

# DRAFT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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A RESOLUTION SUBMITTING, ON THE CITY COUNCIL'S OWN MOTION, TO THE ELECTORS AT THE NEXT MUNICIPAL ELECTION, A MEASURE (1) TO REPEAL CHARTER SECTION 1300 ON KIDS FIRST! OAKLAND FUND FOR CHILDREN AND YOUTH ADOPTED BY THE VOTERS ON NOVEMBER 4, 2008 (MEASURE OO) AND (2) READOPT CHARTER SECTION 1300 ON OAKLAND FUND FOR CHILDREN AND YOUTH ADOPTED BY THE VOTERS ON NOVEMBER 7, 1996 (MEASURE K) AS AMENDED TO, AMONG OTHER THINGS, SET ASIDE TWO AND ONE-HALF PERCENT (2.5%) OF THE ACTUAL UNRESTRICTED GENERAL PURPOSE FUND CITY REVENUE FOR PROGRAMS FOR CHILDREN AND YOUTH AND (3) DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH APPLICABLE LEGAL REQUIREMENTS

**WHEREAS**, the Kids First! Oakland Fund for Children and Youth was established by voter approved ballot Measure K in 1996 to set money aside for programs and services benefiting children and youth, such as after-school programs, mentoring programs, recreational programs, pre-school and job training programs; and

**WHEREAS**, it is critical to continue funding to services and programs that benefit Oakland's children and youth at a level that is fiscally responsible; and

**WHEREAS**, in 2008 the voters repealed Measure K and replaced it with Measure OO; and

**WHEREAS**, the City Council wishes to amend City Charter section 1300 to repeal Measure OO and readopt Measure K, as amended; now, therefore be it

**RESOLVED**: That the City Council of the City of Oakland does hereby submit to the voters at the next municipal election the following:

**AN AMENDMENT TO THE OAKLAND CITY CHARTER IN ORDER TO MAINTAIN THE KIDS FIRST! OAKLAND FUND FOR CHILDREN AND YOUTH ADOPTED BY THE VOTERS IN 1996 AND AMENDED HEREIN**

Be it ordained by the People of the City of Oakland:

1. Title.

This Act shall be known and may be cited as "Kids First! —The Oakland Fund for Children and Youth Act."

2. Findings and Purpose.

The people of the City of Oakland hereby make the following findings and declare their purpose in enacting the Act is as follows:

(a) Teens and young adults comprise too many of Oakland's homicide victims every year. Many of these deaths are due to gun violence.

(b) Many students in Oakland public schools do not graduate from high school. The percentage of Oakland students who do not graduate high school is much higher than the statewide average.

(c) It is critical to address root problems before they start by providing support services for children and youth and their families, like after-school and community based programs that keep children and youth out of trouble, encourage parent involvement and teach non-violent conflict resolution.

(d) The Kids First!--Oakland Fund for Children and Youth was established by a voter approved ballot measure in 1996. The measure provided funding for services benefiting children and youth, such as after-school programs, mentoring, recreational programs, job training and pre-school programs.

(e) Kids First! The Oakland Fund for Children and Youth puts money into programs that work. The Center on Juvenile and Criminal Justice reported that Oakland has a 69 percent drop in juvenile crime from 1995 to 2005, making Oakland the city with the lowest juvenile crime rate out of the eight largest cities in California. This is because of programs funded through measures like Kids First!

(f) This Act will fund after school programs, sports and recreation programs, youth gang prevention and other programs for children and youth through the set-aside of 2.5% of actual unrestricted general purpose fund City revenue.

(g) The Kids First! Fund was established in 1996, and through this Act will continue until 2021, with a twelve year renewal option.

(h) This Act will protect and expand the services that help keep Oakland children and youth on the right track. Programs funded by this measure will provide after-school programs that give children and youth positive alternatives and safe places away from the negative influences of the streets.

3. Severability. If any provision of this Act or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect any provision or application of this Act that can be given effect without the invalid provision or application. To this end, the provisions of this Act are severable.

4. In the event that this measure appears on the same election ballot as another initiative measure or measures that seek to affect the Kids First! Oakland Children's Fund by directly or indirectly amending Oakland City Charter Article XIII, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and each and every provision of the other measure or measures shall be null and void.

