

1 [Amending the Appointment Process for the Child Care Planning and Advisory Council and
2 Establishing a Child Care Planning Advisory Council Account.]

3 **Ordinance amending Article XX of Chapter 5 of Part One of the San Francisco Municipal Code
4 (Administrative Code) to amend Section 5.200 to provide that half the membership is appointed
5 by the Board of Supervisors and half the membership is appointed by the Board of Education, or
6 County Superintendent of Schools, if the Board of Education delegates the appointment power to
7 her or him and to establish the Council in the Department of Children, Youth and Their
8 Families; and adding section _____ to Article XII of Chapter 10 of Part One of the San
9 Francisco Municipal Code (Administrative Code) establishing the Child Care Planning and
10 Advisory Council Account.**

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12 Note: Additions are *single-underline italics Times New Roman*;
13 deletions are *strikethrough italics Times New Roman*.
14 Board amendment additions are double underlined.
15 Board amendment deletions are ~~strikethrough normal~~.

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

17 Section 1. Findings.

18 (a) In 1991, the United States Congress established a federal Child Care and Development
19 Block Grant through which each state was allocated funds to assist low-income families in obtaining
20 child care and development services. California developed a state plan specifying that local
21 communities have a voice in the appropriation and allocation of the Block Grant funds. In 1991, the
22 California Legislature passed legislation enabling each county to establish a local child care planning
23 council to identify priorities for Block Grant funds based on the needs of families.

24 (b) In 1998, the California Legislature enacted legislation changing the appointment process
25 for local child care planning councils and increasing their responsibilities. (See California Education
Code section 8499-8499.8.) State law currently requires one half of the members of the planning
council to be appointed by the Board of Supervisors and one half appointed by the Board of Education,
or County Superintendent of Schools, if the Board of Education delegates appointment power to her or

1 him. (Education Code section 8499.3(c)(2).) State law also empowers the local planning council to
2 hire its own staff. (Education Code section 8499.5(b)(1).)

3 (c) In November 1995, the Board of Supervisors established by ordinance San Francisco's local
4 planning council, the Child Care Planning and Advisory Council ("Council"). The original ordinance
5 did not place the Council within any City department. In May 1999, the Board amended the ordinance
6 to conform to the changes in state law and to require that the Department of Children, Youth and Their
7 Families provide administrative support to the Council.

8 (d) The California Department of Education allocates funds to San Francisco for the exclusive
9 use of the Council to carry out its state-mandated duties. The Council receives insufficient funds,
10 however, to justify the creation of a separate department. This legislation places the Council within the
11 Department of Children, Youth and Their Families, as an independent administrative unit with
12 exclusive control over the expenditure of state funds distributed to the Council and over the hiring of its
13 staff.

14 Section 2. The San Francisco Administrative Code is hereby amended by amending
15 Section 5.200, to read as follows:

16 Sec. 5.200. CHILD CARE PLANNING AND ADVISORY COUNCIL.

17 (a) Establishment. Pursuant to California Education Code Section 8499-8499.8, a
18 local Child Care Planning and Advisory Council ("Council") for the City and County of San
19 Francisco is hereby established. ~~The Department of Children, Youth and Their Families shall~~
20 ~~provide administrative support for the Council.~~ The Council shall consist of no more than 30
21 members, ~~to be appointed by the Board of Supervisors from a list of qualified nominees submitted by~~
22 ~~the Mayor, members of the Board of Supervisors, members of the Board of Education, and the~~
23 ~~Superintendent of Schools, as set forth in subdivision (d) of this Section.~~ Pursuant to Education Code
24 section 8499.3, the Board of Supervisors shall appoint 15 members and the Board of Education, or
25 County Superintendent of Schools, if the Board of Education delegates the appointment power to her or

1 him, shall appoint 15 members. A majority of the members shall constitute a quorum of the
2 Council. The affirmative vote of a majority of the members shall be required for the approval of
3 any matter. The members shall be broadly representative of the ethnic, racial, gender, age
4 and sexual orientation diversity of the City and County. All members shall be residents of the
5 City and County, in accordance with Section 4.101 of the Charter. ~~In making nominations and~~
6 ~~appointments, the nominating and appointing authorities shall select persons from varying~~
7 ~~backgrounds who have demonstrated abilities, expertise, and experience with child care.~~

8 (b) For budgetary and administrative purposes, the Council shall be established as an
9 independent administrative unit within the Department of Children, Youth and Their Families. The
10 Council shall appoint and may remove at its pleasure a Coordinator. The Coordinator shall carry out
11 Council duties mandated by state law as directed by the Council. The Coordinator is authorized to
12 appoint additional staff subject to budget constraints and the approval of the Council. Prior to hiring
13 its Coordinator or additional staff, the Council shall consult with the Director of the Department of
14 Children, Youth and Their Families. In the event the Council creates a subcommittee to advise it on
15 hiring a Coordinator, the member who represents the Department of Children, Youth and their
16 Families shall sit on any such subcommittee. The Department of Children, Youth and Their Families
17 may provide office space, and other services for the Council if specified in a Memorandum of
18 Understanding between the Department of Children, Youth and Their Families and the Council.

