,

We're writing to express our opposition to the Mayor's two-part Children's Initiative and to request that you vote No on them. They do not put children's needs first, and instead they put politics before children.

Through our Accountability, Consistency, and Transparency (ACT) Now campaign, Coleman Advocates has been calling for a new partnership MOU between the city and the school district for over a year. We need a new partnership, not new oversight, but a new partnership between the city and the school district. More specifically, San Francisco children need the city to enter into a partnership that includes giving additional funds to the school district as well as one that brings more city services to SFUSD families. The Mayor's proposed initiative does the opposite, threatening to withhold millions of dollars of funds.

This is not a time to finger point. This is a time for the city and the school district to maturely collaborate and slowly build a structure of partnership-based innovation that truly leads the country in systems change and equity, putting the needs of San Francisco children first and certainly above a political blame game.

Though many SFUSD parents across our city have been incredibly frustrated by SFUSD's offerings during the pandemic, our families know that the systems change required for high quality education and equity must include the city stepping up and collaborating with the district and in particular expanding funding for schools and the district. The challenges San Francisco faces in providing high quality education to all students has never been an issue of restructuring the local government to better supervise itself, even across departments. What has been true before the pandemic, through the past two years, and now is that San Francisco must innovate to forge new collaborations and a sharing of responsibility such that SFUSD (1) receives increased financial support from the city and (2) offers increased accountability and transparency to families and students, guiding a citywide effort – led by families, not the Mayor – to bring equity and high-quality education to all students.

Additionally, the Mayor's proposed oversight commission would have no seats at the table that would represent parents' or students' voices in the decision-making process of the allocation of funds that directly impacts them. What's also concerning is the proposed initiative's lack of transparency around the modification process for expending funds as well as what the certification of compliance will entail. Although the Mayor has stated that the goal of the initiative is to create transparency and accountability, it obscures students' and parents' voices from the process and punishes them instead of making elected officials more effective and accountable.

Again, the need is for parents and students to have increased control and participation in systems change and for the school district to have support and partnership from the city rooted in new financial supports. San Francisco children will not benefit from an increase in bureaucracy of government supervising the government, and we at Coleman Advocates believe the Mayor's proposed Children's Initiative(s) will in fact harm the children of San Francisco. We advise and request you to vote No.

Sincerely,

Awa Walke

Neva Walker Executive Director, Coleman Advocates for Children and Youth

From:	Dinky Manek Enty
To:	Young, Victor (BOS)
Subject:	My Public Comment for today"s Rules Committee meeting - agenda item #4: Update on Children First Charter Amendment
Date:	Monday, January 24, 2022 11:49:08 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please see below for my public comment. Thank you.

Good afternoon everyone,

My name is Dinky Manek Enty and I am the Deputy Director of the Center on Juvenile and Criminal Justice and a Co-Chair of the Juvenile Justice Providers Association. Today I am speaking on behalf of both bodies.

We really appreciate and recognize that we all - to include our Mayor and our Supervisors want to keep improving our ability to support SF's children and families and are here to support a robust community process to figure out how to make that happen. In doing so though, we need to fully utilize the tools we already have in the charter and that are available to the government to foster collaboration, a unified vision, accountability and diverse authentic community engagement. We need to do this before we amend, eliminate or replicate the current charter.

The new charter's proposed super agency would be ruled by a commission of political appointees, moving power away from parents, youth, and other experts. With power over the Children's Baseline Budget, this new commission will have veto control over budget decisions throughout 15 city departments – with the ability to change decisions of the community advisory bodies, experts, and other commissions. This would weaken the community's voice. Let's do the opposite - let's show our community, parents, youth, and experts how important their voice truly is.

San Francisco has a national reputation for innovative programs and policies, and a tradition of equity and inclusiveness. We'd like to see this happen again - let's come together to build on what we have and do the hard and complex work of implementing the current statutory mandates.

Thank you so much.

-Dinky --Dinky Manek Enty, MPA Deputy Director Center on Juvenile and Criminal Justice (CJCJ) www.cjcj.org

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From:	Tatum O"Sullivan
To:	Young, Victor (BOS)
Subject:	Public Comment for Item #4 of Board of Supervisors Rules Committee Monday 12/24/2021
Date:	Monday, January 24, 2022 11:55:11 AM

### Good Afternoon,

Please see below for my submission for public comment at today's Board of Supervisors Rules Committee Meeting regarding item #4: the update to the Children First Charter Amendment.

