

[Charter Amendment - Children and Youth Fund; Commission on Children, Youth, and Their Families]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section 16.108, adding a new Section 4.133, and repealing former Section 4.133, to: 1) renew and rename the Children’s Fund and eliminate the Fund’s expiration date; 2) increase the property tax set-aside for the Fund from three cents per \$100 of assessed valuation to five cents; 3) provide for services for at-risk youth 18 to 24 years old; 4) revise and expand the planning process for expenditures from the Fund; 5) modify the advisory committee for the Fund; 6) create a Commission on Children, Youth and Their Families; and 7) repeal an obsolete section of the Charter.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 4, 2014, a proposal to amend the Charter of the City and County by amending Section 16.108, adding a new Section 4.133, and repealing former Section 4.133, to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*; deletions are *strike-through italics Times New Roman*.

SEC. 16.108. CHILDREN AND YOUTH FUND ~~CHILDREN'S FUND~~.

(a) **Fund for Children and Youth ~~Children's~~ Services.** Operative July 1, 2001, there is hereby established a fund to expand children's services, which shall be called the Children and Youth Fund ~~Children's Fund~~ ("Fund"). Monies in the Fund shall be expended or used only to provide services for children and youth as provided in this section.

(b) **Goals.** ~~The goals of expenditures from the Fund shall be:~~ The goals of expenditures from the Fund and the planning process created in this section of the Charter shall be:

1. To ensure that San Francisco's children are healthy, ready to learn, succeed in school and live in stable, safe and supported families and communities;

2. To ensure that San Francisco is a family-friendly city and to support families as an important part of the city population and civic culture;

3. To focus on the prevention of problems and on supporting and enhancing the strengths of children, youth and their families;

4. To complement the City's community development efforts;

5. To strengthen a community-based network of services in all neighborhoods;

6. To ensure that children and youth with the highest needs receive maximum benefit from the Fund and that equity is a guiding principle of the funding process;

7. To distribute funds based on best practices and successful and innovative models in order to ensure maximum impact;

8. To the maximum extent feasible, distribute funds equitably among services for all age groups – from infancy to transitional-aged youth;

9. To ensure children are provided with gender-responsive and culturally-competent services;

10. To strengthen collaboration around shared outcomes among all service providers for children, youth and their families, including collaboration among public agencies and non-profit organizations; and,

11. To fill gaps in services and leverage other resources whenever feasible.

~~(1) To ensure that San Francisco's children are healthy, ready to learn, succeed in school and live in stable, safe, and supported families and communities;~~

~~(2) To reach children in all neighborhoods;~~

~~(3) To the maximum extent reasonable, to distribute funds equitably among services for infants and preschoolers, elementary school age children and adolescents;~~

~~(4) To focus on the prevention of problems and on supporting and enhancing the strengths of children, youth and their families;~~

~~(5) To strengthen collaboration between the City and County of San Francisco and the San Francisco Unified School District;~~

~~(6) To fill gaps in services and to leverage other resources whenever feasible;~~
~~and~~

~~(7) To foster projects initiated by San Francisco youth.~~

(c) **Amount.** There is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of three cents (\$.03) per one hundred dollars (\$100) of assessed valuation for each fiscal year beginning with July 1, 2001-June 30, 2002,~~and ending with July 1, 2015-June 30, 2016.~~ Beginning July 1, 2015, there is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of five cents (\$.05) per one hundred dollars (\$100) of assessed valuation for each fiscal year. ~~If the 2010 U. S. Census shows that children make up a percentage of the population of the City and County that is at least two percentage points more than their percentage as shown in the 2000 U. S. Census, then the amount of the property tax levy set aside under this section shall be increased for each fiscal year beginning after publication of the 2010 Census. The increase shall be in an amount equal to: one quarter cent (\$.0025) per one hundred dollars of assessed valuation, for each two full percentage points of increase in the percentage of the City and County population that is made up of children.~~ The Fund shall be maintained separate and apart from all other City and County funds and appropriated by annual or supplemental appropriation.

