

## **INVEST IN YOUTH! THE LONG BEACH FUND FOR CHILDREN AND YOUTH ACT**

### **SECTION 1. Charter Amendment.**

The people of the City of Long Beach do hereby amend the Long Beach City Charter by adding the following Article XXVI to the City Charter.

### **SECTION 2. Title.**

This Charter Amendment shall be known and may be cited as "Invest in Youth! The Long Beach Fund for Children and Youth Act," or the "Act."

### **SECTION 3. Findings and Purpose.**

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

(a) Children, youth, and young adults comprise over a third of Long Beach's total population, and unfortunately, too many are living in poverty.

(b) Long Beach's children, youth, and young adults are increasingly racially and ethnically diverse: 86 percent of the city's youth are people of color, and they represent the future and their success is in the City's best interest.

(c) Unfortunately, early indicators of educational proficiency in reading and math show that Latinx and Black students are not being adequately prepared, while other students, who historically have had access to higher quality schools, have higher-than-average proficiency rates.

(d) By 2020, an estimated 44 percent of jobs will require at least an associate degree; however, preparedness for enrollment at a higher education institution varies by racial groups.

(e) There are roughly 9,000, 16-24 year old's who are disconnected youth, and who are not in school or working. Latinx and Black students represent a disproportionate amount of those who are disconnected.

(f) Total youth arrests and citations have declined steeply in the last decade; however, Long Beach still spends a disproportionate amount on arresting youth compared to developing youth through positive programs and services.

(g) It is critical that the City start by providing support services for children, youth, young adults and their families, with services like after-school and community-based programs that serve to empower them, encourage parent involvement, and teach non-violent conflict resolution.

(h) In addition, services provided to youth should incorporate a positive youth development philosophy that applies best practices, is community-informed, and promotes healthy development.

(i) This Act will provide increased funding for early child education, violence prevention and response, workforce development, parent/guardian supports, media, arts, culture and technology, youth development and organizing, health and well-being, and environmental health and justice by setting aside three percent (3.0%) of the City's actual unrestricted General Fund revenues on an annual basis for the Long Beach Fund for Children and Youth. The set aside is intended to supplement the baseline amount that the City already spends on eligible programs for children, youth, and young adults.

(j) This Act will protect and expand the services that help Long Beach children, youth, and young adults thrive and develop into healthy human beings. Programs funded by this measure will provide children, youth, and young adults positive alternatives and safe places.

(k) This Act makes the Long Beach Fund for Children and Youth a part of the Long Beach City budget through Fiscal Year 2033-2034, and authorizes the City Council or the voters to extend the measure thereafter.

**SECTION 4. Amendment to add Article XXVI to the City Charter of the City of Long Beach.** Article XXVI of the City Charter of the City of Long Beach is hereby added to read as follows:

**ARTICLE XXVI. INVEST IN YOUTH! THE LONG BEACH FUND FOR CHILDREN AND YOUTH ACT**

**Sec. 2600. Revenue.** (a) Notwithstanding section 1718, there is hereby established in the treasury of the City of Long Beach a special fund called the Invest in Youth! The Long Beach Fund for Children and Youth ("Fund"), which shall be used to expand services for Long Beach children, youth, and young adults.

(b) Notwithstanding any other provision of law, effective in Fiscal Year 2020-2021 and continuing through Fiscal Year 2033-2034, the Fund shall receive revenues from the City of Long Beach's annual unrestricted General Fund revenues, to be appropriated as specified in this Act each year. Any interest earned on the Fund and any amounts unspent or uncommitted by the Fund at the end of any fiscal year shall remain in the Fund and shall be available for appropriation in future years. The actual funds deposited in the Fund pursuant to this Act shall only come from unrestricted General Fund revenues of the City of Long Beach.

(c) In Fiscal Year 2020-2021, the amount of \$750,000 from the City's annual unrestricted General Fund revenues shall be transferred to the Fund for the express purpose of establishing and supporting the implementation of this Act, including the Children and Youth Development Department and the Planning & Oversight Committee, both of which are established by this Act.

(d) In Fiscal Year 2021-2022, one percent (1%) of City of Long Beach's annual unrestricted General Fund revenues shall be transferred to the Fund; in Fiscal Year 2022-2023, two percent (2%) of annual unrestricted General Fund revenues shall be transferred to the Fund; beginning

in Fiscal Year 2023-2024 and in each Fiscal Year through Fiscal Year 2033-2034, three percent (3%) of annual unrestricted General Fund revenues shall be transferred into the Fund annually.