"Good Afternoon Supervisors, other city representatives, and other members of the public. My name is Tatum O'Sullivan and I'm a youth advocate with the Center on Juvenile and Criminal Justice, as well as a member of the Juvenile Justice Provider's Association. I'd like to reiterate previously heard concerns about and opposition against the proposed amendment to the Children First Charter. The measure was brought straight to the Board of Supervisors without any previous community/stakeholder involvement. In a city where the children's movement has historically been marked by inclusiveness, grassroot movement, and a shared sense of community, this precedent must be adhered to, and community stakeholders--as well as the SF youth and their families must be included in decision-making that will directly affect them.

Additionally, some problems which the amendment aims to address are *already addressed* in the existing charter. Some solutions to employ rather than amending the charter include quality staff and appointment, better connections to the community, improved grant-making, and building trust among on-profits, department leaders, and consumers. We must fully use the tools already in the charter and available to government to foster collaboration, a unified vision, accountability and diverse authentic community engagement. Do this BEFORE we eliminate or replicate them. Thank you!"

Warm Regards,

-Tatum

Tatum O'Sullivan Case Developer Center on Juvenile and Criminal Justice (CJCJ)

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From:	Doug Styles
To:	Young, Victor (BOS)
Subject:	Public Comment Item #4 Children"s First Charter Amendment
Date:	Monday, January 24, 2022 11:09:41 AM

I suggest stopping the Children's First Charter Amendment process until public participation can inform the process and the initiative. San Francisco has a robust group of youth providers with deep interest in improving services and the lives of young people. The public should not be kept out of the planning process. There are already systems in place that, if activated, would address many of the current challenges. Please build public participation into the proposed Children First Charter Amendment.

Peace, Doug

Douglas Styles, PsyD Executive Director

(pronouns: he/him/his)

Huckleberry Youth Programs 3450 Geary Blvd., Suite 107 San Francisco, CA 94118 dstyles@huckleberryyouth.org Phone: 415.633.6843 www.huckleberryyouth.org



Established in 1967

# **Patrick Monette-Shaw**

975 Sutter Street, Apt. 6 San Francisco, CA 94109 Phone: (415) 292-6969 • e-mail: <u>pmonette-shaw@eartlink.net</u>

January 25, 2022

Rules Committee
San Francisco Board of Supervisors
The Honorable Aaron Peskin, Chair, Rules Committee
The Honorable Rafael Mandelman, Member, Rules Committee
The Honorable Connie Chan, Member, Rules Committee
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

# Agenda Item #4, Board File 211284: Charter Amendment, Establishment of Children's Agency and Commission

Dear Chair Peskin and Rules Committee Members,

I do not support Board File #211284, the proposed Charter Amendment introduced by Mayor Breed and co-sponsored by Supervisors Melgar and Mandelman to create a Children's Agency and Commission as currently written for the reasons below.

During the Rules Committee hearing on January 24, 2022 before the SFGOV-TV problem surfaced, the preliminary discussion revealed the Mayor's proposed Charter Amendment to establish the Children's Agency and Commission had been developed in secrecy. Secrecy is Mayor Breed's usual-and-customary *modus operandi*, and should come as no surprise. One problem is that Breed's legislative "*sausage making*" often comes embedded with *Salmonella* mushed into other ingredients that is not always killed during the cooking process.

I appreciated Supervisor Ronen's terrific analysis and insights during Rules Committee members opening discussion of this proposed Charter Amendment. I also appreciated the insights of Jill Wynn's and former Supervisor Norman Yee's public comments.

It was abundantly clear on Monday that this Charter Amendment most probably requires a complete re-write. Since the City Charter is essentially San Francisco's constitution, I don't believe this legislation should be rushed to the ballot for the June 7, 2022 election.

