

1 [Administrative Code - City College Financial Assistance Fund - Free City College Oversight
2 Committee]

3 **Ordinance amending the Administrative Code to modify the San Francisco City College**
4 **Financial Assistance Fund from which the City provides funding to the San Francisco**
5 **Community College District, and to modify the membership of the Free City College**
6 **Oversight Committee that makes recommendations regarding the uses of those funds.**

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

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

15 Section 1. Chapter 10, Article XIII of the Administrative Code is hereby amended by
16 revising Section 10.100-288, to read as follows:

17 **SEC. 10.100-288. SAN FRANCISCO CITY COLLEGE FINANCIAL ASSISTANCE**
18 **FUND.**

19 (a) **Establishment of Fund.** The San Francisco City College Financial Assistance
20 Fund (“the Fund”) is hereby established as a category four fund, *except as provided in subsection*
21 *(d)*, to provide financial assistance to *the students at* City College of San Francisco (“City
22 College”) *to support students at City College, as further specified in subsection (e)*.

23 (b) **Sources of Funds.** The Fund may receive any legally available monies
24 appropriated for this purpose. *It is the intent of the Board of Supervisors to appropriate monies*
25 *annually to the Fund, consistent with the terms of the Memorandum of Understanding between the City*

1 and City College authorized by resolution in Board File No. _____, as it may be amended by
2 the City and City College from time to time (the “Free City College MOU”).

3 (c) **Use of Funds.** The Department of Children, Youth, and Their Families (“the
4 Department”) shall use monies in the Fund as set forth in the Free City College MOU to make
5 grants to reimburse City College for enrollment fees and other education-related financial
6 support for students who are enrolled in credit courses at City College; and maintain their legal
7 residence or domicile in San Francisco, and for City College’s related costs. ~~and are residents of~~
8 ~~California for tuition purposes or qualify for a non-resident exemption (“Eligible Students”). As a~~
9 ~~condition of accepting the monies, City College shall agree to use the grants to: (1) waive enrollment~~
10 ~~fees for Eligible Students, less any state or federal financial aid the student is currently receiving for~~
11 ~~his or her education; or (2) for Eligible Students who are receiving other financial aid covering their~~
12 ~~enrollment fees, for other education-related financial support, including but not limited to monies for~~
13 ~~the purchase of required books and supplies, lab fees, and activity fees, as specified in the grant~~
14 ~~agreement. For the 2017-18 and 2018-19 academic years, Eligible Students shall not receive benefits~~
15 ~~exceeding their enrollment fees, or if they receive other financial aid covering their enrollment fees,~~
16 ~~Eligible Students shall not receive education-related financial support worth more than \$500 per~~
17 ~~academic year for full-time Eligible Students and \$200 per academic year for part-time Eligible~~
18 ~~Students. Subject to appropriations made by the Board of Supervisors and the Mayor, the Department~~
19 ~~may use monies in the Fund to provide additional education-related support to Eligible Students in~~
20 ~~future academic years. City College may use up to \$500,000 to pay the costs of implementation and~~
21 ~~administration of the program, including but not limited to altering City College’s online enrollment~~
22 ~~program and hiring financial aid counselors to provide information and support to Eligible Students.~~

23 (d) **Reserve.** Within the Fund, the Controller shall maintain a segregated reserve fund (the
24 “Reserve”). In Fiscal Years 2019-20, 2020-21, 2021-22, and 2022-23, any monies appropriated to the
25 Fund in the fiscal year that remain unspent at the end of the fiscal year shall be placed in the Reserve.

1 In Fiscal Years 2023-24, 2024-25, 2025-26, 2026-27, 2027-28, and 2028-29, 50% of any monies
2 appropriated to the Fund in the fiscal year that remain unspent at the end of the fiscal year shall be
3 placed in the Reserve. Monies in the Reserve may be used for the purposes set forth in subsection (c).

4 ~~(de)~~ **Administration and Oversight of Fund.** The Department shall administer the
5 Fund consistent with the Free City College MOU. The Free City College Oversight Committee
6 established in Article II of Chapter 5 of the Administrative Code shall provide advice to the Department
7 regarding the implementation of the Free City College MOU and disbursements from the Fund.

8 As required by the Free City College MOU, and to the extent consistent with the civil service
9 provisions of the Charter, the Controller shall select an independent auditor to audit City College's use
10 of monies disbursed from the Fund and shall prepare an audit report each fiscal year. The Controller
11 shall deliver each annual audit report to the Board of Supervisors, the Mayor, and the Oversight
12 Committee.