Article XIII of the City Charter of the City of Oakland is hereby amended to read as follows:

#### Section 1. Title.

This Act shall be known and may be cited as "Kids First! —The Oakland Fund for Children and Youth Act."

#### Section 2. Findings and Purpose.

The people of the City of Oakland hereby make the following findings and declare their purpose in enacting the Act is as follows:

(a) Teens and young adults comprise too many of Oakland's homicide victims every year. Many of these deaths are due to gun violence.

(b) Many students in Oakland public schools do not graduate from high school. The percentage of Oakland students who do not graduate high school is much higher than the statewide average.

(c) It is critical to address root problems before they start by providing support services for children and youth and their families, like after-school and community based programs that keep children and youth out of trouble, encourage parent involvement and teach non-violent conflict resolution.

(d) The Kids First!—Oakland Fund for Children and Youth was established by a voter approved ballot measure in 1996. The measure provided funding for services benefiting children and youth, such as after-school programs, mentoring, recreational programs, job training and pre-school programs.

(e) Kids First! The Oakland Fund for Children and Youth puts money into programs that work. The Center on Juvenile and Criminal Justice reported that Oakland has a 69 percent drop in juvenile crime from 1995 to 2005, making Oakland the city with the lowest juvenile crime rate out of the eight largest cities in California. This is because of programs funded through measures like Kids First!

(f) This Act will increase funding for after-school programs, sports and recreation programs, youth gang prevention and other programs for children and youth to two and a half percent of actual unrestricted general purpose fund revenues.

(g) This Act will protect and expand the services that help keep Oakland children and youth on the right track. Programs funded by this measure will provide after-school programs that give children and youth positive alternatives and safe places away from the negative influences of the streets.

~~Section 3. Amendment to Article XIII of the City Charter of the City of Oakland.~~

~~Article XIII of the City Charter of the City of Oakland is hereby amended to read as follows:~~

~~ARTICLE XIII KIDS FIRST! OAKLAND CHILDREN'S FUND~~

~~Fund Revenue~~

~~Section 1300. Notwithstanding any other provision of law, effective July 1, 2009 and continuing through June 30, 2011, the KIDS First! The Oakland Fund for Children and Youth ("Fund") shall receive revenues in an amount equal to 1.5% of the City of Oakland's annual total revenues and appropriated as specified in this Act each year, together with any interest earned on the Fund and any amounts unspent or uncommitted by the Fund at the end of any fiscal year. The actual funds deposited in the Fund pursuant to this Act shall only come from unrestricted revenues of the City of Oakland. For purposes of this Act, Fund shall mean the fund established pursuant to Measure K which was approved by the voters of Oakland in 1996 and which shall continue in existence.~~

~~Notwithstanding any other provision of law, effective July 1, 2011, the Fund shall receive revenues in an amount equal to 2.5% of the City of Oakland's annual total revenues and appropriated as specified in this Act each year, together with any interest earned on the Fund and any amounts unspent or uncommitted by the Fund at the end of any fiscal year. The actual funds deposited in the Fund pursuant to this Act shall only come from unrestricted revenues of the City of Oakland.~~

~~No less than 90% of the monies in the Fund shall be used to pay for eligible services for~~

~~children and youth. No more than 10% of the monies in the Fund may be used for independent third party evaluation, strategic planning, grant making, grants management, training and technical assistance, and communications and outreach to ensure effective public participation.~~

~~Not later than 90 days after the end of each fiscal year, beginning with fiscal year 2009 2010, the City Auditor shall complete a financial audit, and verify that the City of Oakland set aside for the Fund the correct amount of monies for that fiscal year, together with any interest earned on the Fund and any amounts unspent by the Fund at the end of that fiscal year. If the City Auditor finds that in any fiscal year the amount of funds set aside for the Fund is less than the prescribed percentage of all City of Oakland revenues, the City of Oakland shall provide monies to the Fund so that the correct amount is received by the Fund within the next two fiscal years.~~