Given there is essentially just three months before the June election — February, March, and April — I don't think there is sufficient time to bring all stakeholders and school district constituents together in publicly-announced and prescheduled meetings to comply with the Brown Act and our Sunshine Ordinance to engage in discussion and crafting of legislation worthy of being enshrined in the City Charter. I say this, in part, given the Board of Supervisors own timelines and legal requirements to hold public hearings at the Rules Committee and then the full Board of Supervisors to effectuate placing this Charter Amendment on the June ballot. I also say this, in part, given:

- 1. The amount of time the Ballot Simplification Committee would need to schedule its meetings to review the Voter Guide legal text of the ballot measure and then write the official Ballot Digest for the Voter Guide, and
- 2. The length of lead time the Elections Department would need to assemble, print, and publish the mandatory Voter Guide sufficiently in advance of the election and mail it in time to all San Francisco voters, along with printing and mailing mail-in-ballots in advance of when early voting would begin.

Therefore, rather than trying to rush what should be a deliberative and thoughtful process writing a replacement Charter Amendment for the June 7 ballot, I recommend that the Rules Committee introduce and entertain a motion during your Special Meeting on Wednesday, January 26 to table this Agenda Item entirely, or to the Call of the Rules Committee Chair, to provide sufficient time to re-think and completely re-write this Charter Amendment and bring it before the voters at the November 2022 election. The motion should also include a formal Rules Committee recommendation to reject this Charter Amendment entirely to the full Board of Supervisors due to insufficient time to develop an alternative Charter Amendment given the lead times leading up to the June 7 election.

As a housekeeping suggestion, rather than resuming public comment on Agenda Item 4 on Wednesday, I also recommend that you introduce a motion at the outset of resuming Agenda Item 4 to immediately Table this Agenda Item in order to shorten the length of time of Wednesday's Special Meeting without further debate among Committee members and without taking additional public testimony on this Item.

## Please place this testimony in the Public Correspondence file for File #211287.

Respectfully submitted,

**Patrick Monette-Shaw** 

Columnist/Reporter Westside Observer Newspaper

cc: The Honorable Catherine Stefani, Supervisor, District 2 The Honorable Gordon Mar, Supervisor, District 4 The Honorable Dean Preston, Supervisor, District 5 The Honorable Matt Haney, Supervisor, District 6 The Honorable Myrna Melgar, Supervisor, District 7 The Honorable Hillary Ronen, Supervisor, District 9 The Honorable Shamann Walton, Supervisor, District 10 The Honorable Ahsha Safai, Supervisor, District 11 Angela Calvillo, Clerk of the Board Victor Young, Clerk of the Rules Committee Lee Hepner, Legislative Aide to Supervisor Rafael Mandelman Frances Hsieh, Legislative Aide to Supervisor Connie Chan

# Regarding:

4. 211284 [Charter Amendment - Establishment of Children's Agency and Commission; Funding for Children, Youth, and the San Francisco Unified School District; Funding Conditions on City Appropriations for the School District]

I oppose this Charter Amendment for the following reasons:

-- The process was insulting to what has been a community-driven movement. No one saw the legislation until it was presented to the Board of Supervisors. That is why the legislation is so flawed.

-- Establishing a super-agency adds another layer of bureaucracy that is duplicative, political and weakens community voice.

-- An independent, free-standing Department of Early Care and Education will be a tremendous asset to San Francisco in the years to come.

-- We all want to keep improving our ability to help SF's children and families and support a robust community process to figure out how to make that happen.

-- We must fully use the tools already in the charter and available to the government to foster collaboration, a unified vision, and diverse authentic community engagement. Do this BEFORE we eliminate them.

Cordially,

-- Bev

?

Beverly A. Melugin

**Executive Director** 

C5 Children's School 455 Golden Gate Avenue San Francisco, CA 94102 Cell: 925-878-9562

From:	Judith Baker
To:	Young, Victor (BOS)
Subject:	Children's Amendment
Date:	Friday, January 21, 2022 8:58:39 AM

Dear Members of the Rules Committee,

I understand the Amendment will be greatly modified so I can only submit these comments on the process and whether there is a need for a Commission including Early Childhood Education (ECE). I have worked in ECE since 1967 so have a personal view about how important community engagement is and how ECE has changed throughout the years.

