

## **REVISIONS TO RICHMOND KIDS FIRST INITIATIVE**

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

**SEC. 1. Title.** This Act shall be known as the “Revisions To Richmond Kids First Initiative” Act.

**SEC. 2. Findings and Statement of Purpose.** The People of the City of Richmond hereby make the following findings and declare their purpose in enacting the Act:

- a. In order to further the purposes and goals of the ballot measure entitled the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act,” which will appear on the ballot for the City of Richmond at the June 5, 2018 election, it is essential to make several amendments to that Act.
- b. In the event the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” is approved at the June 5, 2018 election, the Charter shall be further amended to:
  - i. Provide that the dates in the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” are adjusted to reflect the fact that that Initiative will appear on the June 5, 2018 ballot, rather than the November 8, 2016 ballot, as anticipated when that Initiative was drafted; and to provide that the requirements that the City set aside specified funding levels in specified years begin three years after passage of this Act;
  - ii. Provide that public entities may provide services under the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act,” without being subject to a limit of no more than 20% of the funding awarded to applicants, and without being subject to the requirement that the public agencies act in partnership with non-profit organizations; and
  - iii. Provide that the requirements that the City set aside specified funding levels in specified years be contingent upon the passage of a general tax measure that makes additional funding available for the unrestricted general purposes of the City.
- c. This Act is intended to complement and supplement the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act.”

- d. This Act will be given effect only if both this Act and the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” are approved by the voters at the June 5, 2018 election.

**SEC. 3.** Section 1 of Article XV of the Charter of the City of Richmond, as proposed to be added to the Charter by the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” at the June 5, 2018 election, is hereby amended and restated to read as follows:

Section 1. Fund: Beginning ~~January 1, 2017~~ July 1, 2018, there is hereby established in the treasury of the City of Richmond (the “City”) a special fund to expand children’s services in the City, which shall be called the Richmond Fund for Children and Youth (the “Fund”).

**SEC. 4.** Section 2 of Article XV of the Charter of the City of Richmond, as proposed to be added to the Charter by the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” at the June 5, 2018 election, is hereby amended and restated to read as follows:

Section 2. Amount and Source of Funding. The City shall set aside a portion of the annual actual unrestricted general purpose revenues of the City to be transferred to the Fund in the amounts specified below, subject to the conditions set forth in subdivision (i).

- a. ~~For the last six months of fiscal year 2016-2017 (January 1, 2017 through June 30, 2017),~~ During fiscal year 2018-2019 (July 1, 2018 through June 30, 2019), there is hereby set aside for the Fund, the amount of \$250,000 from the City’s annual actual unrestricted general purpose revenues for the express purpose of establishing and supporting the infrastructure of the Fund and the newly created Department of Children and Youth, as described in Section 7, including the development of the Strategic Investment Plan, as described in Section 8.
- b. For fiscal year ~~2017-18~~ 2019-2020, there is hereby set aside for the Fund, the amount of \$700,000 from the City’s annual actual unrestricted general purpose revenues for the express purpose of establishing and supporting the infrastructure of the Fund and the newly created Department of Children and Youth, including the development of the Strategic Investment Plan.
- c. For fiscal year ~~2018-2019~~ 2021-2022, there is hereby set aside for the Fund, an amount equal to one percent (1%) of the City’s annual actual unrestricted general purpose revenues, together with any interest earned on the Fund and any amounts unspent or uncommitted by the Fund at the end of any fiscal year.
- d. For fiscal year ~~2019-2020~~ 2022-2023, there is hereby set aside for the Fund, an amount equal to two percent (2%) of the City’s annual actual unrestricted general purpose revenues, together with any interest earned

on the Fund and any amounts unspent or uncommitted by the Fund at the end of any fiscal year.