(e) For the purposes of this Act, "annual unrestricted General Fund revenues" means all revenues received by the General Fund from any source, except for revenues restricted for specific purposes.

(f) On an annual basis, beginning with Fiscal Year 2021-2022, the City Manager shall, at least 30 days before the beginning of that Fiscal Year, estimate the annual unrestricted General Fund revenues for that fiscal year, subject to verification by the City Auditor. That amount shall be used to calculate the percentage of annual unrestricted General Fund revenues to be deposited in the Fund for that fiscal year, and the deposit shall be made within the first thirty days of that fiscal year. Not later than 90 days after the end of each fiscal year beginning with Fiscal Year 2021-2022, the City Auditor shall complete a financial audit, and verify that the City of Long Beach transferred the correct amount of monies to the Fund for 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 percentage prescribed by this Act, the City of Long Beach shall transfer monies to the Fund so that the correct amount is received by the Fund within the next two Fiscal Years. If the City Auditor finds that in any Fiscal Year the amount of funds transferred to the Fund is more than the percentage prescribed by this Act, the City of Long Beach shall deduct half of that amount from the amount transferred to the Fund in each of the next two fiscal years.

(g) No more than fifteen percent (15%) of the monies in the Fund may be used in any Fiscal Year for the administrative costs of the Children and Youth Development Department and the Planning & Oversight Committee for the support of eligible services for children, youth, and young adults, including independent third-party evaluation, strategic planning, grant making, grants management, training and technical assistance, and communications and outreach to ensure effective public participation. Monies in the Fund shall not be used for any purpose other than providing and supporting programs that deliver eligible services for children, youth, and young adults.

(h) 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 unrestricted General Fund revenues to be deposited in the Fund may 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 unrestricted General Fund revenues for a given Fiscal Year decrease by ten percent (10%) or more 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 unrestricted General Fund revenues are no longer ten percent (10%) or more lower 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 deposited in the Fund shall be reduced to two percent (2%) of the City's annual unrestricted General Fund revenues for that Fiscal Year. The City Council may deem a severe fiscal emergency to exist in the event that the City's annual actual

unrestricted General Fund 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 Fund revenues are no longer twenty percent (20%) or more lower 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 deposited in the Fund shall be reduced to one percent (1%) of the City's annual unrestricted General Fund revenues for that Fiscal Year. Deposits to the Fund shall return to the level generally required in this section for the first Fiscal Year in which a fiscal emergency no longer exists. There shall be no reductions in the deposit to the Fund pursuant to this provision prior to Fiscal Year 2023-24.

**Sec. 2601. Goals of Fund.** The goals of the expenditures from the Fund shall be:

- (a) To ensure that the Fund applies an equitable distribution of the Fund's resources to Long Beach's children, youth, and young adults by recognizing that some children, youth, and young adults are living in deep poverty, defined as 0-50% of the Official Poverty Measure, and have experienced discrimination due to their race, ethnicity, gender, sexuality, income status, immigration status, the zip code they grew up in, and or physical ability.
- (b) To ensure that young people, ages 14-24, are authentically incorporated in the planning and development process of the Strategic Investment Plans;
- (c) To ensure that Long Beach's children, youth, and young adults are thriving physically, emotionally, mentally, and socially so that they may be healthy, educated, and live in stable, safe, and supported families and communities;
- (d) To support children, youth, young adults and their parent/guardians, families and the communities in which they live by enhancing their strengths and providing upstream services that support them while avoiding suppression-based approaches; and
- (e) To ensure young people are provided with gender-responsive, trauma-informed, population specific, and culturally competent services.

**Sec. 2602. Eligible Services.** (a) The Fund will prioritize three groups of young people living in Long Beach: 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. They may include but are not limited to: justice-system-involved young people; young people who have been pushed out of school; young people who themselves are homeless or who, along with their families, are at risk of homelessness; young people living in extreme poverty; immigrant and undocumented children, youth and families; teen parents and their families, including single-parents; young people with poor physical, mental, emotional, and behavioral health outcomes and disabilities; Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) children, youth, and young adults; children, youth, and young adults who have family members who are in the criminal justice system; children, youth, and young adults who have been

impacted by the war on drugs; and children, youth, and young adults who are involved in or transitioning from foster care.