(d) **New Services.** Monies in the Fund shall be used exclusively for the costs of services to children less than 18 years old provided as part of programs that predominantly serve children less than 18 years old and for Disconnected Transitional-Aged Youth 18 to 24 years old. “Disconnected Transitional-Aged Youth” are those who: are homeless or in danger of

homelessness; have dropped out of high school; have a disability or other special needs, including substance abuse; are young, unmarried parents; are undocumented; are immigrants and/or English Learners; are Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (“LGBTQQ”); and/or are transitioning from the foster care, juvenile justice, criminal justice or special education systems. Monies in the Fund shall be used exclusively for the costs of services above and beyond services funded from sources other than the previous Children's Fund prior to July 1, 2001. To this end, monies from the Fund shall not be appropriated or expended for services that received any of the funds included in the higher of the Controller's baseline budget covering July 1, 2000-June 30, 2001 appropriations, or the Controller's baseline budget covering July 1, 1999-June 30, 2000 appropriations, whether or not the cost of such services increases. Nor shall monies from the Fund be appropriated or expended for services that substitute for or replace services included or partially included in the higher of the two baseline budgets, except and solely to the extent that the City ceases to receive federal, state or private agency funds that the funding agency required to be spent only on those services. The Controller's baseline budget shall mean the Controller's calculation of the actual amount of City appropriations for services for children that would have been eligible to be paid from the Fund but are paid from other sources.

(e) **Eligible Uses Services.** The City may only use monies from the Fund for the following purposes: Services for children eligible for Fund assistance shall include only:

(1) Services for children up to 18 years old and Disconnected Transitional-Aged Youth up to 24 years old, including:

(A) (1) Affordable child care and early education;

(B) (2) Recreation, cultural and after-school programs, including without limitation, arts programs;

(C) (3) Health services, including prevention, education, mental health, and pre-natal services to pregnant women;

- ~~(D) (4)~~ Training, employment and job placement;
- ~~(E) (5)~~ Youth empowerment and leadership development;
- ~~(F) (6)~~ Youth violence prevention programs;
- ~~(G) (7)~~ Youth tutoring and educational enrichment programs; ~~and~~
- ~~(H) (8)~~ Family and parent support services for families of children

receiving other services from the Fund; and-

(I) Services responsive to issues of gender, sexual orientation, and gender identification, including, but not limited to, services to address the needs of girls and LGBTQQ communities.

(2) Funding for the Department of Children, Youth and Their Families (“DCYF”) and the Commission on Children, Youth and Their Families (“Commission”).

(3) Administration of the Fund and evaluation of Fund goals and services.

(4) Technical assistance and capacity-building for service providers and community-based partners.

(f) Excluded Services.

(1) Notwithstanding subsection (e), services for children paid for by the Fund shall not include:

(A) (1) Services provided by the Police Department or other law enforcement agencies, courts, the District Attorney, Public Defender, City Attorney; or the Fire Department; detention or probation services mandated by state or federal law; or public transportation;

(B) (2) Any service that benefits children incidentally or as members of a larger population including adults;

(C) (3) 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;

(D) (4) Acquisition of any capital item not for primary and direct use by children;

(E) (5) Acquisition (other than by lease for a term of ten years or less) of any real property; or

(F) (6) Maintenance, utilities or any similar operating costs of any facility not used primarily and directly by children, or of any recreation or park facility (including a zoo), library, or hospital;

(G) Administration of funds other than the Fund.

(2) Notwithstanding subsection (e), services for Disconnected Transitional-Aged Youth 18 to 24 years-old paid for by the Fund shall not include:

(A) Services provided by the Police Department or other law enforcement agencies, the courts, the District Attorney, or the Public Defender, including detention or probation services mandated by state or federal law;

(B) Any service for which a fixed or minimum level of expenditure is mandated by local, state or federal law, to the extent of the fixed or minimum level of expenditure;

(C) Housing or health services;

(D) Income supports; or,

(E) Post-secondary tuition assistance or similar aid.