#### ~~Eligible Services~~

~~Section 1301. Monies in the Fund shall be used exclusively to:~~

- ~~1. support the healthy development of young children through pre-school education, school readiness programs, physical and behavioral health services, parent education, and case management;~~
- ~~2. help children and youth succeed in school and graduate high school through after-school academic support and college readiness programs, arts, music, sports, outdoor education, internships, work experience, parent education, and leadership development, including civic engagement, service learning, and arts expression;~~
- ~~3. prevent and reduce violence, crime, and gang involvement among children and youth through case management, physical and behavioral health services, internships, work experience, outdoor education, and leadership development, including civic engagement, service learning, and arts expression;~~
- ~~4. help youth transition to productive adulthood through case management, physical and behavioral health services, hard skills training and job placement in high-demand industries, internships, work experience, and leadership development, including civic engagement, service learning, and arts expression.~~

#### ~~Excluded Services~~

~~Section 1302. Monies in the Fund shall not be appropriated or expended for:~~

- ~~1. any service which merely benefits children and youth incidentally;~~
- ~~2. acquisition of any capital item or real property not for primary and direct use by children and youth;~~
- ~~3. maintenance, utilities or any similar operating cost of any facility not used~~

~~primarily and directly by children and youth;~~

~~4. any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure.~~

### **Strategic Investment Plan**

~~Section 1303.~~ Section 1301. Appropriations from the Fund shall be made pursuant to a Three-Year Strategic Investment Plan, with the first Plan beginning July 1, 2010.

Each Three-Year Strategic Investment Plan shall be developed with the involvement of young people, parents, and service providers throughout the city, and the Oakland Unified School District, the County of Alameda, and the City of Oakland. Each Three-Year Strategic Investment Plan shall take into consideration the results and findings of the independent third-party evaluation.

Each Three-Year Strategic Investment Plan shall:

1. identify current service needs and gaps relative to addressing this measure's four outcome goals:

- a. support the healthy development of young children;
- b. help children and youth succeed in school and graduate high school;
- c. prevent and reduce violence, crime, and gang involvement among young people;
- d. prepare young people for healthy and productive adulthood.

2. describe specific three-year program initiatives that address the needs and gaps relative to each outcome goal, including:

- a. target population
- b. performance and impact objectives
- c. intervention strategy
- d. evaluation plan
- e. funding allocations

3. describe how each three-year program initiative is aligned and coordinated with other public and private resources to achieve maximum service performance and youth impacts.

Each Three-Year Strategic Investment Plan shall be evaluated for its service performance and youth impact results by an independent third-party evaluator.

### ~~Open and Fair Application Process~~

~~Section 1304.~~ All monies in the Fund shall be appropriated, pursuant to a Three-Year

~~Strategic Investment Plan, to private non-profit and public agencies through an open and fair application process.~~

~~Planning & Oversight Committee~~

~~Section 1305.—The Children's Fund Planning and Oversight Committee ("Planning and Oversight Committee") established pursuant to Measure K which was approved by the voters of Oakland in 1996 shall continue to operate. Effective July 1, 2009, the Mayor shall only be permitted to appoint one (1) Oakland resident and shall therefore remove two of his previous appointments no later than June 30, 2009.~~

~~The Planning & Oversight Committee shall be responsible for:~~

- ~~1. preparing Three Year Strategic Investment Plans;~~
- ~~2. soliciting funding applications from private non-profit and public agencies through an open and fair application process;~~
- ~~3. submitting to the Oakland City Council for its adoption Three Year Strategic Investment Plans and funding recommendations;~~
- ~~4. submitting to the Oakland City Council for its adoption annual independent evaluation reports;~~
- ~~5. receiving City Auditor annual reports on the Fund's Financial Statement and the Base Spending Requirement.~~

~~Base Spending Requirement~~

~~Section 1306.—Monies in the Fund shall be used exclusively to increase the total amount of City of Oakland expenditures for services to children and youth that are eligible to be paid from the Fund as defined in this section. The City of Oakland shall not reduce the amount of expenditures for eligible services in any fiscal year paid from sources other than the Fund below the Base Spending Requirement.~~

~~The Base Spending Requirement is the amount required based on the application of the base year percentage to the total audited actual City expenditures in a fiscal year.~~

~~The Base Year Percentage is defined by the ratio of audited actual expenditures for eligible services for children and youth paid from sources other than the Fund to total City audited actual expenditures in a fiscal year.~~

~~The base year is defined as the fiscal year beginning July 1, 2008 and ending June 30, 2009.~~

~~Not later than October 1, 2009 the City Auditor shall calculate and publish the Base Year Percentage, and shall specify by City Department each eligible service, budget expenditure amount, and funding source included in the calculation of the base year eligible services.~~