13 ~~———— (1) The Department and City College shall develop and execute an agreement~~
14 ~~governing the grants and the process for applying for, calculating, awarding, and disbursing payments~~
15 ~~to individual students.~~

16 ~~———— (2) (A) Any grant agreement between the Department and City College shall provide,~~
17 ~~as a condition of the grant, for the creation of an Oversight Committee to review City College's~~
18 ~~implementation of the grant agreement and to prepare an annual public report to the Mayor, the Board~~
19 ~~of Supervisors, and the Department, as well as to City College, concerning the implementation of the~~
20 ~~grant agreement and disbursements from the Fund. The agreement shall specify that the Department~~
21 ~~and City College will provide administrative support for the Oversight Committee.~~

22 ~~———— (B) The Oversight Committee shall consist of 11 members.~~

23 ~~———— (i) The City College Board of Trustees shall appoint one member of the~~
24 ~~Governing Board of City College, one City College financial aid counselor or specialist, and one~~
25 ~~member from the Office of the Chancellor of City College;~~

1 ~~————— (ii) the City College Academic Senate shall appoint two faculty members;~~

2 ~~————— (iii) the City College Associated Students Executive Council shall appoint one~~
3 ~~student body representative;~~

4 ~~————— (iv) the Board of Supervisors shall appoint one member of the Board of~~
5 ~~Supervisors and one person not otherwise eligible to serve in one of the dedicated seats on the~~
6 ~~Oversight Committee;~~

7 ~~————— (v) the San Francisco Board of Education shall appoint one member of the~~
8 ~~Board of Education;~~

9 ~~————— (vi) the Mayor shall appoint one member from the staff of the Mayor's Office;~~
10 ~~and~~

11 ~~————— (vii) the Controller shall appoint one member from the staff of the Controller's~~
12 ~~Office.~~

13 ~~If at any point, the City College Board of Trustees, Academic Senate, or Associated Students~~
14 ~~Executive Council, or the San Francisco Board of Education declines to appoint a member to one of~~
15 ~~the seats for which it has appointing authority and leaves that seat vacant for more than 90 days, the~~
16 ~~Board of Supervisors may appoint a member of the public to fill the seat until the appointing authority~~
17 ~~appoints a person to the seat. Each member shall serve at the pleasure of the member's appointing~~
18 ~~authority, and shall serve for the life of the Oversight Committee unless removed by the appointing~~
19 ~~authority. Any member who misses three regular meetings of the Oversight Committee without the~~
20 ~~express approval of the Oversight Committee at or before each missed meeting shall be deemed to have~~
21 ~~resigned from the Oversight Committee ten days after the third unapproved absence. The Oversight~~
22 ~~Committee shall inform the appointing authority of the resignation, and the Oversight Committee shall~~
23 ~~also inform the Clerk of the Board of Supervisors.~~

24 ~~(C) The Oversight Committee shall meet at least once every three months and shall comply~~
25 ~~with the public meeting provisions of the Brown Act and the Sunshine Ordinance.~~

1 ~~(D) Unless the Board of Supervisors by ordinance extends the term of the Oversight~~
2 ~~Committee, the Oversight Committee shall terminate on December 31, 2019.~~

3 ~~(3) Notwithstanding the provisions of subsections (c) and (d), it shall be the policy of the~~
4 ~~Board of Supervisors to appropriate sufficient funds to the Fund to maintain a reserve of up to 100% of~~
5 ~~the estimated annual funding needs.~~

6 ~~(4) This subsection 10.100-288(d) shall become not become operative until the City~~
7 ~~appropriates monies to the Fund. The subsection shall become operative upon the effective date of a~~
8 ~~duly enacted ordinance appropriating monies to the Fund or resolution approving acceptance and~~
9 ~~expenditure of a gift to the Fund.~~

10
11 Section 2. Chapter 5 of the Administrative Code is hereby amended by adding Article
12 II, consisting of Sections 5.2-1 through 5.2-6, to read as follows:

13
14 **ARTICLE II: FREE CITY COLLEGE OVERSIGHT COMMITTEE**

15
16 **SEC. 5.2-1. CREATION OF FREE CITY COLLEGE OVERSIGHT COMMITTEE.**

17 The Board of Supervisors hereby establishes the Free City College Oversight Committee
18 (“Oversight Committee”).

19
20 **SEC. 5.2-2. MEMBERSHIP.**

21 The Oversight Committee shall consist of 13 voting members and one non-voting member.

22 (a) Seat 1 shall be held by the Mayor or the Mayor’s designee.

23 (b) Seat 2 shall be held by the president of the City College Board of Trustees or the
24 president’s designee.

25 (c) Seat 3 shall be held by a student at City College, appointed by the Mayor.

1 (d) Seat 4 shall be held by a student at City College, appointed by the Board of
2 Supervisors.