(g) **Baseline.** The Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for those services for children that are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law). To this end, the City shall not reduce the amount of such City appropriations for eligible services (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) ~~in any of the fifteen years during which funds are required to be set aside~~ under this section below the amount so appropriated for the fiscal year 2000-2001 ("the base year") as set forth in the

Controller's baseline budget, as adjusted ("the base amount"). The base amount shall be adjusted for each year after the base year by the Controller based on calculations consistent from year to year by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenue, the Controller shall only include revenues received by the City and County that are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. The method used by the Controller to determine discretionary revenues shall be consistent with method used by the Controller to determine the Library and Children's Baseline Calculations dated June 20, 2000, which the Controller shall place on file with the Clerk of the Board in File No. 000952. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year's estimate. Within 90 days following the end of each fiscal year through 2015-2016 ~~2014-2015~~, the Controller shall calculate and publish the actual amount of City appropriations for services for children that would have been eligible to be paid from the Fund but are paid from other sources, separately identifying expenditures mandated by state or federal law.

(h) Five-Year Planning Cycle. The City shall appropriate monies from the Fund according to a five-year planning process. This process is intended to: (1) increase transparency, accountability, and public engagement; (2) provide time and opportunities for community participation and planning; (3) ensure program stability; and (4) maximize the effectiveness of the services funded.

(1) Year 1 - Community Needs Assessment. During every fifth fiscal year beginning with Fiscal Year 2016-2017, DCYF shall conduct a Community Needs Assessment (CNA) to identify services to receive moneys from the Fund. DCYF shall use the following process to develop the CNA:

(A) By August 15, DCYF shall develop a plan for how to conduct the CNA. The process for conducting the CNA shall include:

(i) Community meetings in each Supervisorial District;

(ii) A review of major planning documents for children and youth services;

(iii) Opportunities for parents, youth, nonprofit agencies, and other members of the public, to provide input; and,

(iv) Public notice and outreach to places where parents, children, and youth regularly go, such as recreation centers, bus stops, pediatrician offices, and schools.

(B) The CNA shall include an equity analysis of services and resources for parents, children and youth. DCYF shall develop a set of equity metrics to be used to establish a baseline of existing services and resources in low-income neighborhoods and disadvantaged communities, compared to services and resources available to the City as a whole.

(C) By September 1, DCYF shall present its plan for conducting the CNA to the Commission, the Provider Advisory Committee, and Board of Supervisors. The plan shall be a public document.

(D) By February 1, DCYF shall complete the CNA and present a draft report on the results to the Commission, the First Five Commission, the Service Provider Advisory Committee, and the Recreation and Parks, Health, Human Services, Youth, Juvenile Probation, Status of Women, Police, Library, and Arts Commissions.

(E) By May 15, DCYF shall submit a final report on the CNA to the Commission and the Board of Supervisors. The final report may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft report.

(F) By June 1, the Commission shall consider and approve or disapprove the report on the CNA. If the Commission disapproves the report, DCYF may modify and resubmit the report.

(G) By July 1, the Board of Supervisors shall consider and approve or disapprove, but not modify, the report on the CNA. If the Board disapproves the report, DCYF may modify and, with the approval of the Commission, resubmit the report, provided, however, that the City may not expend monies from the Fund until the Board of Supervisors has approved a final report on the CNA.

(2) Year 2 – Services and Allocation Plan. During every fifth fiscal year beginning with Fiscal Year 2017-2018, DCYF shall prepare a SAP to determine services eligible to receive moneys from the Fund. DCYF shall use the following process to prepare the SAP:

(A) By January 31, DCYF shall prepare a draft SAP in consultation with interested City departments, including the First Five Commission, the Office of Early Care and Education (or any successor entity), Recreation and Parks, Health, Human Services, Youth, Juvenile Probation, Status of Women, Police, Library, and Arts Commission, as well as community-based service providers, parents, children, youth, and other members of the public.

The SAP must:

(i) Demonstrate consistency with the CNA and with Citywide vision and goals for children and families;

(ii) Include all services for children and youth;

(iii) Be outcome-oriented and include goals, measurable and verifiable objectives and measurable and verifiable outcomes;

(iv) Include evaluation of services and capacity building as separate funding areas;

(v) State how services will be coordinated and have specific amounts allocated towards specific goals, service models, populations and neighborhoods

(vi) Include funding for youth-initiated projects totaling at least 3 percent of the total proposed expenditures from the Fund for the cycle;

(vii) Include evaluation data from the previous funding cycle and the details of the Children and Youth Baseline; and,

(viii) Include strategies to align all services for children furnished or funded by all governmental or private entities and administered by the City, whether or not those services are eligible to receive monies from the Fund.