I was shocked when I found out that an Amendment was being proposed that no one except a few high level officials knew about. María Su, when asked at an advisory meeting who knew about and developed the Amendment besides herself, said the Mayor's Office. Anything that will benefit the children and families as well as teachers and providers in ECE as well as other agencies has only come from a robust community process including parents and providers and community members. I can think back to the original CARES program in the late 90s to the recent Initiatives to gain dedicated funding for ECE. This did not happen.

Also the Coordination and Administration of ECE has evolved throughout this time from being part of an agency where many of us felt overlooked to the proposed DEC which I feel will benefit those working in the field, families and children. We do not need another bureaucracy "coordinating" our ECE agencies. Thank you for your consideration of my comments. Sincerely,

Judith Baker, M.A. ECE Former ED South of Market Childcare, Temporary Program Director Holy Family Day Home, Administrative Assistant and Project Director(retired) Friends of St Francis Childcare—all for Identification Purposes Only Member, Early Childhood Advocacy Coalition

Sent from my iPhone

Judith Baker 415-518-4052 judith\_baker@att.net

## Alisa Somera

Legislative Deputy Director San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 415.554.7711 direct | 415.554.5163 fax alisa.somera@sfgov.org

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From: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

Sent: Tuesday, January 4, 2022 12:09 AM

To: BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-

legislative\_aides@sfgov.org>

Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS)

<alisa.somera@sfgov.org>; Laxamana, Junko (BOS) <junko.laxamana@sfgov.org>; Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>

Subject: FW: File 211284 - SFUSD should be Subject to Sunshine

From: Darcie Bell <<u>darciebell@gmail.com</u>>

Sent: Monday, January 3, 2022 5:25 PM

**To:** Board of Supervisors, (BOS) <<u>board.of.supervisors@sfgov.org</u>>; BOS-Legislative Aides <<u>bos-</u> <u>legislative\_aides@sfgov.org</u>>; Paulino, Tom (MYR) <<u>tom.paulino@sfgov.org</u>>; Breed, Mayor London (MYR) <<u>mayorlondonbreed@sfgov.org</u>>

Subject: File 211284 - SFUSD should be Subject to Sunshine

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Dear Mayor and Supervisors:

The School District and Board of Education are not currently subject to the Sunshine Ordinance that demands a higher level of transparency and good government of San Francisco city agencies than weaker, similar state laws. If the purpose of the charter amendment is to ensure good government at the School District, the Sunshine Ordinance that the voters passed to govern their own City representatives, should apply to the school district as well. Please amend File <u>211284</u> as follows: Add to the SFUSD Governance Requirements 16.121(b) the following subsection (3): 16.121(b)

(3) Enhanced Transparency. The District, Board of Education, and each of their members and employees (each a "District Party" and together the "District Parties") shall comply with all provisions of the Sunshine Ordinance, San Francisco Administrative Code chapter 67, as amended from time to time, and its successors, including but not limited to the enhancements to public access required by the Ordinance that are not required by the Brown Act or Public Records Act. The Board of Education shall pass all necessary motions or resolutions to implement this subsection. Solely for the purposes of the Sunshine Ordinance:

(A) the District shall be considered a department;

(B) the Superintendent shall be considered the department head of the District;

(C) the Board of Education and each of its standing committees shall be considered policy bodies;

(D) any District Party having custody of any public record or public information shall be considered a custodian of a public record;

(E) any person may exercise the administrative and judicial remedies provided for in the Sunshine Ordinance against District Parties; and

(F) the Supervisor of Records, Sunshine Ordinance Task Force, Ethics Commission, and Superior Court shall have jurisdiction over all District Parties and, to the extent provided for by the Sunshine Ordinance, may process petitions, complaints, and suits regarding alleged violations of the Sunshine Ordinance, Brown Act, or Public Records Act against any District Party.

Regards, Darcie Bell

Sent from my iPhone

My name is Lucero Herrera She/Her Self - Determination Advocate at the Young Women Freedom Center also a mother of a 7-year-old Salvadorean son.

I do not support this, This amendment does not speak on Children of Color, Immigrant Families. In the name of "collaboration" - This eliminates the only collaborative body mandated to create a single plan for children and youth, the Our Children Our Families Council.

In the name of "community voice" - This eliminates the strongest community voice, the Service Providers Working Group.