19 ~~(c)(b)~~ Purpose. The Council is established to advise the Board of Supervisors, the
20 Mayor, the San Francisco Children and Families ~~First~~ Commission and, with their consent, the
21 Board of Education and the Superintendent of Schools about child care issues. The Council
22 will serve as a representative advisory and planning body to maintain, expand and improve
23 local child care services. The Council will provide links between government and the
24 community, and will work to maximize the amount and impact of local, State, federal and
25 private resources and funding for child care in San Francisco.

1 ~~(d)~~(e) Powers and Duties. The Child Care Planning and Advisory Council shall have
2 the following powers and duties:

3 (1) Upon approval of the Board of Supervisors and the County Superintendent of
4 Schools, to submit to the State Department of Education local priorities for the allocation of
5 state child care funds.

6 (2) To conduct an assessment of child care needs in San Francisco no less than
7 once every five years. The needs assessment shall comply with all guidelines issued by the
8 State Department of Education and consider, at minimum, the following:

9 (A) The needs of families eligible for subsidized child care.

10 (B) The needs of families not eligible for subsidized child care.

11 (C) The waiting lists for programs funded by the State Department of Education and
12 the State Department of Social Services.

13 (D) The need for child care for children who have been abused or neglected or are
14 at risk of abuse or neglect.

15 (E) The number of children receiving public assistance.

16 (F) Family income among families with preschool or school age children.

17 (G) The number of children of migrant workers.

18 (H) The number of children with special needs.

19 (I) The number of children from all identifiable linguistic and cultural backgrounds.

20 (J) Special needs based on geographic considerations.

21 (K) The age of children needing services.

22 (L) Any other factors deemed appropriate by the Council.

23 (3) To document information gathered during the needs assessment, which shall
24 include, but need not be limited to, data on supply, demand, cost and market rates for each
25 category of child care in San Francisco.

1 (4) To prepare a comprehensive countywide child care plan designed to mobilize
2 public and private resources to address identified needs and formulate priorities. The Council
3 shall enlist community participation in establishing priorities and shall hold at least one public
4 hearing prior to the development of, or any revisions to, the child care plan, during which
5 members of the public can comment on the proposed priorities and the plan.

6 (5) To conduct a periodic review of child care programs funded by the State
7 Department of Education and the State Department of Social Services to determine if
8 identified priorities are being met.

9 (6) To collaborate with subsidized and nonsubsidized child care providers, county
10 welfare departments, *and* human services agencies, job training programs, employers,
11 integrated child and family service councils, parent organizations, and other interested parties
12 to foster partnerships designed to meet local child care needs.

13 (7) To design and maintain a system to consolidate local child care waiting lists.

14 (8) To coordinate part-day programs, including state preschool and Head Start, with
15 other child care to provide full-day child care.

16 (9) To submit the results of the needs assessment and local priorities identified to
17 the Board of Supervisors and the Superintendent of Schools for approval before submitting
18 them to the State Department of Education.

19 (10) To report to the San Francisco Children and Families ~~First~~ Commission the
20 result of the child care needs assessment, local priorities, the countywide child care plan, and
21 any revisions thereto, the review of any child care programs, and any other reports or
22 information gathered regarding child care in San Francisco.

23 (11) To review and comment on proposals submitted to the State Department of
24 Education to be provided within San Francisco.

25

1 (12) To identify at least one but no more than two members of the Council to serve
2 as part of the State Department of Education team that reviews and scores proposals for the
3 provision of services funded through contracts with the State Department of Education.

4 (13) To develop and implement a training plan to provide increased efficiency,
5 productivity and facilitation of Council meetings.

6 (14) To provide consultation to the State Department of Education and the State
7 Department of Social Services regarding the development of a single application and intake
8 form for all federal and state subsidized child care and development services.

9 (15) To review and evaluate legislation affecting child care and to suggest or
10 recommend local child care legislation.

11 (16) To recommend to the Board of Supervisors, the Mayor, the Board of Education,
12 the Superintendent of Schools and State and federal policy makers positions to facilitate the
13 maintenance, expansion and improvement of child care services in San Francisco and to help
14 secure public and private child care resources for same.

15 (17) To support efforts of the Department of Children, Youth and Their Families to
16 gather, consolidate and disseminate child care information.

17 (18) To cooperate with, participate in and make recommendations to other
18 City/County planning and advisory bodies that relate directly or indirectly to delivery of child
19 care services, ~~including but not limited to the Collaborative Planning Committee for Children, Youth~~
20 ~~and Families.~~

21 (19) To advise and support all City/County departments involved in child care
22 services, including but not limited to the Department of Human Services, the Department of
23 Public Health, the Recreation and Park Department and the Library Department.