(B) The SAP shall include an equity analysis of services and resources for parents, children and youth. Using the equity metrics developed for preparation of the CNA, the SAP shall compare proposed new and augmented services and resources for low-income neighborhoods and disadvantaged communities with services and resources available to the City as a whole.

(C) By February 1, DCYF shall present the draft SAP to the Commission and the Service Provider Advisory Committee. By March 31, DCYF shall present the draft SAP to the Recreation and Parks, Health, Human Services, Youth, and Juvenile Probation Commissions.

(D) By May 15, DCYF shall submit a final version of SAP to the Commission and the Board of Supervisors. The final version may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft SAP.

(E) By June 1, the Commission shall consider and approve or disapprove the SAP. If the Commission disapproves the SAP, DCYF may modify and resubmit the SAP.

(F) By July 1, the Board of Supervisors shall consider and approve or disapprove, but not modify, the SAP. If the Board disapproves the SAP, DCYF may modify and, with the approval of the Commission, resubmit the SAP, provided, however, that the City may not expend monies from the Fund until a SAP has been approved by the Board of Supervisors.

(G) During subsequent years of the planning cycle, DCYF, with the approval of the Commission and the Board of Supervisors, may amend the SAP to address emerging needs.

(3) Year 3 – Selection of Contractors. During every fifth fiscal year beginning in 2018-2019, DCYF shall conduct competitive solicitations for services to be funded from the Fund.

(4) Year 4 – Service Cycle Begins. Contracts for services shall start on July 1 of Year 4 of the planning cycle. During subsequent years of the planning cycle, DCYF, with the approval of the Commission, may issue supplemental competitive solicitations to address amendments to the SAP and emerging needs. All expenditures for services from the Fund must be consistent with the most recent CNA and SAP.

~~(h) Three-Year Planning Cycle. To provide time for community participation and planning, and to ensure program stability, appropriations from the Fund for all fiscal years beginning after June 30, 2004 shall be made pursuant to a three-year planning cycle as set forth in subsections (h) through (l). During every third fiscal year beginning with the 2001-2002 fiscal year, the City shall prepare a Community Needs Assessment to determine services eligible to receive moneys from the Fund. During every third fiscal year beginning with the 2002-2003 fiscal year, the City shall prepare a Children's Services and Allocation Plan ("the Plan"), based on the Community Needs Assessment approved during the previous year. The Board of Supervisors may modify an existing Community Needs Assessment or Plan, provided that any modification shall occur only after a noticed public hearing. All appropriations from the Fund shall be consistent with the most recent Plan, provided that the Board of Supervisors may approve an amendment to the Plan at the same time it approves an appropriation.~~

~~(i) Community Needs Assessment and Children's Services and Allocation Plan.~~

~~(1) The Community Needs Assessment and the Plan shall be in writing, shall be made available to the public in draft form not later than January 31 of each fiscal year in which they are required, shall be presented by March 31 of each such fiscal year to the commissions listed in subsection (m)(3) for review and comment, and by April 30 of each such fiscal year shall be presented to the Board of Supervisors for approval.~~

~~(2) Prior to preparation of each draft Community Needs Assessment, the City shall hold at least one public hearing in each geographical area defined in Charter Section 13.110. The City shall also make available opportunities for parents, youth, and agencies receiving monies from the Fund to provide information for the Community Needs Assessment. The Community Needs Assessment shall include the results of a Citywide survey of parents and youth to be conducted by the Controller every three years.~~

~~(3) The Plan shall include all services for children furnished or funded by the City or funded by another governmental or private entity and administered by the City, whether or not they received or may receive monies from the Fund. The Plan shall be outcome-oriented and include goals, measurable and verifiable objectives and measurable and verifiable outcomes.~~

