

File No. 201327

Committee Item No. 3

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Dec. 3, 2020

Board of Supervisors Meeting

Date \_\_\_\_\_

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### OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date Dec 7, 2020

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Administrative Code - Early Education Economic Recovery Program]

2  
3 **Ordinance amending the Administrative Code to establish the Early Education**  
4 **Economic Recovery Program to provide grants and interest-free loans to early care and**  
5 **education providers to help cover costs associated with the COVID-19 pandemic.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

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

14 Section 1. Article XVII of Chapter 20 of the Administrative Code is hereby amended by  
15 adding Section 20.17-4, to read as follows:

16 **SEC. 20.17-4. EARLY EDUCATION ECONOMIC RECOVERY PROGRAM.**

17 *(a) Findings. Early care and education providers are essential for working families, but*  
18 *were struggling even before the COVID-19 health emergency and are now critically impacted. Due to*  
19 *new health orders issued in 2020, early care education providers had to limit the number of children*  
20 *served, increase staffing, and modify physical spaces in order to provide a safe environment. However,*  
21 *subsidies from State and Federal resources were limited and have to kept up with the rising costs of*  
22 *operation.*

23 *In July 2020, the Center for the Study of Child Care Employment conducted a survey of child*  
24 *care programs throughout California and found that 953 center-based (40%) and family child care*  
25 *(60%) programs were facing new financial challenges including decreased capacity and increased*  
*costs caused by the reopening process and meeting new COVID-19 mitigation protocols. Specifically,*

1 of the programs that have re-opened, 77% have experienced loss of income from families; 99% of re-  
2 opened child care centers and 78% of re-opened family child care programs have fewer children  
3 attending than before the pandemic.

4 Without public funding, the early care and education system is in severe financial crisis; the  
5 projected revenue loss for early care and education centers and family child care centers that are  
6 currently funded by the City were estimated to lose \$21.8 million between March and June 30, 2020.  
7 The City's Economic Recovery Task Force's October 2020 report stated that a quality, robust child  
8 care system was necessary to get San Francisco back to work and onto the road of recovery. The Task  
9 Force recommended that the City establish new methods for supporting child care providers, including  
10 financial support with flexible supplemental grant funds or forgivable loans to expand spaces, open up  
11 larger spaces, and provide adequate spacing to adhere to new health requirements.

12 While San Francisco's Office of Early Care and Education served over 7,000 children from 0-K  
13 with some form of subsidy-supported program this past quarter, there are currently 2,796 children  
14 actively on the waiting list for City-funded programs. Based on the 2018 citywide needs assessment,  
15 there are over 1,000 preschool-aged children and 19,000 infants and toddlers who we are unable to  
16 serve with our current licensed capacity.

17 Beyond the early care and education providers that receive some funding through the City,  
18 there are also hundreds of non-subsidized child care providers including co-ops, licensed nonprofit  
19 centers, licensed private child care centers, and licensed family-based child care that are at the brink  
20 of closure due to the pandemic. In order to support the entire early care and education system, there  
21 needs to be adequate support for early care and education providers across the spectrum to stabilize  
22 the workforce and sustain existing child care slots.

23 (b) **Establishment of Early Education Economic Recovery Program.** Subject to the  
24 budgetary and fiscal provisions of the Charter, the Office of Early Care and Education ("OECE")  
25 shall develop and implement the Early Education Economic Recovery Program ("Program") to

1 provide grants and no-interest loans to early care and education providers impacted by the COVID-19  
2 pandemic, as provided in this Section 20.17-4. The Program shall be funded under the Early Care and  
3 Education for All Initiative by appropriations from the Babies and Families First Fund established in  
4 Administrative Code Section 10.100-36, in addition to such other appropriations as the Board of  
5 Supervisors may direct by ordinance.

6 (c) **Providers Eligible for Funding.** The following types of early care and education  
7 providers (“Providers”) shall be eligible to receive funding under the Program, subject to additional  
8 criteria established by OECE, provided that the Providers are operating in the City at the time of the  
9 grant or loan award and throughout the period covered by the loan or grant:

10 (1) Small and Large Family Child Care Homes, as defined in 22 C.C.R. Section  
11 102352(f)(1), that (A) are licensed under California Health and Safety Code Sections 1596.60 et seq. at  
12 the time of the grant or loan award and throughout the period covered by the grant or loan, and (B)  
13 served at least four children between ages zero and six, inclusive, at any point from March 1, 2019  
14 through February 29, 2020;