~~Not later than 90 days after the end of each fiscal year beginning with fiscal year 2009-2010, the City Auditor shall verify that the City of Oakland expended funds each year for eligible services in an amount no less than the amount required under the Base Spending Requirement, except to the extent that the City of Oakland ceases to receive federal, state, county, or private foundation funds that the funding agency required to be spent only on these services.~~

~~If the City Auditor finds that in any fiscal year the amount of funds expended for eligible services is less than the Base Percentage Requirement, the City of Oakland shall increase expenditures for eligible services within the following two years so that the correct amount of funds is expended.~~

~~Monies from the Fund shall not be appropriated for services that substitute for or replace services included in the City Auditor's Base Spending Requirement, except to the extent that the City of Oakland ceases to receive federal, state, county, or private foundation funds that the funding agency required to be spent only on those services.~~

#### ~~Section 4. Severability.~~

~~If any provision of this Act or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect any provision or application of this Act that can be given effect without the invalid provision or application. To this end, the provisions of this Act are severable.~~

### **Section 1300.**

1. This law establishes a fund that will help young grow to become healthy, productive and honorable adults. This fund shall be called the KIDS FIRST! Oakland Children's Fund, and it shall be maintained separately and apart from all other City funds.
2. Two and one-half percent of the City of Oakland's actual unrestricted general purpose fund revenues shall be set-aside for the KIDS FIRST! Oakland Children's Fund, and appropriated as specified in this section each year until July 1, 2021 together with any interest earned on the fund and any amounts unspent or uncommitted by the fund at the end of any fiscal year.
3. Monies in the KIDS FIRST! Oakland Children's Fund shall be used exclusively to provide services to children and youth less than twenty-one years old, above and beyond services funded prior to the adoption of this section. To this end, monies in the



KIDS FIRST! Oakland Children's Fund shall not be appropriated or expended to pay for services funded by the City of Oakland during fiscal year 1995-1996 except and solely to the extent of services for which the City of Oakland ceases to receive federal, state or private agency funds which the funding agency required to be spent on services in question.

4. Monies in the KIDS FIRST! Oakland Children's Fund shall be used exclusively for:

a. Career & Leadership Development, including job training; year-round work experience; career internships; and community organizing projects;

b. Academic & Cultural Development, including pre-school programs; academic enrichment programs; college preparatory services; arts and music programs; outdoor adventure activities; and sports programs;

c. Physical & Behavioral Health, including school health centers; neighborhood teen clinics; counseling and mentoring programs; conflict resolution; prenatal care; and parenting classes.

5. All monies in the KIDS FIRST! Oakland Children's Fund shall be appropriated to private non-profit and public entities through an open and fair competitive bid process.

6. All monies in the KIDS FIRST! Oakland Children's Fund shall be appropriated to private non-profit and public entities for programs that:

a. implement services in a comprehensive, coordinated, and culturally-appropriate design;

b. establish measurable and ambitious youth development outcomes;

c. integrate youth in their development, operation, and evaluation; and that

d. emphasize collaboration between private non-profit and public entities.

7. Monies in the KIDS FIRST! Oakland Children's Fund shall not be appropriated or expended for:

a. any service which merely benefits children and youth incidentally;

b. acquisition of any capital item not for primary and direct use by children and youth;

c. acquisition of, other than by lease for a term of twelve years or less, any real property;

d. maintenance, utilities or any similar operating cost of any facility not used primarily and directly by children and youth;

e. any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure.

8. Not later than 90 days after the election which approved this section, and by December 15th of each calendar year thereafter, the Mayor shall appoint three Oakland residents, one whom shall be a resident not older than 21 years, and each City Councilmember shall appoint two Oakland residents, one of whom shall be a resident not older than 21 years, to serve as members of the "CHILDREN'S FUND PLANNING & OVERSIGHT COMMITTEE." The appointees shall demonstrate a strong interest in children and youth issues; and possess sound knowledge of, and expertise in, children and youth policy development and program implementation.