~~(4) The Plan shall state how all services receiving money from the Fund will be coordinated with other children's services. The Plan shall specify amounts of funding to be allocated: (i) toward achieving specified goals, measurable and verifiable objectives and measurable and verifiable outcomes, (ii) to specified service models; and (iii) for specific populations and neighborhoods. The Plan shall also state the reasons for the allocations and demonstrate how the allocations are consistent with the Community Needs Assessment. A minimum of three percent of the funding allocated under the Plan shall be for youth-initiated projects.~~

~~(i) **Evaluation.** DCYF shall provide for the evaluation on a regular basis of all services funded through the Fund, and shall prepare on a regular basis an Evaluation and Data Report for the Commission. The Plan shall include an evaluation of services that received money from the Fund at any time during the last three fiscal years. The evaluation shall involve those who use the funded services and other parents and youth.~~

~~(j) **Coordination of Services, Planning and Goals.** The Commission, in consultation with the Mayor and other relevant planning bodies, shall issue an annual report on the~~

integration of social, health, employment, educational, law enforcement, cultural and recreation services for children, youth and their families in San Francisco, which report shall include information from all relevant City departments and policy-making bodies.

~~(k) **Failure of Board to Act.** If the Board of Supervisors has not approved a Community Needs Assessment before the first day of the fiscal year during which the Plan is to be prepared, the Plan shall be based on the Community Needs Assessment as originally submitted to the Board of Supervisors.~~

~~(k) (†) **Selection of Contractors.** The Commission shall adopt standards and procedures for the selection of contractors to be funded from the Fund. It shall be the policy of the City to use competitive solicitation processes where appropriate and to give priority to the participation of non-profit agencies. Except for services provided by City employees, the Fund shall be expended through contractors selected based on their responses to one or more requests for proposals issued by the City. The City shall award contracts to coincide with the City's fiscal year starting July 1.~~

~~(l) (m) **Implementation.**~~

(1) In implementation of this section, facilitating public participation and maximizing availability of information to the public shall be primary goals.

~~(2) *So long as there exists within the executive branch of City government a Department of Children, Youth and Their Families, or an equivalent department or agency as its successor, that department DCYF shall administer the ~~Children's~~ Fund and prepare the Community Needs Assessment and the Services and Allocation Plan pursuant to this section. If no such department or agency exists, the Mayor shall designate a department or other City body to administer the ~~Children's~~ Fund pursuant to this section.*~~

(3) In addition to all other hearings otherwise required, the Recreation and Park, Juvenile Probation, Youth, Health and Human Services Commissions shall each hold at least one separate or joint hearing each fiscal year to discuss issues relating to this section. ~~The~~

~~Department of Children, Youth and Their Families, or other agency as described above in section (m)(2), DCYF shall consult with the Recreation and Park Department, Arts Commission, Juvenile Probation Department, Unified School District, Health Department, Department of Human Services, Commission on the Status of Women, Police Department, and the Library Department and Municipal Transportation Agency in preparation of portions of the Community Needs Assessment and the Services and Allocation Plan that relate to the their respective activities or areas of responsibility of those agencies.~~

(4) The Board of Supervisors may by ordinance implement this section.

(m) Service Provider Advisory Committee. The Commission shall create a Service Provider Advisory Committee ("Committee") to advise the Director and the Commission on funding priorities, policy development, the planning cycle, evaluation design and plans, and any other issues of concern to the Committee related to the Fund or the responsibilities of DCYF or other departments receiving monies from the Fund.

The Committee shall engage a broad cross-section of service providers in providing information, education and consultation to the Commission and DCYF. All members of the Committee shall be actively providing services to children, youth and their families. The Committee shall be staffed by DCYF, and shall meet at least four times a year.

The Commission shall appoint two initial co-chairs of the Committee, who shall be responsible for developing the structure of the Committee and facilitating the meetings. The co-chairs shall serve for 2 years (except at the outset when one will serve only one year, in order to stagger the terms.) After the first year, the Committee shall select its own chairs. Committee meetings shall be open and encourage widespread participation.