15 (2) Non-profit Day Care Centers or Child Care Centers, as defined under 22 C.C.R.  
16 Section 101152(c)(7), that, at the time of grant or loan award and throughout the period covered by the  
17 grant or loan, (A) are licensed under California Health and Safety Code Sections 1596.60 et seq., and  
18 (B) care for children between ages zero and six, inclusive;

19 (3) For-profit Day Care Centers or Child Care Centers, as defined under 22 C.C.R.  
20 Section 101152(c)(7), that, at the time of grant or loan award and throughout the period covered by the  
21 grant or loan, (A) are licensed under California Health and Safety Code Sections 1596.60 et seq., (B)  
22 operate no more than two locations in the City, and (C) care for children between ages zero and six,  
23 inclusive; and

24 (4) Providers licensed and exempt from licensing under California Health and  
25 Safety Code Sections 1596.60 et seq. that, at the time of grant or loan award and throughout the period

1 covered by the grant or loan,(A) operate under a cooperative arrangement between parents for the  
2 care of their children, in which families participate on a rotating basis, serving six or more families,  
3 (B) meet the description in California Health and Safety Code Section 1596.792(e), and (C )care for  
4 children between ages zero and six, inclusive.

5 (d) **Permitted Uses of Funding.** OECE may provide funds to Providers under the Program  
6 for the following purposes:

7 (1) Costs associated with cleaning or sanitation of Providers' facilities to minimize  
8 the risk of transmission of COVID-19;

9 (2) Costs of purchasing educational materials, including computers and other  
10 electronic devices, to reduce the need for children to share materials during the COVID-19 pandemic;

11 (3) Costs associated with increasing the size of facilities, changing the arrangement  
12 of furniture in facilities, or otherwise making physical changes to facilities, to help keep children  
13 physically distanced from one another to minimize the risk of transmission of COVID-19;

14 (4) Costs of providing financial assistance to the Providers' employees to assist  
15 those employees to pay for childcare for their own dependents during working hours;

16 (5) Costs of providing childcare for free or reduced cost to children of essential  
17 healthcare workers and City employees who have been activated as Disaster Service Workers, who are  
18 unable to care for their children during the workday; and

19 (6) Other costs authorized by OECE by rule or regulation that assist Providers to  
20 address the impacts of the COVID-19 pandemic on Providers, their employees, children served by  
21 Providers, and families of those children.

22 (e) **Administration.** OECE shall administer the Program with assistance as needed from  
23 the Human Services Agency, and may promulgate rules or regulations regarding the Program. At  
24 minimum, OECE shall promulgate rules and regulations to:

1           (1) Establish an application process, a selection process, and selection criteria for  
2 the Program. In promulgating regulations establishing a selection process and criteria, OECE shall  
3 attempt to establish criteria that maximize the likelihood that the Program will be accessible to  
4 Providers that do not currently receive funding from the City.

5           (2) Establish a set of factors OECE may consider in determining the amount of  
6 funding in each grant or loan, provided that each grant or loan issued under the Program shall be at  
7 least \$5,000.

8           (f) **Outreach.** Beginning no later than 10 days after the effective date of the ordinance in  
9 Board File No. 201327 enacting this Section 20.17-4, OECE shall develop and begin to implement an  
10 outreach plan to make Providers aware of the Program. OECE shall design the outreach plan to reach  
11 all Providers in the City, including those that do not currently receive funding from the City. In  
12 designing and implementing the outreach program, OECE shall work directly with child care resource  
13 and referral organizations and family child care associations to maximize the impact of the outreach in  
14 appropriate languages.

15           (g) **Statement of Intent for Funding in FY 2020-21.** Subject to the budgetary and fiscal  
16 provisions of the Charter and availability of funds in the Babies and Families First Fund in Section  
17 10.100-36, it is the intent of the Board of Supervisors that OECE will award grants or loans in Fiscal  
18 Year 2020-21 in a total amount of at least \$20 million.

19           (h) **No-Interest Loan Program.** This Section 20.17-4 authorizes the City to provide  
20 interest-free loans under the Program. Before conducting outreach regarding interest-free loans or  
21 initiating a solicitation process for such loans, OECE shall consult with the Treasurer-Tax Collector  
22 and the Controller. Based on that consultation, OECE may determine that an interest-free loan  
23 program is infeasible or otherwise would be impractical or problematic, and may decide not to award  
24 loans under the Program.

1           (i) Sunset. This Section 20.17-4 shall sunset on December 31, 2021 unless the Board of  
2 Supervisors extends it by ordinance. After that date, OECE shall issue no additional grants or loans  
3 under the Program, but rules, restrictions, and reimbursement periods that apply to existing grants and  
4 loans shall remain in effect. After the sunset date, the City Attorney shall cause this Section to be  
5 removed from the Administrative Code.