1 (20) To provide guidance to all participants in the local child care system, in
2 cooperation with existing public agencies, including the school district, and private agencies
3 and institutions engaged in child care services.

4 ~~(e)(4)~~ Membership and Organization.

5 (1) The membership of the Child Care Planning and Advisory Council shall be
6 composed of 20% consumers, 20% child care providers, 20% public agency representatives,
7 20% community representatives, and 20% discretionary, as required by Education Code
8 Section 8499.3.

9 (A) "Child care provider" shall mean a person who provides child care services or
10 represents persons who provide child care services.

11 (B) "Community representative" shall mean a person who represents an agency or
12 business that provides private funding for child care services, or who advocates for child care
13 services through participation in civic or community-based organizations but is not a child care
14 provider and does not represent an agency that contracts with the State Department of
15 Education to provide child care and development services.

16 (C) "Consumer" shall mean a parent or person who receives, or has received within
17 the past 36 months, child care services.

18 (D) "Public agency representative" shall mean a person who represents a city,
19 county, city and county, or local education agency.

20 (2) The Board of Supervisors shall appoint the following 15 members: ~~Members shall be~~
21 ~~appointed as follows:~~

22 (A) The Board of Supervisors shall appoint 11 members representing the following
23 categories, each of whom is nominated by an individual member of the Board of Supervisors: ~~Each~~
24 ~~member of the Board of Supervisors shall nominate one member of the Council for a total of 11~~
25 ~~members, representing the following categories:~~

1 (i) Consumers: Parents, guardians or caretakers with varied income levels who use
2 child care and/or early education services [two members nominations];

3 (ii) Child Care providers: Private child care providers including one from a private
4 center, one from a family day care home and one from a Head Start center [three members
5 nominations];

6 (iii) Discretionary: Public at large [one member nomination];

7 (iv) Community representatives [five members nominations];

8 The list of qualified individuals for ~~nomination and~~ appointment may include members of
9 the following organizations: parent advisory councils of public and private child care
10 programs; associations of child care centers, family day care providers and Head Start; public
11 interest organizations including but not limited to the Child Care Law Center; community
12 organizations; the Bay Area Employer Work and Family Coalition; and members of labor
13 organizations and local businesses that fall within the definition of “community representative”
14 as described in Subsection (d)(1)(B).

15 (B) The Board of Supervisors shall appoint 4 members from the following public
16 agencies: The Mayor shall nominate seven members of the Council, representing the following
17 categories:

18 (i)——Public agency representatives: One representative from each of the following
19 local government offices - the Department of Children, Youth and Their Families, the
20 Department of Human Services, the Recreation and Park Department and; the Office of
21 Community Development ~~and the Housing Authority~~ [four members five nominations];

22 (ii)——~~Discretionary: Public at large~~ [one nomination];

23 (iii)——~~Consumer: Parents, guardians, or caretakers using child care or early childhood~~
24 ~~education services~~ [one nomination];

25 (iv)——~~Community representative: [one nomination]~~.

1 ~~The list of qualified individuals for nomination and appointment may include individuals from~~
2 ~~appropriate City departments, public interest organizations, and foundations.~~

3 (3) The Board of Education, or County Superintendent of Schools, if the Board of Education
4 delegates the appointment power to her or him, shall appoint the following 15 members:

5 (A) Consumers: three clients of publicly subsidized programs such as CalWORKS and
6 other child care programs funded through the Department of Human Services; one parent, guardian or
7 caretaker of a child enrolled in a San Francisco Unified School District early childhood education
8 program; and one parent, guardian or caretaker using an early childhood education program not
9 operated by the San Francisco Unified School District [five members];

10 (B) Child care providers: one member representing the Child Development Children's
11 Centers operated by the San Francisco Unified School District; one member from each of the two local
12 child care resource and referral agencies, Wu Yee Children's Services and Children's Council of San
13 Francisco [three members];

14 (C) Discretionary: one member from the public at large [one member];

15 (D) Community representative: a member of an organized educators group and an
16 additional community representative [two members];

17 (E) Public agency representative: one representative from each of the following local
18 agencies: San Francisco Department of Public Health; the local district office of Community Care
19 Licensing; a local public educational training institution and the San Francisco Housing Authority
20 [four members];

21 ~~(C) — Each member of the Board of Education shall nominate one member of the Council, for~~
22 ~~a total of seven members, representing the following categories:~~

23 ~~(i) — Clients of publicly subsidized programs such as CalWORKs and other child care~~
24 ~~programs funded through the Department of Human Services [three nominations];~~

1 (ii) — ~~Public agency representative: San Francisco Department of Public Health [one~~
2 ~~nomination];~~

3 (iii) — ~~Public agency representative: The local district office of Community Care Licensing~~
4 ~~[one nomination];~~

5 (iv) — ~~Community representative: Organized educators [one nomination];~~

6 (v) — ~~Public agency representative: Local public educational training institutions [one~~
7 ~~nomination].~~

8 The list of qualified individuals for ~~nomination and~~ appointment may include the
9 following: participants in CalWORKs and Department of Human Services child care
10 programs, representatives of the Department of Public Health, the local district office of
11 Community Care Licensing, United Educators of San Francisco, City College and San
12 Francisco State University.