~~(n) Advisory Committee. There shall be a Children's Fund Citizens' Advisory Committee ("the Committee") that shall consist of 15 members, each appointed by the Mayor to a three-year term, to serve at the Mayor's pleasure. At least three members of the Committee shall be parents and at least three members shall be less than 18 years old at the time of~~

~~appointment. For each of the following areas, there shall be at least one Committee member with professional expertise in that area: early childhood development, childcare, education, health, recreation and youth development. The Committee shall meet at least quarterly, and shall advise the department or agency that administers the Children's Fund and the Mayor concerning the Children's Fund. The Committee shall convene by July 1, 2001. Each member of the Committee shall receive copies of each proposed Community Needs Assessment and each Plan (including the evaluation required as part of the Plan). Members of the Committee shall serve without pay, but may be reimbursed for expenses actually incurred.~~

~~(o) Unspent Funds. All unspent funds in the Children's Fund created by former Charter Section 16.108 shall be transferred to the Children's Fund established herein.~~

~~(n) (p) **Effect of Procedural Errors.** No appropriation, contract or other action shall be held invalid or set aside by reason of any error, including without limitation any irregularity, informality, neglect or omission, in carrying out procedures specified in subsections (h) through (L) (n) unless a court finds that the party challenging the action suffered substantial injury from the error and that a different result would have been probable had the error not occurred.~~

SEC. 4.133. COMMISSION ON CHILDREN, YOUTH AND THEIR FAMILIES.

(a) **Creation.** There shall be a Commission on Children, Youth and Their Families ("Commission") to serve as the governing and policy-making body of the Department of Children, Youth and Their Families ("DCYF"), to oversee the administration of the Children and Youth Fund created in Charter Section 16.108 ("Fund"), and to ensure that the Fund is administered in manner accountable to the community.

(b) **Purpose.** The Commission shall ensure that DCYF effectively implements the department's mission, vision and goals. In addition, the Commission shall advise the Mayor and the Board of Supervisors on Citywide goals and outcomes for children and youth services, and

may advise the Mayor and the Board of Supervisors on any issues of concern related to children, youth and their families.

(c) Responsibilities.

(1) The Commission shall develop policies for the Fund regarding common outcomes for children and youth services, the evaluation of services, common data systems, a process for making funding decisions, program improvement and capacity building of service providers, community engagement in planning and evaluating services, leveraging dollars of the Fund and the use of the Fund as a catalyst for innovation.

(2) The Commission shall ensure transparency for the Fund and its process, approve the planning process for the Community Needs Assessment (“CNA”) and the final CNA, approve the Services and Allocation Plan, approve DCYF’s budget expenditures (including the approval of grants as a package), and review the annual Data and Evaluation Report.

(3) The Commission shall evaluate the Director of DCYF, and support the hiring process by overseeing the recruitment for the Director position, and providing the Mayor with a minimum of 3 names from which he/she shall select a Director.

(d) Composition. The Commission shall have seven members.

(1) The Mayor shall appoint members for Seats 1 through 4, subject to confirmation by a majority of the Board of Supervisors. The qualifications of the members shall be as follows:

(A) Seat 1: a youth under the age of 18 at the time of appointment, who is or has been a recipient of DCYF-funded services, recommended to the Mayor by the Youth Commission. The commission member holding this seat shall not be subject to the requirement of Charter Section 4.101(a)(2) that commission members be electors of the City and County.

(B) Seat 2: a parent of a youth under the age of 18 years at the time of appointment, which parent has a demonstrated commitment to quality services for children, youth, and families.

(C) Seat 3: a community member with expertise in or extensive experience with children ages 5 years and younger, and services and programs for children in that age group.

(D) Seat 4: a community member who has extensive experience working with youth and families from under-served communities.

(2) The Board of Supervisors shall hold a public meeting and vote on a nomination submitted by the Mayor within 60 days of its transmittal to the Clerk of the Board of Supervisors. If the Board approves the nomination, the nominee shall be deemed appointed on the date that the Board adopts the motion confirming the nomination. If the Board fails to act on a nomination within 60 days following transmittal, the nominee shall be deemed appointed on the 61st day after the Mayor transmits the nomination to the Clerk of the Board. For purposes of this section, the Board of Supervisors shall have acted on a nomination submitted by the Mayor if it has voted on the nomination.