6  
7           Section 2. Effective Date. This ordinance shall become effective 30 days after  
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
10 of Supervisors overrides the Mayor's veto of the ordinance.

11  
12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

14 By: /s/  
15       JON GIVNER  
16       Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Administrative Code - Early Education Economic Recovery Program]

**Ordinance amending the Administrative Code to establish the Early Education Economic Recovery Program to provide grants and interest-free loans to early care and education providers to help cover costs associated with the COVID-19 pandemic.**

Existing Law

At the June 5, 2018 election, the voters approved Proposition C, which imposed additional taxes on revenue from the lease of certain commercial real property. Revenues raised by this tax must be used primarily to fund quality early care and education for young children. In particular, Proposition C specifies that most of its revenues should be spent on certain “Eligible Programs” related early care and education. The Board of Supervisors and the Office of Early Care and Education have discretion to allocate resources among those programs.

Existing law requires the Office of Early Care and Education (OECE) to establish the Early Care and Education for All Initiative, which provides support for quality early care and education for children in San Francisco families. The Initiative is funded by revenues raised by Proposition C.

Existing law does not specifically require OECE to use Proposition C funds to provide grants or loans to early care and education providers to help cover costs associated with the COVID-19 pandemic

Amendments to Current Law

The proposed ordinance would require OECE to develop and implement an Early Education Economic Recovery Program to provide funding through grants or interest-free loans to early care and education providers impacted by the COVID-19 pandemic. The program would be funded by Proposition C and other appropriations.

The program would offer funding to providers that meet criteria specified in the ordinance or adopted by OECE, including family child care providers, non-profit childcare organizations, non-profit cooperatives, and for-profit licensed childcare centers with no more than two separate locations in the City.

Providers could use funding from the program to cover costs associated with cleaning or sanitation of providers’ facilities to minimize the risk of transmission of COVID-19; costs of purchasing educational materials to reduce the need for children to share materials; costs associated with increasing the size of facilities, changing the arrangement of furniture in facilities, or otherwise making physical changes to facilities, to help keep children physically



distanced; costs of providing financial assistance to providers' employees to assist those employees to pay for childcare for their own dependents during working hours; costs of providing childcare for free or at a reduced cost to children of essential healthcare workers and Disaster Service Workers who are unable to care for their children during the workday; and other costs authorized by OECE to address the impacts of the COVID-19 pandemic.

The ordinance would also require OECE to implement an outreach plan to make providers aware of the program.

The ordinance would not require OECE to provide interest-free loans to providers, but would require OECE to consult with the Treasurer-Tax Collector and the Controller to determine whether providing interest-free loans would be infeasible, impractical, or problematic.

The ordinance would not require a particular funding level for the program, but would express the Board's intent for OECE to award grants and/or loans in Fiscal Year 2020-21 in a total amount of at least \$20 million.

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**From:** [Calvillo, Angela \(BOS\)](#)  
**To:** [Low, Jen \(BOS\)](#); [Young, Victor \(BOS\)](#); [Wong, Linda \(BOS\)](#)  
**Cc:** [BOS Legislation, \(BOS\)](#); [Fregosi, Ian \(BOS\)](#); [Beinart, Amy \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#)  
**Subject:** RE: Urgent Request to Schedule Emergency Items  
**Date:** Thursday, December 3, 2020 9:22:39 AM

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Hello Jen,

Thank you for sending this email, and for stating each matters importance and its nexus to the COVID-19 health emergency.

The health emergency has necessitated the Board to rapidly approve policy to help alleviate the burden on our residents. Unfortunately, the Board Rules do not envision the truncated timeframe needed to introduce an item into the process for consideration.

Therefore, for those items associated with this health emergency, we have created an exception, not currently found in the Rules at this time, to allow items associated with an emergency to be agendized and directly appear before a Committee following the week of introduction. Here, the Clerks will add the items to their respective agendas and place the notation with language these items were not made available for the typical 7 days pursuant to Rule 3.33.

We allow this exception, knowing that together we will amend the Board Rules to incorporate a similar truncated timeframe for emergencies such as the type we are experiencing.

Thank you all for your patience. While we take direction from the Rules, our experience should also identify where the Rules fall short. It has been good to uncover this need, and Alisa and I are drafting amendments to the Rules which should be sent to you in the near future.

Have a great day all! Big thank you to Victor and Linda!