3 (e) Seat 5 shall be held by a member of the Board of Supervisors, appointed by the
4 Board of Supervisors or that member's designee.

5 (f) Seat 6 shall be held by an employee or officer of the San Francisco Unified
6 School District, appointed by the Board of Education of the San Francisco Unified School District.

7 (g) Seat 7 shall be held by the Controller or the Controller's designee.

8 (h) Seat 8 shall be held by an employee of the Department of Children, Youth and
9 Their Families, appointed by the director of the Department.

10 (i) Seat 9 shall be held by a City College employee who is involved in the
11 administration of the Free City College program, appointed by the City College Board of Trustees.

12 (j) Seat 10 shall be held by a City College faculty member, appointed by the
13 president of the City College Board of Trustees.

14 (k) Seat 11 shall be held by a classified staff member of City College, appointed by
15 the president of the City College Board of Trustees.

16 (l) Seat 12 shall be held by a member of the public, appointed by the Mayor.

17 (m) Seat 13 shall be held by a member of the public, appointed by the Board of
18 Supervisors.

19 (n) Seat 14 shall be a non-voting seat held by the student trustee member of the City
20 College Board of Trustees.

21 If, at any point, the City College Board of Trustees, the President of the City College Board of
22 Trustees, or the Board of Education of the San Francisco Unified School District declines to appoint a
23 member to a seat for which it has appointing authority and leaves that seat vacant for more than 90
24 days, the Board of Supervisors may appoint a member of the public to fill the seat until the appointing
25 authority appoints a person to the seat.

1
2 **SEC. 5.2-3. ORGANIZATION AND TERMS OF OFFICE.**

3 (a) Each member of the Oversight Committee shall serve at the pleasure of the member's
4 appointing authority, and shall serve for the life of the Oversight Committee unless removed by the
5 appointing authority.

6 (b) Members of the Oversight Committee shall receive no compensation from the City,
7 except that City employees serving in seats 1, 5, 7, and 8 may receive their regular salaries for time
8 spent on the Oversight Committee because they are serving in an official capacity.

9 (c) Any member who misses three regular meetings of the Oversight Committee in a six-
10 month period without the express approval of the Oversight Committee at or before each missed
11 meeting shall be deemed by operation of law to have resigned from the Oversight Committee ten days
12 after the third unapproved absence. The Oversight Committee shall inform the Clerk of the Board of
13 Supervisors and the member's appointing authority of the resignation. This subsection (c) shall not
14 apply to Seats 1, 2, 5, 7, and 14.

15 (d) The Department of Children, Youth and Their Families shall provide clerical and
16 administrative support and staffing for the Oversight Committee.

17 **SEC. 5.2-4. DUTIES AND RESPONSIBILITIES.**

18 (a) The Oversight Committee shall provide advice to the Board of Supervisors, the Mayor,
19 the Department of Children, Youth and Their Families, all other relevant City departments, and City
20 College regarding implementation of the Memorandum of Understanding between the City and City
21 College authorized by resolution in Board File No. _____, as it may be amended by the City
22 and City College from time to time (the "Free City College MOU"). The Oversight Committee's
23 advice may include recommendations regarding the uses of funds disbursed under the Free City
24 College MOU and proposed changes in uses of the funds. In providing its advice and
25

1 recommendations, the Oversight Committee shall consider the audit reports provided by the Controller
2 under Section 10.100-288 of this Code, as well as reports that the Chancellor of City College or the
3 Chancellor's designee has provided to the Oversight Committee under the Free City College MOU.

4 (b) All City departments, commissions, boards, and agencies shall cooperate with the
5 Oversight Committee in conducting its business.

6
7 **SEC. 5.2-5. MEETINGS AND PROCEDURES.**

8 (a) The Oversight Committee shall hold a regular meeting not less than once every three
9 months.

10 (b) Seven voting members of the Oversight Committee shall constitute a quorum for the
11 purpose of meeting, and the affirmative votes of at least seven members of the Oversight Committee are
12 necessary to constitute approval of any non-parliamentary matter by the Oversight Committee.

13 (c) The members in seats 1 and 2 shall be the co-chairs of the Oversight Committee. The
14 Oversight Committee may establish rules for its own organization and procedures.

15
16 **SEC. 5.2-6. SUNSET.**

17 Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that
18 advisory bodies created by the Board should sunset within three years, this Article II shall expire by
19 operation of law, and the Oversight Committee shall terminate, on June 30, 2029. After the expiration
20 of the Oversight Committee, the City Attorney shall cause this Article to be removed from the
21 Administrative Code.

22
23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor’s veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the “Note” that appears under
9 the official title of the ordinance.

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

13 By: _____
14 JON GIVNER
15 Deputy City Attorney

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