This charter amendment is complex. It adds a new layer of bureaucracy, eliminates existing planning and oversight bodies imposes new outcome mandates and allow for reduced funding of children's services.

In community Salute, Lucero Herrera She/Her/Hers Self - Determination Coordinator Young Women Freedom Center 832 Folsom Street Suite 700, San Francisco 94107 lucero@youngwomenfree.org 0:415.703.8800 Ext 207 c:510.755.9321

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"I want to read and write so I can stop being the shadow of other people. I work and working I transform the world. As flowers they are nature, As decorations they are culture. No longer part of the mass, but one of the people" - Paulo Freire



Monday, January 24, 2022

Dear Board of Supervisors,

We're writing to express our opposition to the Mayor's two-part Children's Initiative and to request that you vote No on them. They do not put children's needs first, and instead they put politics before children.

Through our Accountability, Consistency, and Transparency (ACT) Now campaign, Coleman Advocates has been calling for a new partnership MOU between the city and the school district for over a year. We need a new partnership, not new oversight, but a new partnership between the city and the school district. More specifically, San Francisco children need the city to enter into a partnership that includes giving additional funds to the school district as well as one that brings more city services to SFUSD families. The Mayor's proposed initiative does the opposite, threatening to withhold millions of dollars of funds.

This is not a time to finger point. This is a time for the city and the school district to maturely collaborate and slowly build a structure of partnership-based innovation that truly leads the country in systems change and equity, putting the needs of San Francisco children first and certainly above a political blame game.

Though many SFUSD parents across our city have been incredibly frustrated by SFUSD's offerings during the pandemic, our families know that the systems change required for high quality education and equity must include the city stepping up and collaborating with the district and in particular expanding funding for schools and the district. The challenges San Francisco faces in providing high quality education to all students has never been an issue of restructuring the local government to better supervise itself, even across departments. What has been true before the pandemic, through the past two years, and now is that San Francisco must innovate to forge new collaborations and a sharing of responsibility such that SFUSD (1) receives increased financial support from the city and (2) offers increased accountability and transparency to families and students, guiding a citywide effort – led by families, not the Mayor – to bring equity and high-quality education to all students.

Additionally, the Mayor's proposed oversight commission would have no seats at the table that would represent parents' or students' voices in the decision-making process of the allocation of funds that directly impacts them. What's also concerning is the proposed initiative's lack of transparency around the modification process for expending funds as well as what the certification of compliance will entail. Although the Mayor has stated that the goal of the initiative is to create transparency and accountability, it obscures students' and parents' voices from the process and punishes them instead of making elected officials more effective and accountable.

Again, the need is for parents and students to have increased control and participation in systems change and for the school district to have support and partnership from the city rooted in new financial supports. San Francisco children will not benefit from an increase in bureaucracy of government supervising the government, and we at Coleman Advocates believe the Mayor's proposed Children's Initiative(s) will in fact harm the children of San Francisco. We advise and request you to vote No.

Sincerely,

Awa Walke

Neva Walker Executive Director, Coleman Advocates for Children and Youth

From:	Dinky Manek Enty
To:	Young, Victor (BOS)
Subject:	My Public Comment for today"s Rules Committee meeting - agenda item #4: Update on Children First Charter Amendment
Date:	Monday, January 24, 2022 11:49:08 AM

Please see below for my public comment. Thank you.

Good afternoon everyone,

My name is Dinky Manek Enty and I am the Deputy Director of the Center on Juvenile and Criminal Justice and a Co-Chair of the Juvenile Justice Providers Association. Today I am speaking on behalf of both bodies.

We really appreciate and recognize that we all - to include our Mayor and our Supervisors want to keep improving our ability to support SF's children and families and are here to support a robust community process to figure out how to make that happen. In doing so though, we need to fully utilize the tools we already have in the charter and that are available to the government to foster collaboration, a unified vision, accountability and diverse authentic community engagement. We need to do this before we amend, eliminate or replicate the current charter.

The new charter's proposed super agency would be ruled by a commission of political appointees, moving power away from parents, youth, and other experts. With power over the Children's Baseline Budget, this new commission will have veto control over budget decisions throughout 15 city departments – with the ability to change decisions of the community advisory bodies, experts, and other commissions. This would weaken the community's voice. Let's do the opposite - let's show our community, parents, youth, and experts how important their voice truly is.