13 (D) — ~~The Superintendent of Schools shall nominate four members of the Council, representing~~
14 ~~the following categories:~~

15 (i) — ~~Child care provider: The Children's Centers run by the San Francisco Unified School~~
16 ~~District [one nomination];~~

17 (ii) — ~~Consumer: Parent, guardian or caretaker of a child enrolled in a school district early~~
18 ~~childhood education program [one nomination];~~

19 (iii) — ~~Child care providers: Local resource and referral agencies [one nominee from each of~~
20 ~~the two local resource and referral agencies, Wu Yee Children's Services and Children's Council of~~
21 ~~San Francisco, for a total of two nominations].~~

22 (2) — ~~If the Mayor, the Board of Education or the Superintendent fail to act on their~~
23 ~~nominations in a timely manner, the power to make these nominations shall revert to the Board of~~
24 ~~Supervisors.~~

1 ~~(4)~~⁽³⁾ The term of each member of the Council shall be for three years; provided,
2 however, that the initial members shall, by lot, classify their terms so that nine members shall
3 serve a two-year term, 10 members shall serve a three-year term, and 10 members shall
4 serve a four-year term. On the expiration of these and successive terms, their successors
5 shall be appointed for a three-year term in a manner similar to that described for the initial
6 members; provided, however, that any member may be reappointed for one additional
7 consecutive term.

8 ~~(5)~~⁽⁴⁾ Where a member, prior to expiration of his or her term, ceases to retain the
9 status which qualified him or her for appointment to the Council, the membership shall be
10 terminated and there shall be a vacancy on the Council. In the event a vacancy occurs during
11 the term of office of any member, a successor shall be appointed to fill the vacancy for the
12 remainder of the term, consistent with the process and requirements of the previous
13 appointee.

14 ~~(6)~~⁽⁵⁾ Any member who misses four meetings within a twelve month period, without
15 the approval of the Council, shall be deemed to have resigned from the Council.

16 ~~(7)~~⁽⁶⁾ The initial meeting of the Council shall be called within 30 days of the day the
17 Board of Supervisors completes its initial appointments.

18 ~~(8)~~⁽⁷⁾ The members of the Council shall elect a Chair of the Council and shall
19 promulgate such rules or regulations as are necessary for the conduct of its business under
20 this Section.

21 ~~(f)~~^(e)—Compensation. With the exception of consumer members of the Council,
22 members of the Council shall not be compensated, nor shall they be reimbursed for expenses
23 unless attending a pre-approved conference or meeting requiring travel or registration. Upon
24 approval by the Council, each consumer member may receive a stipend of no more than \$25
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1 per meeting, not to exceed ~~\$600~~ \$300 annually, from funds provided to the Council by the
2 State of California.

3 (g) . Child Care Planning and Advisory Council Account.

4 (1) Establishment of Account. There is hereby established a Child Care Planning and
5 Advisory Council Account to consist of all funds awarded by the State of California Department of
6 Education Child Development Division for local child care planning council activities. The Controller
7 shall maintain the Account and shall record all receipts and expenditures.

8 (2) Expenditure of Monies. Subject to the budgetary and fiscal provisions of the Charter,
9 expenditure of the funds shall be determined by the Child Care Planning and Advisory Council.

10 (3) Acceptance of Gifts. All donations of money and other gifts that may be offered to the
11 City and County for the Child Care Planning and Advisory Council are hereby accepted for such
12 purposes. Any grants, gifts and bequests from private sources for this purpose shall be deposited into
13 said special Account.

14 (4) Interest and Accumulation of Monies in Account. Interest shall be credited by the
15 Treasurer on any balance of funds. Interest earned from the Child Care Planning and Advisory
16 Council Account shall become part of the principal thereof, and shall not be expended for any purpose
17 other than that for which said Account is established. The balance remaining in the Child Care
18 Planning and Advisory Council Account at the close of any fiscal year shall be deemed to have been
19 provided for a specific purpose within the meaning of the Charter and shall be carried forward and
20 accumulated in said Account for the purposes recited herein.

21
22 APPROVED AS TO FORM:
23 LOUISE H. RENNE, City Attorney

24 By: _____
25 John I. Kennedy
Deputy City Attorney