- e. For fiscal year ~~2020-2021~~ 2023-2024 and each fiscal year thereafter through fiscal year ~~2026-2027~~ 2027-2028, there is hereby set aside for the Fund, an amount equal to three percent (3%) of the City's annual actual unrestricted general purpose revenues, together with any interest earned on the Fund and any amounts unspent or uncommitted by the Fund at the end of any fiscal year.
- f. The Fund shall be maintained separate and apart from all other City funds and shall be appropriated annually at the time of the City's budget adoption, and by supplemental appropriation, when necessary as determined by the City Council.
- g. The annual amount of actual unrestricted general purpose revenues shall be calculated by the City Manager and shall fully include all of the following sources of revenue received by the City: (1) Property Taxes, (2) General Sales and Use Taxes (including locally approved general sales taxes and the City's portion of the Bradley-Burns Sales and Use Tax), (3) Utility Users Tax, (4) Property Transfer Tax, (5) Transient Occupancy Tax, (6) Fines, forfeitures and penalties, (7) Interest from general fund reserves, and (8) other revenues that the City can use for any lawful, municipal purpose. The City shall not define which revenues are to be considered unrestricted general purpose revenues in a manner inconsistent with the provisions of this section. Errors in calculation for a fiscal year shall be corrected by an adjustment in the set aside for the next fiscal year.
- h. Before the end of the initial ten-year period, the Fund's effectiveness shall be evaluated and the funding and terms of the Fund shall be presented to the voters for renewal or revision, unless renewed by the City Council.
- i. The requirements to set aside funds pursuant to subdivisions (c), (d) and (e) shall not become effective unless and until a general tax measure is approved after the effective date of this Act which levies a new tax or increases an existing tax to make additional funding available for the unrestricted general purposes of the City of Richmond. Nothing in this subdivision shall be construed to require the revenues from such a general tax measure to be dedicated to the purposes of this Act or the "Richmond Kids' First Initiative: The Richmond Fund for Children and Youth Act." In the event that a general tax measure meeting the requirements of this subdivision is not passed by December 31, 2020, the City Council shall pass enabling legislation to delay the effective dates in subdivisions (c), (d) and (e) until the fiscal year following the passage of a general tax measure, and making any other necessary adjustments to the times set forth in this Act.

**SEC. 5.** Section 4 of Article XV of the Charter of the City of Richmond, as proposed to be added to the Charter by the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” at the June 5, 2018 election, is hereby amended and restated to read as follows:

Section 4. Eligible Uses.

- a. The City shall only use monies from the Fund for services provided to children and youth from birth to 18 years old and their caregivers, and, as defined in Section 4.b., disconnected transitional-aged young adults from ages 18 to 24 years and, when relevant, their caregivers, or as part of programs that predominantly serve children, youth and disconnected transitional-aged young adults within those ages and their caregivers, including:
  - i. **Violence Prevention and Response:** including restorative and transformative justice; programs that support positive communication and relationships between young people and within families; programs that train young people, adult allies and parents/guardians in de-escalation; programs that address domestic and sexual violence, including child abuse prevention; emergency relocation; programs that address homophobia and bullying; ~~and alternatives to incarceration including diversion and re-entry programs. and preventing and responding to police violence against children, youth, young adults and their caregivers.~~
  - ii. **Education and Job Training:** including programs that help youth stay in school; promote academic success and college and career readiness; language services; support parents/guardians in advocating for their young people’s education; assist in developing life skills and gaining work experience; and provide job training and placement.
  - iii. **Parent/Guardian Support:** including fostering positive child-adult and youth-adult relationships that support young people’s safety, self-esteem, well-being and positive futures.
  - iv. **Media, Arts, Culture and Technology:** including artistic and cultural expression and education, and job and life skills development.
  - v. **Youth and Family Leadership, Organizing and Civic Engagement:** including community organizing and support that amplify the voices and engagement of children, youth and family in how Richmond prioritizes its resources; and builds youth civic engagement and leadership.
  - vi. **Health and Well-Being:** including physical, mental, emotional, behavioral and social health services that support health and well-being and reduce drug-related harm, violence and self-harm, and harmful and disrespectful sexual behavior.

- vii. **Environmental Health and Justice:** including programs that improve the environmental health of children and youth and their right to live free of pollution, toxins and lead, and increase access to healthy food, safe and accessible outdoor and recreational spaces and other places to be physically active.
  - viii. **Outdoor Education and Recreation:** including sports, recreation centers, play, camps, gardening and urban agriculture.
  - ix. **Deportation Support:** support for young people and families experiencing or being threatened with deportation.
- b. The Fund will prioritize three groups of young people living in Richmond and adjacent unincorporated North Richmond: children ages 0 to 12; youth ages 13 to 17; and disconnected young adults ages 18 to 24, who are most impacted by harm, inequity and lack of access to support and services. The priority populations include but are not limited to: system-involved young people; young people who have been pushed out of school; young people who themselves or whose families are homeless or threatened by homelessness; young people living in poverty; immigrant and undocumented children, youth and families; Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) children, youth and families; teen parents and families, including single mothers; young people with poor physical, mental, emotional and behavioral health outcomes and disabilities; and families with children and youth who are impacted by the criminal justice system and/or who have family members who are incarcerated; and/or are involved in or transitioning from the foster care, juvenile justice, criminal justice or special education systems.
  - c. Entities eligible to receive funding shall be public agencies and non-profit community-based organizations, including organizations with a non-profit fiscal agent; ~~and public agencies, in partnership with non-profit organizations,~~ that serve children, youth and disconnected transitional-aged young adults. ~~In any fiscal year, public agencies shall not receive, in total, more than 20% of the funding awarded to applicants.~~
  - d. Commencing in fiscal year ~~2018-2019~~ 2021-2022 and each fiscal year thereafter through fiscal year ~~2026-2027~~ 2027-2028, (1) a maximum of ten percent (10%) of the Fund can be used for costs related to administering the Fund, including staff support, basic infrastructure, support for the agencies administering the contracts, and overhead costs; and (2) an additional maximum of five percent (5%) of the Fund may be used to evaluate the results of this Article.
  - e. A maximum of ten percent (10%) of the amount used to administer the Fund (as described in Section 4.d.) can be used for City overhead.
  - f. Entities eligible to receive funding include those (1) located outside but in close proximity to Richmond to the extent that those entities serve children, youth and disconnected transitional-aged young adults who reside in Richmond or unincorporated North Richmond, and (2) located in Richmond or unincorporated North Richmond that serve children,