Angela Calvillo  
Clerk of the Board

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**From:** Low, Jen (BOS) <jen.low@sfgov.org>  
**Sent:** Thursday, December 3, 2020 4:51 AM  
**To:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Cc:** Young, Victor (BOS) <victor.young@sfgov.org>; Wong, Linda (BOS) <linda.wong@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Fregosi, Ian (BOS) <ian.fregosi@sfgov.org>; Beinart, Amy (BOS) <amy.beinart@sfgov.org>  
**Subject:** Urgent Request to Schedule Emergency Items  
**Importance:** High

Dear Madam Clerk,

The following items were introduced at the Board of Supervisors meeting on Tuesday and require expedient scheduling at Board Committee meetings to respond to the COVID-19 emergency. On behalf of the President, we respectfully request that the following files be authorized to appear

before Board Committees this upcoming week, with the guidance that they must include notation on the agenda that the language of these items were not made available for the typical 7 days pursuant to Rule 3.33.

**201327 [Administrative Code - Early Education Economic Recovery Program]**

Sponsors: Mayor; Yee, Ronen, Safai, Mar and Fewer

Ordinance amending the Administrative Code to establish the Early Education Economic Recovery Program to provide grants and interest-free loans to early care and education providers to help cover costs associated with the COVID-19 pandemic.

*The President is requesting this item to be scheduled at the Rules Committee on Monday, December 7, 2020 to align with the release of funds from the Babies and Families First Fund, which is also scheduled to take place before the end of the legislative session. The program is emergency in nature as it is providing one-time, economic assistance to early child care providers impacted by COVID-19. These essential services may be risking closure if the City does not act swiftly.*

**201328 [Emergency Ordinance - Limiting COVID-19 Impacts by Not Moving People Experiencing Homelessness Currently Placed in Shelter-in-Place Hotel Rooms]** Sponsors:

Haney; Walton, Ronen and Peskin

Emergency ordinance to prohibit the City from requiring people experiencing homelessness currently housed in approximately 2,300 Shelter-in-Place (SIP) Hotel rooms to move from those rooms until Federal Emergency Management Agency (FEMA) provides written notification that FEMA funding available for SIP Hotel rooms is terminated or modified in a way that no longer reimburses any costs of these rooms, or people experiencing homelessness housed in SIP Hotel rooms obtain a stable housing placement; these 2,300 SIP Hotel rooms shall continue to be available as they are vacated to shelter people experiencing homelessness at risk of COVID-19 infection, until the County Health Officer's Stay Safer At Home Order is rescinded or expires; and requiring the Department of Homelessness and Supportive Housing to prepare publicly available reports on the progress of placements from SIP Hotels into stable housing.

*The President is requesting this item to be scheduled at the Budget & Finance Committee on Wednesday, December 9, 2020 in direct response to the Department of Homelessness' recent announcement that people experiencing homelessness may be required to move out of Shelter-in-Place hotels last month. This is an Emergency Ordinance and requires immediate attention in order to address the concern of exacerbating the existing health and homelessness crises during the most recent surge of COVID-19 spread in our communities.*

**201333 [Issuance of Judgment Obligation Bonds - Not to Exceed \$995,000,000]** Sponsors: Mayor; Yee

Resolution authorizing the issuance of not to exceed \$995,000,000 aggregate principal amount of City and County of San Francisco Judgment Obligation Bonds to pay the costs of a potential judgment associated with litigation related to Proposition C (2018) (Commercial

Rent Tax for Childcare and Early Education), subject to specified conditions, as defined herein. RECEIVED AND ASSIGNED to Budget and Finance Committee.

***The President is requesting this item to be scheduled at the Budget & Finance Committee on Wednesday, December 9, 2020. In consultation with the Controller and Mayor's Budget office, this Resolution is a critical step in unlocking the Babies and Families First Fund as approved by voters in November 2020's Proposition F. The Office of Early Care & Education will not be able to release funds to respond to the COVID-19 emergency from the Budget & Finance reserve without the Controller's authorization that is contingent upon the issuance of Judgment Obligation Bonds included in this file.***

Thank you for your consideration of this matter and we appreciate the Clerk staff's ongoing support to help accommodate.

Best,

Jen

Jen Low  
Supervisor Norman Yee  
President, Board of Supervisors

Member, Board of Supervisors  
District 9



City and County of San Francisco

## HILLARY RONEN

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DATE: December 3, 2020

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Hillary Ronen  
Chairperson

RE: Rules Committee  
COMMITTEE REPORT

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Pursuant to Board Rule 4.20, as Chair of the Rules Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, December 8, 2020, as Committee Reports:

**201327 [Administrative Code - Early Education Economic Recovery Program]**

This files will be heard in the Rules Committee during a regular meeting on December 7, 2020, at 10 am.

Sincerely,

A handwritten signature in blue ink that reads "Hillary Ronen".

/s/ Hillary Ronen  
Hillary Ronen  
Supervisor, District 9