(b) Eligible services for children, youth, and young adults may include:

1. **Early care and education:** Early child care programs; early pre-school education programs; school-readiness programs; parent education and case management; supporting parents/guardians in advocating for young people's education; after-school academic enrichment programs including but not limited to tutoring and homework support;
2. **Violence prevention and response:** Violence prevention and response; restorative and transformative justice; mediation and de-escalation practices; prevention and intervention programs for all forms of violence based on gender, sexuality, race, class, nationality; diversion and/or reentry programs; supports for families threatened by deportation;
3. **Workforce development:** Programs supporting continuation to higher education and/or technical skill-building; language services; job training and placement; entrepreneurial training; workforce coaching and development;
4. **Parent/guardian supports:** Child-adult/youth-adult relationship development; programs that help children, youth, and young adults reconnect with kin; positive behavior intervention and support training for parents/guardians; and programs that support current and formerly foster care and/or homeless children, youth, and young adults;
5. **Media, arts, culture, and technology:** Artistic and cultural expression and education; science, technology, engineering, arts and mathematic (STEAM) development; programs that center traditional cultural healing practices;
6. **Youth development and organizing:** Youth and family leadership development; community organizing, advocacy and civic engagement; programs that empower and amplify the voices and engagement of children, youth, and families;
7. **Health and well-being:** Physical, mental, emotional, behavioral, and holistic health services; drug, violence, and self-harm prevention; comprehensive sexual education programs; outdoor education; sports recreation; gardening and urban agriculture; and
8. **Environmental health and justice:** including programs that improve the environmental health of children, youth, and young adults in 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.

**Sec. 2603. Excluded Services.** Monies in the Fund shall not be appropriated or expended for:

(a) Any service which merely benefits children, youth, and young adults incidentally as members of the general population of Long Beach;

(b) Acquisition of any capital item or real property not for primary and direct use by children, youth, and young adults;

(c) Maintenance, utilities or any similar operating cost of any facility not used primarily and directly by children, youth, and young adults;

(d) 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;

(e) To supplant pre-Act City spending on youth-related services provided through its Departments;

(f) Services provided by the Police Department, Sheriff, other law enforcement agencies, Courts, District Attorney, Public Defender, or City Attorney; detention or probation services mandated by state or federal law; or public transportation, except to the extent that transportation may be needed to access eligible services supported by the Fund; or

(g) Primary and specialized medical health services; except services described in paragraph (7) of subdivision (b) of section 2602.

**Sec. 2604. Strategic Investment Plan.** (a) Appropriations from the Fund shall be made pursuant to a Strategic Investment Plan, with the first Plan beginning in Fiscal Year 2021-2022.

(b) All grants and programs funded pursuant to this Act shall be consistent with the Strategic Investment Plan and comply with the criteria established by the Planning & Oversight Committee.

(c) (1) Each Strategic Investment Plan shall be developed by the Planning & Oversight Committee with the involvement of young people, parents, and youth-based organizations, throughout the City. Each Strategic Investment Plan shall take into consideration the results and findings of the independent third-party evaluation(s).

(2) Each Strategic Investment Plan shall include a needs assessment based on the Fund's goals, as set forth in section 2601. The needs assessment should involve community meetings in each Council District, during a time, language, and place accessible to children, youth, young adults and their families, to gather input on the service needs of various populations. The needs assessment shall incorporate input from the community and provide responses to inputs not incorporated.

(d) Each Strategic Investment Plan shall:

1. Cover a three-year period, so that each Strategic Investment Plan shall address funding for three fiscal years. Notwithstanding this requirement, the Strategic Investment Plan addressing funding beginning with Fiscal Year 2030-2031 shall cover a four-year period, for Fiscal Year 2030-2031 through Fiscal Year 2033-2034.
2. Identify current service needs and gaps based on the results of the needs assessment.
3. Describe how the Strategic Investment Plan is equitable in the distribution of its resources and in the children, youth, and young adults being served.
4. Ensure that young people ages 14-24 have leadership roles in the development of the Strategic Investment Plan and work in partnership with the third-party evaluators, Children and Youth Development Department, and other parties.
5. Describe specific three- or four-year program initiatives that address the needs and gaps relative to each outcome goal, including but not limited to:
  - a. target population;
  - b. performance and impact objectives;
  - c. intervention strategy;
  - d. evaluation plan; and
  - e. funding allocations.