youth and disconnected transitional-aged young adults in Richmond or unincorporated North Richmond, regardless of the residence of the children or youth.

**SEC. 6.** Section 6 of Article XV of the Charter of the City of Richmond, as proposed to be added to the Charter by the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” at the June 5, 2018 election, is hereby amended and restated to read as follows:

Section 6. Children and Youth Baseline Budget. The City shall ensure that the Fund is used exclusively to increase overall City expenditures for eligible services for children, youth and disconnected transitional-aged young adults.

- a. The City Manager shall calculate the City’s total actual unrestricted general purpose revenues in fiscal year ~~2015-2016~~ 2017-2018, and shall calculate the percentage of those revenues that were allocated in fiscal year ~~2015-2016~~ 2017-2018 to services that would be eligible uses for monies from the Fund, excluding allocations for services mandated by state or federal law (the “Base Percentage”).
- b. Commencing in fiscal year ~~2017-2018~~ 2019-2020 and each fiscal year thereafter through fiscal year ~~2026-2027~~ 2027-2028, the City shall allocate at least the Base Percentage of total actual unrestricted general purpose revenues to services that would be eligible uses of the Fund, excluding allocations for services mandated by state or federal law, and excluding any allocation of revenue required by this Article.

**SEC. 7.** Section 8 of Article XV of the Charter of the City of Richmond, as proposed to be added to the Charter by the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” at the June 5, 2018 election, is hereby amended and restated to read as follows:

Section 8. Strategic Investment Plan. Each Strategic Investment Plan shall set forth funding priorities for a three-year period, and shall set forth a plan for overseeing and evaluating the Fund and the programs supported by the Fund. The Department of Children and Youth shall work with the Oversight Board to complete the Strategic Investment Plan and conduct a needs assessment.

- a. The needs assessment shall involve community meetings throughout the City, gathering input on the service needs of various populations.
- b. The funding priorities in the Strategic Investment Plan shall be based on the community needs assessment and input from the community.
- c. The initial Strategic Investment Plan shall be approved by a majority of the Oversight Board and presented to the City Council for its review and

approval by ~~September 30, 2017~~ December 30, 2020. The Strategic Investment Plan shall take effect no later than ~~June 1, 2018~~ June 1, 2021.

- d. Any change in an approved Strategic Investment Plan shall be based on the community needs assessment and input from the community.

**SEC. 8.** Section 9 of Article XV of the Charter of the City of Richmond, as proposed to be added to the Charter by the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” at the June 5, 2018 election, is hereby amended and restated to read as follows:

Section 9. Application Process. In order to ensure a stable, fair and effective service delivery system, the Fund shall be implemented as follows:

- a. There shall be three-year planning and funding cycles, with funding beginning in the ~~2018-19~~ 2021-2022 fiscal year.
- b. Funds shall be allocated through an open and fair application process administered by the Department of Children and Youth in the City Manager’s office in compliance with the policies adopted by the Oversight Board. Unless the conditions set forth in subdivision (i) of section 2 have not been met, ~~the~~ the first application process shall begin no later than ~~February 1, 2018~~ January 1, 2021 with funding available for encumbrance no later than July 1, ~~2018~~ 2021.
- c. Recommendations for a list of grants to be awarded shall be made by the Oversight Board to the City Council. The City Council shall review and consider the recommendations of the Oversight Board. The City Council may reject the recommendations only if it determines that one or more recommendation is inconsistent with this Article or the priorities identified in the Strategic Investment Plan. The City Council shall accept or reject the Oversight Board’s recommendations in their entirety and may not partially accept or partially reject the recommendations.
- d. In the event the City Council rejects the list of grants proposed by the Oversight Board, it shall set forth its rationale for such rejection and recommend revisions to the Oversight Board for its consideration and action.
- e. The City Council shall review and consider the amended recommendations of the Oversight Board, provide final approval of the list of grants to be awarded, and appropriate all necessary monies from the Fund. All grants and appropriations shall be consistent the provisions of this Article and the Strategic Investment Plan.