San Francisco has a national reputation for innovative programs and policies, and a tradition of equity and inclusiveness. We'd like to see this happen again - let's come together to build on what we have and do the hard and complex work of implementing the current statutory mandates.

Thank you so much.

-Dinky --Dinky Manek Enty, MPA Deputy Director Center on Juvenile and Criminal Justice (CJCJ) www.cjcj.org

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From:	Tatum O"Sullivan
To:	Young, Victor (BOS)
Subject:	Public Comment for Item #4 of Board of Supervisors Rules Committee Monday 12/24/2021
Date:	Monday, January 24, 2022 11:55:11 AM

### Good Afternoon,

Please see below for my submission for public comment at today's Board of Supervisors Rules Committee Meeting regarding item #4: the update to the Children First Charter Amendment.

"Good Afternoon Supervisors, other city representatives, and other members of the public. My name is Tatum O'Sullivan and I'm a youth advocate with the Center on Juvenile and Criminal Justice, as well as a member of the Juvenile Justice Provider's Association. I'd like to reiterate previously heard concerns about and opposition against the proposed amendment to the Children First Charter. The measure was brought straight to the Board of Supervisors without any previous community/stakeholder involvement. In a city where the children's movement has historically been marked by inclusiveness, grassroot movement, and a shared sense of community, this precedent must be adhered to, and community stakeholders--as well as the SF youth and their families must be included in decision-making that will directly affect them.

Additionally, some problems which the amendment aims to address are *already addressed* in the existing charter. Some solutions to employ rather than amending the charter include quality staff and appointment, better connections to the community, improved grant-making, and building trust among on-profits, department leaders, and consumers. We must fully use the tools already in the charter and available to government to foster collaboration, a unified vision, accountability and diverse authentic community engagement. Do this BEFORE we eliminate or replicate them. Thank you!"

Warm Regards,

-Tatum

Tatum O'Sullivan Case Developer Center on Juvenile and Criminal Justice (CJCJ)

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From:	Doug Styles
To:	Young, Victor (BOS)
Subject:	Public Comment Item #4 Children"s First Charter Amendment
Date:	Monday, January 24, 2022 11:09:41 AM

I suggest stopping the Children's First Charter Amendment process until public participation can inform the process and the initiative. San Francisco has a robust group of youth providers with deep interest in improving services and the lives of young people. The public should not be kept out of the planning process. There are already systems in place that, if activated, would address many of the current challenges. Please build public participation into the proposed Children First Charter Amendment.

Peace, Doug

Douglas Styles, PsyD Executive Director

(pronouns: he/him/his)

Huckleberry Youth Programs 3450 Geary Blvd., Suite 107 San Francisco, CA 94118 dstyles@huckleberryyouth.org Phone: 415.633.6843 www.huckleberryyouth.org



Established in 1967

# **Patrick Monette-Shaw**

975 Sutter Street, Apt. 6 San Francisco, CA 94109 Phone: (415) 292-6969 • e-mail: <u>pmonette-shaw@eartlink.net</u>

January 25, 2022

Rules Committee
San Francisco Board of Supervisors
The Honorable Aaron Peskin, Chair, Rules Committee
The Honorable Rafael Mandelman, Member, Rules Committee
The Honorable Connie Chan, Member, Rules Committee
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

# Agenda Item #4, Board File 211284: Charter Amendment, Establishment of Children's Agency and Commission

Dear Chair Peskin and Rules Committee Members,

I do not support Board File #211284, the proposed Charter Amendment introduced by Mayor Breed and co-sponsored by Supervisors Melgar and Mandelman to create a Children's Agency and Commission as currently written for the reasons below.

During the Rules Committee hearing on January 24, 2022 before the SFGOV-TV problem surfaced, the preliminary discussion revealed the Mayor's proposed Charter Amendment to establish the Children's Agency and Commission had been developed in secrecy. Secrecy is Mayor Breed's usual-and-customary *modus operandi*, and should come as no surprise. One problem is that Breed's legislative "*sausage making*" often comes embedded with *Salmonella* mushed into other ingredients that is not always killed during the cooking process.