**Sec. 2605. Open and Fair Application Process.** All monies in the Fund shall be appropriated pursuant to a Strategic Investment Plan, in the form of three-year grants to non-profit organizations and public agencies through an open and fair application process. Notwithstanding this requirement, the Strategic Investment Plan addressing funding beginning with Fiscal Year 2030-2031 shall be appropriated in the form of a four-year grant period, for Fiscal Year 2030-2031 through Fiscal Year 2033-2034. Funding recommendations for grants to be awarded shall be made by the Planning & Oversight Committee to the City Council for its adoption or rejection, without amendment, as provided in section 2608.

**Sec. 2606. Children and Youth Development Department.** The grants shall be administered by the Children and Youth Development Department, in compliance with the policies adopted by the Planning & Oversight Committee established pursuant to section 2607.

**Sec. 2607. Planning & Oversight Committee.** (a) The Children's Fund Planning & Oversight Committee ("Planning & Oversight Committee") is hereby established by this Act.

(b) The Planning & Oversight Committee shall ensure accountability on behalf of the public and oversee and implement a program that seeks to address the needs of children, youth, and young adults. The Planning & Oversight Committee shall ensure the public has broad and regular input regarding how the program is structured and implemented and provide oversight of all aspects of program development and implementation to ensure the effective use of revenues generated by this Act for the benefit of Long Beach City children, youth, and young adults.

(c) Notwithstanding sections 502 and 509, each City Councilmember and the Mayor shall appoint two Long Beach residents, one of whom shall be a resident of voting age but not older than 24 years, to serve as members of the Planning & Oversight Committee within three months of the voters' approval of this Act. All candidates for appointment to the Planning & Oversight Committee shall obtain a letter of recommendation on behalf of a community-based organization addressing their ability and demonstrated interest in children, youth, and young adult issues. Planning & Oversight Committee members, older than 24 years of age, must possess sound knowledge of, and expertise in, children, youth, and young adult policy development and program implementation.

(d) The Planning & Oversight Committee members shall be appointed to serve for a term of three years, notwithstanding section 508, and shall serve no more than two consecutive terms. The terms of the initial appointees to the Planning & Oversight Committee shall commence on the date of the first meeting of the Planning & Oversight Committee. Notwithstanding section 510, Planning & Oversight Committee members shall serve at the pleasure of the appointing authority.

(e) Notwithstanding subdivision (d), in order to provide for staggered terms, seven members shall be chosen by lot, from among those able to serve for three years, to serve for an initial term of three years; another seven members shall be chosen by lot, from among those able to serve for at least two years, to serve for an initial term of two years, with the remaining 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 three years.

(f) Notwithstanding section 509, if a vacancy occurs during the term of office of any Planning & Oversight Committee member, the appointing authority shall appoint a successor to complete the unexpired term in the same manner as the selection of the initial member.

(g) A person who is a paid employee of an organization that has applied for or receives funding from the Fund is not eligible to serve as a member of the Planning & Oversight Committee.

(h) The Children and Youth Development Department shall provide all necessary and appropriate administrative support to the Planning & Oversight Committee.

**Sec. 2608. Planning & Oversight Committee Duties.** (a) The Planning & Oversight Committee shall be responsible for:

1. Developing the Strategic Investment Plan, submitting it to the City Council, and updating it every three or four years, as required by paragraph (1) of subdivision (d) of section 2604;
2. Soliciting funding applications from non-profit organizations and public agencies through an open and fair application process;
3. Determining the maximum amount of grant funding grantees may use for administrative support, based on a survey of administrative funding levels established by non-profit grant-making organizations;

4. Submitting funding recommendations to the City Council for its adoption or rejection, without amendment:
  - a. The City Council may reject the funding recommendations only if it determines that one or more recommendation is inconsistent with this Act or the priorities identified in the Strategic Investment Plan.
  - b. In the event the City Council rejects the funding recommendations proposed by the Planning & Oversight Committee, it shall provide its rationale for rejection and recommend revisions to the Planning & Oversight Committee for its consideration and action within 15 business days.
  - c. If the amended recommendations of the Planning & Oversight Committee are consistent with the provisions of this Act and the Strategic Investment Plan, the City Council shall provide final approval of the funding recommendations. In the event the City Council rejects the funding recommendations proposed by the Planning & Oversight Committee, it shall provide its rationale for rejection and recommend revisions to the Planning & Oversight Committee for its consideration and action within 15 business days.
  - d. Once the City Council provides final approval of the funding recommendations as consistent with the Act and the Strategic Investment Plan, the City Council shall appropriate all necessary monies from the Fund.
5. Facilitating an evaluation of programs by retaining a third-party, external independent evaluator and identifying relevant evaluation measures to ensure that programs funded through the Fund are equitable, impactful, and meet established outcomes. Evaluation reports shall be provided to the City Council and the Mayor's Office and be made available to the public;
6. Facilitating an annual external audit;
7. Receiving City Auditor annual reports on the Fund's Financial Statement and the Base Spending Requirement; and
8. Reporting to the public regarding the services and outcomes supported by the Fund through venues such as the Fund's website and social media accounts, and public meetings.