(3) In order to provide for staggered terms, the Mayor shall appoint two members to serve for an initial term of two years, and two members to serve for an initial term of one year. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of two years.

(4) The Board of Supervisors shall appoint members for Seats 5 through 7. The qualifications of the members shall be as follows:

(A) Seat 5: a transitional-aged youth between the ages of 18 and 25 years at the time of appointment who is familiar with the issues and challenges faced by disconnected transitional-aged youth and with services, programs and systems for transitional-aged youth.

(B) Seat 6: a parent from an under-served community with a demonstrated commitment to improving access to and quality of services for children, youth, and families.

(C) Seat 7: a community member who has demonstrated experience in and commitment to improving and developing the capabilities of organizations and communities to better serve children and families.

(5) In order to provide for staggered terms, the Board of Supervisors shall appoint two members to serve for an initial term of two years, and one member to serve for an initial term of one year. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of two years.

(e) Terms and Tenure.

(1) Commissioners shall serve two-year terms. The terms of the initial appointees to the Commission shall commence on the date of the first meeting of the Commission, which may not occur until all seven members have been appointed. Commissioners shall serve at the pleasure of the appointing authority.

(2) If a vacancy occurs during the term of office of any member, the appointing authority shall appoint a successor to complete the unexpired term in the same manner as that for the initial member.

(3) During his or her term of office on the Commission, a member may not serve on the executive or governing board of any organization receiving funding from or through DCYF, or hold a management position with such an organization.

(f) Frequency of Meetings; Attendance. The Commission shall meet at least six times a year. If a member of the Commission misses three regularly scheduled meetings of the Commission without prior notice to the Commission, the President of the Commission shall certify in writing to the appointing authority that the member has missed three meetings. On the date of such certification, the member shall be deemed to have resigned from the Commission. The President shall notify the appointing authority of the resignation and request the appointment of a new member.

~~SEC. 4.133. TAXI COMMISSION.~~

~~(a) The Taxi Commission shall consist of seven members, appointed by the Mayor. The appointments shall include a member from the senior or disabled communities, a driver who does not hold a taxicab medallion, a manager in a taxicab company (either a medallion holder or a company representative), a member from the hospitality industry, a member from the labor community, a member from the neighborhoods, and a member of the general public not affiliated with any of the other enumerated categories.~~

~~Pursuant to Government Code Section 87103, individuals appointed to the Commission under this Section are intended to represent and further the interest of the particular industries, trades, or professions specified herein. Accordingly, it is found that for purposes of persons who hold such office, the specified industries, trades, or professions are tantamount to and constitute the public generally within the meaning of Government Code Section 87103.~~

~~The commissioners appointed to take office upon the effective date of this Charter section shall by lot classify their terms so that the terms of three of the commissioners shall expire at noon on the first anniversary of such date, and the terms of the remaining four commissioners shall expire at noon on the second anniversary of the effective date. On the expiration of these and successive terms of office, the appointments shall be made for two-year terms.~~

~~Members may be removed by the Mayor only pursuant to Section 15.105. Vacancies occurring in the offices of members, either during or at the expiration of a term, shall be filled by the Mayor.~~

~~(b) Effective March 1, 1999, the Commission shall succeed to all powers and responsibilities relating to taxicabs and other motor vehicles for hire, other than criminal enforcement, now vested in the Police Commission, the Police Department or the Chief of Police. The Taxi Commission may be assigned additional duties and functions by ordinance or pursuant to Section 4.132.~~

~~(c) All costs associated with the operations of the Taxi Commission, and such officers and employees as are necessary for the Commission to operate and administer the department and are authorized pursuant to the budgetary and fiscal provisions of the Charter, shall be recovered from permit, license and other fees charged to permit holders, applicants, and other persons by the Commission. The Board of Supervisors shall set fees sufficient to offset the costs of the Commission's operations and any such officers and employees. Notwithstanding the above, the Board of Supervisors may continue to offer reduced fees to operators who participate in the City's Paratransit Program, and offset the reduction in revenues with a contribution from the General Fund.~~

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

By: _____
Thomas J. Owen
Deputy City Attorney

n:\legana\as2014\1400323\00921983.doc