I appreciated Supervisor Ronen's terrific analysis and insights during Rules Committee members opening discussion of this proposed Charter Amendment. I also appreciated the insights of Jill Wynn's and former Supervisor Norman Yee's public comments.

It was abundantly clear on Monday that this Charter Amendment most probably requires a complete re-write. Since the City Charter is essentially San Francisco's constitution, I don't believe this legislation should be rushed to the ballot for the June 7, 2022 election.

Given there is essentially just three months before the June election — February, March, and April — I don't think there is sufficient time to bring all stakeholders and school district constituents together in publicly-announced and prescheduled meetings to comply with the Brown Act and our Sunshine Ordinance to engage in discussion and crafting of legislation worthy of being enshrined in the City Charter. I say this, in part, given the Board of Supervisors own timelines and legal requirements to hold public hearings at the Rules Committee and then the full Board of Supervisors to effectuate placing this Charter Amendment on the June ballot. I also say this, in part, given:

- 1. The amount of time the Ballot Simplification Committee would need to schedule its meetings to review the Voter Guide legal text of the ballot measure and then write the official Ballot Digest for the Voter Guide, and
- 2. The length of lead time the Elections Department would need to assemble, print, and publish the mandatory Voter Guide sufficiently in advance of the election and mail it in time to all San Francisco voters, along with printing and mailing mail-in-ballots in advance of when early voting would begin.

Therefore, rather than trying to rush what should be a deliberative and thoughtful process writing a replacement Charter Amendment for the June 7 ballot, I recommend that the Rules Committee introduce and entertain a motion during your Special Meeting on Wednesday, January 26 to table this Agenda Item entirely, or to the Call of the Rules Committee Chair, to provide sufficient time to re-think and completely re-write this Charter Amendment and bring it before the voters at the November 2022 election. The motion should also include a formal Rules Committee recommendation to reject this Charter Amendment entirely to the full Board of Supervisors due to insufficient time to develop an alternative Charter Amendment given the lead times leading up to the June 7 election.

As a housekeeping suggestion, rather than resuming public comment on Agenda Item 4 on Wednesday, I also recommend that you introduce a motion at the outset of resuming Agenda Item 4 to immediately Table this Agenda Item in order to shorten the length of time of Wednesday's Special Meeting without further debate among Committee members and without taking additional public testimony on this Item.

## Please place this testimony in the Public Correspondence file for File #211287.

Respectfully submitted,

**Patrick Monette-Shaw** 

Columnist/Reporter Westside Observer Newspaper

cc: The Honorable Catherine Stefani, Supervisor, District 2 The Honorable Gordon Mar, Supervisor, District 4 The Honorable Dean Preston, Supervisor, District 5 The Honorable Matt Haney, Supervisor, District 6 The Honorable Myrna Melgar, Supervisor, District 7 The Honorable Hillary Ronen, Supervisor, District 9 The Honorable Shamann Walton, Supervisor, District 10 The Honorable Ahsha Safai, Supervisor, District 11 Angela Calvillo, Clerk of the Board Victor Young, Clerk of the Rules Committee Lee Hepner, Legislative Aide to Supervisor Rafael Mandelman Frances Hsieh, Legislative Aide to Supervisor Connie Chan

# Regarding:

4. 211284 [Charter Amendment - Establishment of Children's Agency and Commission; Funding for Children, Youth, and the San Francisco Unified School District; Funding Conditions on City Appropriations for the School District]

I oppose this Charter Amendment for the following reasons:

-- The process was insulting to what has been a community-driven movement. No one saw the legislation until it was presented to the Board of Supervisors. That is why the legislation is so flawed.

-- Establishing a super-agency adds another layer of bureaucracy that is duplicative, political and weakens community voice.

-- An independent, free-standing Department of Early Care and Education will be a tremendous asset to San Francisco in the years to come.

-- We all want to keep improving our ability to help SF's children and families and support a robust community process to figure out how to make that happen.

-- We must fully use the tools already in the charter and available to the government to foster collaboration, a unified vision, and diverse authentic community engagement. Do this BEFORE we eliminate them.

Cordially,

-- Bev

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Beverly A. Melugin

**Executive Director** 

C5 Children's School 455 Golden Gate Avenue San Francisco, CA 94102 Cell: 925-878-9562