(b) The Planning & Oversight Committee shall adopt rules and regulations to govern its procedures, which shall, among other things, include the manner of calling and giving notices of meetings. The Planning & Oversight Committee shall meet at minimum six times a year to review progress and investment plans. Its meetings shall be open and accessible to the public and be subject to the Ralph M. Brown Act open meetings law. In order to establish a quorum, at least half of young adult and half of adult committee members must be present. Minutes of the meetings shall be filed with the City Clerk.

**Sec. 2609. Base Spending Requirement.** (a) Monies in the Fund shall be used exclusively to increase the total amount of City of Long Beach expenditures for eligible services to children, youth, and young adults. The City of Long Beach shall, in addition to appropriations from the Fund pursuant to this Act, fund eligible services for children, youth, and young adults at

amounts no less than the Base Spending Requirement in Fiscal Year 2021-2022 and in each Fiscal Year through Fiscal Year 2033-2034 from unrestricted General Fund revenues.

(b) For purposes of this Act, the "Base Spending Requirement" means the amount required to be spent based on the application of the Base Year Percentage to the total audited unrestricted General Fund revenues in a Fiscal Year.

(c) For purposes of this Act, the "Base Year Percentage" is defined as the ratio of appropriations from audited unrestricted General Fund revenues in Fiscal Year 2018-2019 for services for children, youth, and young adults that would be eligible for funding, as defined in this Act, to the total City appropriations from audited unrestricted General Fund appropriations in Fiscal Year 2018-2019.

(d) The base year is defined as the Fiscal Year beginning October 1, 2018 and ending September 30, 2019. Not later than December 30, 2020, 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.

(e) Not later than 90 days after the end of each Fiscal Year beginning with Fiscal Year 2021-2022, the City Auditor shall verify that the City of Long Beach expended funds each year for eligible services in an amount no less than the amount required under the Base Spending Requirement, not including amounts appropriated from the Fund.

(f) If the City Auditor finds that in any Fiscal Year the amount of funds expended for eligible services is less than the Base Spending Requirement, the City of Long Beach shall increase expenditures for eligible services within the following two years so that the correct amount of funds is expended.

(g) Monies from the Fund shall not be appropriated for services that substitute for or replace services included in the calculation of the total City audited unrestricted General Fund appropriations in Fiscal Year 2018-2019.

(h) Within 180 days following the completion of each Fiscal Year's external audit, the City Auditor shall calculate and publish the actual amount of City of Long Beach spending for eligible children, youth, and young adult services.

**Section 2610. Reauthorization.** This Act may be extended without amendment for an additional twelve years beginning October 1, 2034, by a simple majority vote of the City Council. If the City Council does not extend this Act by October 1, 2034, then the City Council shall place the question of whether to extend this Act on the next ballot permitted by the Elections Code for a vote of the electorate. This process will be repeated every twelve years or until reauthorization is rejected by a vote of the electorate.

**SECTION 5. Severability.** If any provision or part 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 6. 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.

**SECTION 7. 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.

**SECTION 8. Approval, Filing and Recordation of Charter Amendment.** Pursuant to California Government Code Section 34460, if approved by a majority of voters, the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with the Los Angeles County Recorder's Office, (ii) file one copy in the City's archives and (iii) file one copy with the California Secretary of State. Each copy recorded with the County Recorder and filed in the City's archives shall also be filed with the following:

- (a) Certified copies of all publications and notices required of the City by State law in connection with the calling of an election to propose the Charter Amendment.
- (b) Certified copies of any arguments for or against the Charter Amendment that were mailed to voters pursuant to California Elections Code Sections 9281 and 13303.
- (c) A certified abstract of the vote at the election at which the Charter Amendment was approved by the voters.

**SECTION 9. Ratification and Effective Date.** Pursuant to California Government Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a majority of the eligible voters of the City of Long Beach voting at the General Election of November 3, 2020. However, this Charter Amendment shall not take effect until it has been accepted and filed by the Secretary of State pursuant to Government Code Section 34460.