**SEC. 9.** Section 10 of Article XV of the Charter of the City of Richmond, as proposed to be added to the Charter by the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” at the June 5, 2018 election, is hereby amended and restated to read as follows:

Section 10. Fiscal Emergencies. Commencing with fiscal year ~~2019-20~~ 2022-2023, if a moderate fiscal emergency, as defined in this section, or a severe fiscal emergency, as defined in this section, is deemed to exist by the City Council, the portion of the City’s annual actual unrestricted general purpose revenues to be allocated to the Fund shall be reduced as provided in this section. The City Council may deem a moderate fiscal emergency to exist in the event that the City’s annual actual unrestricted general purpose revenues for a given fiscal year decrease by greater than ten percent (10%) but less than twenty percent (20%) from the level of such revenues during the previous fiscal year (defined as the “Benchmark Year”), and it may deem the moderate fiscal emergency to continue until the City’s annual actual unrestricted general purpose revenues are no longer ten percent (10%) less than the level of such revenues during the Benchmark Year. If the City Council deems a moderate fiscal emergency to exist for a fiscal year, the amount required to be allocated to the Fund shall be reduced to two percent (2%) of the City’s total annual actual unrestricted general purpose revenues for that particular fiscal year. The City Council may deem a severe fiscal emergency to exist in the event that the City’s annual actual unrestricted general purpose revenues for a given fiscal year decrease by twenty percent (20%) or more from the level of such revenues during the Benchmark Year, and it may deem the severe fiscal emergency to continue until the City’s annual actual unrestricted general purpose revenues are no longer twenty percent (20%) less than the level of such revenues during the Benchmark Year. If the City Council deems a severe fiscal emergency to exist for a fiscal year, the amount required to be allocated to the Fund shall be reduced to one percent (1%) of the City’s total annual actual unrestricted general purpose revenues for that particular fiscal year. Allocations to the Fund shall return to the level required in Section 2 for the first fiscal year in which a fiscal emergency no longer exists. There shall be no reductions in the allocation to the Fund pursuant to this Section 10 prior to fiscal year ~~2019-20~~ 2022-2023.

**SEC. 10.** Section 11 of Article XV of the Charter of the City of Richmond, as proposed to be added to the Charter by the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” at the June 5, 2018 election, is hereby amended and restated to read as follows:

Section 11. Reauthorization. The provisions of this Article may be extended without amendments for additional ten-year terms by a simple majority vote of the City Council. If the City Council does not act to extend the provisions of this Article before ~~June 30, 2026~~ December 31, 2027, the City Council shall be obligated to place a measure on ~~the November 2026~~ a 2028 election ballot seeking voter approval of whether to extend the term for an additional ten years. This process shall be

repeated every ten years, or until reauthorization is rejected by a vote of the electorate.

**SEC 11. Enabling Legislation.** Notwithstanding any other provision of law, in the event a ballot measure entitled the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act” is approved at the June 5, 2018 election, the City Council may pass enabling or clarifying legislation consistent with Article XV of the Charter, provided that such legislation is consistent with and furthers the intent of the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act”, as amended by this Act. The City Council shall adopt such legislation to be effective by July 1, 2019, and shall amend such legislation as necessary in the future.

**SEC. 12. Severability.** If any provision or part of this Act, or the application of any provision or part to any person or circumstance, is for any reason held invalid or unenforceable by a court of competent jurisdiction, the remaining provisions and parts and their applications shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this Act are severable. The People declare that they would have adopted this Act and each provision and part thereof irrespective of the fact that any one or more provision or part may be declared invalid.

**SEC. 13. Interpretation.** This Act shall be liberally interpreted to affect its purposes. Nothing in this Act shall be interpreted or applied so as to create any requirement, power or duty in conflict with any State or federal law.

**SEC. 14. Amendment or Repeal.** This Act may only be amended or repealed by the affirmative vote of a majority of voters voting in a citywide election.

**SEC. 15. Judicial Enforcement.** Any aggrieved person or registered voter in the City of Richmond shall have the right to maintain an action for equitable relief to restrain any violation of this Act, or to enforce the duties imposed on the City by this Act.

**SEC. 16. Complementary Measures.** This Act is intended to complement and supplement the “Richmond Kids First Initiative: The Richmond Fund for Children and Youth Act,” which will appear on the ballot for the City of Richmond at the June 5, 2018 election. This Act is not intended to, and does not, conflict in any way with that Act.