9. The "CHILDREN'S FUND PLANNING AND OVERSIGHT COMMITTEE" shall be responsible for:

a. preparing three Four-Year Strategic Plans that outline specific outcome goals, objectives, and service priorities for each four-year period beginning January 1, 2010, January 1, 2014, and January 1, 2018, and continuing every four years if renewed for the additional twelve years beyond 2021.

b. soliciting program funding proposals from private and public non-profit entities through an open and fair competitive bid process;

c. submitting to the Oakland City Council for its adoption 60 days after the submission, three Four-Year Strategic Plans and their corresponding program funding recommendations, with the first plan submitted by October 1, 2009 the second plan submitted by October 1, 2013 and the third plan submitted by October 1, 2017, and every four years thereafter if renewed for an additional twelve years beyond 2021.

d. presenting to the Oakland City Council for its adoption 60 days after the submission annual independent process and outcome evaluation reports not later than October 1st of each calendar year beginning October 2010.

10. The allocation of grants to private non-profit and public entities under this law shall comply as closely as practicable with the goals, objectives and service priorities of these Four-Year Strategic Plans. Appropriation for the City fiscal year shall be awarded for use during the calendar year which begin therein. For example, appropriations for the fiscal year July 1, 2010 to June 30, 2011 shall be awarded for use during the calendared year January 1, 2010 to December 31, 2011 and so on.

11. The "CHILDREN'S FUND PLANNING AND OVERSIGHT COMMITTEE" shall hold no less than one properly noticed public hearing prior to its adoption and submittal to the Oakland City Council of a Four-Year Strategic Plan and corresponding program funding recommendations. The Oakland City Council shall hold no less than one public hearing prior to its adoption of a Four-Year Strategic Plan, corresponding program funding recommendations, and evaluation reports.

12. No less than 90% of the monies in the Fund shall be used to pay for eligible services for children and youth. No more than 10% of the monies in the Fund may be used for independent third-party evaluation, strategic planning, grant-making, grants management, training and technical assistance, and communications and outreach to ensure effective public participation.

13. The KIDS FIRST! Oakland Children's Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for children and youth services (exclusive of expenditures mandated by state or federal law). To this end, the City of Oakland shall not reduce the amount of appropriations and expenditures for eligible services in any of the twelve years during which funds are required to be set aside under this section below the amount so appropriated for the fiscal year 1995-1996 ("base amount").

14. The base amount shall be adjusted for each year by the percentage increase or decrease in actual unrestricted general purpose fund revenues from the base year, as estimated by the City Administrator and verified by the City Auditor ("Base Percentage Requirement"). Errors in the estimate of the baseline calculation for a fiscal year shall be corrected by an adjustment in the next year's estimate. Actual unrestricted general purpose fund revenues shall not include funds granted to the City by private agencies or

appropriated by other public agencies and received by the City, nor shall it include operating transfers into the general purpose fund from other city funds.

Within 180 days following the completion of each fiscal year's external audit through 2020-2021 the City Auditor shall calculate and publish the actual amount of City of Oakland spending for children and youth services (exclusive of expenditures mandated by state or federal law).

15. If the City Auditor finds that in any fiscal year the amount of funds expended for eligible services is less than the Base Percentage Requirement, the City of Oakland shall increase expenditures for eligible services within the following two fiscal years so that the correct amount of funds is expended.

16. If any provisions of this section, or its application to any person or circumstances, shall be held invalid or unenforceable, the remainder of this section and its application shall not be affected; every provision of this section is intended to be severable.

17. This measure has an expiration date of 2021. If the City Council does not itself extend this measure for an additional twelve years, then the City Council shall place the questions of whether to extend this section on the November 2020 ballot for a vote of the electorate.

**FURTHER RESOLVED:** That in accordance with the Elections Code and Chapter 3 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Charter Amendment, and said date shall be posted in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That in accordance with the Elections Code and Chapter 3 of the Oakland Municipal Code, the City Clerk shall provide for notice and publication as to said proposed Charter Amendment in the manner provided for by law; and be it

**FURTHER RESOLVED:** That the City Council does hereby request that the Registrar of Voters of the County of Alameda perform necessary services in connection with said election; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to obtain printing, supplies and services as required; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby authorized to provide such other services and supplies in connection with said election as may be required by the Statutes of the State of California and the Charter of the City of Oakland; and be it

**FURTHER RESOLVED:** That the City Clerk and City Administrator are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the election and appropriate all monies necessary for the City Administrator and City Clerk to prepare and conduct the election, consistent with law.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION

Attest: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland, California