

1 [Child Care Planning and Advisory Council]  
 2 AMENDING PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE  
 3 CODE) BY AMENDING ARTICLE XX, CHAPTER 5, SECTION 5.200 THEREOF, TO GIVE  
 4 THE CHILD CARE PLANNING AND ADVISORY COUNCIL ADDITIONAL POWERS AND  
 5 DUTIES IN CONFORMANCE WITH STATE LAW AND TO CHANGE THE COMPOSITION  
 6 OF THE COUNCIL IN CONFORMANCE WITH STATE LAW.

7  
 8 Note: Additions are underlined; deletions are in ((double parentheses)).

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

10  
 11 Section 1. Article XX, Chapter 5, of the San Francisco Administrative Code is hereby  
 12 amended by amending Section 5.200, to read as follows:

13 **SEC. 5.200. CHILD CARE PLANNING AND ADVISORY COUNCIL.**

14 (a) **Establishment.** Pursuant to California Education Code Section 8499-8499.8, a  
 15 local Child Care Planning and Advisory Council for the City and County of San Francisco is  
 16 hereby established. The Department of Children, Youth, and Their Families shall provide  
 17 administrative support for the Council. The Council shall consist of no more than 30 ((29))  
 18 members, to be appointed by the Board of Supervisors from a list of qualified nominees  
 19 submitted by the Mayor, members of the Board of Supervisors, members of the Board of  
 20 Education, and the Superintendent of Schools, as set forth in subdivision (d) of this Section.  
 21 Sixteen (16) members shall constitute a quorum of the Council. The affirmative vote of  
 22 sixteen (16) members shall be required for the approval of any matter. The members shall be  
 23 broadly representative of the ethnic, racial, gender, age and sexual orientation diversity of the  
 24 City and County. All members shall be residents of the City and County, in accordance with  
 25 Section 4.101 ((8.104)) of the Charter. In making nominations and appointments, the

1 nominating and appointing authorities shall select persons from varying backgrounds who  
2 have demonstrated abilities, expertise and experience with child care.

3 (b) **Purpose.** The Council is established to advise the Board of Supervisors, the  
4 Mayor, the San Francisco Children and Families First Commission, and, with their consent,  
5 the Board of Education and the Superintendent of Schools about child care issues. The  
6 Council will serve as a representative advisory and planning body to maintain, expand and  
7 improve local child care services. The Council will provide links between government and the  
8 community, and will work to maximize the amount and impact of local, State, federal and  
9 private resources and funding for child care in San Francisco.

10 (c) **Powers and Duties.** The Child Care Planning and Advisory Council shall have the  
11 following powers and duties:

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

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

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

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

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

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

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

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

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

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

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

4 (J) Special needs based on geographic considerations.

5 (K) The age of children needing services.

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

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

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

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

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

22 (7) To design a system to consolidate local child care waiting lists.

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

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

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

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

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

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

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

18           (( (1) Pursuant to Education Code Section 8499.6, subdivision (b), to establish and  
19 periodically update local priorities for the maintenance, expansion, and improvement of child  
20 care services for child of families eligible under the federal Child Care and Development Block  
21 Grant Program, to consult with local child care resource and referral agencies and interagency  
22 children's services councils, and to enlist community participation in the formulation of  
23 priorities by publicizing proposed priorities and holding open and public hearings before  
24 submitting those priorities to the State Department of Education;

1 (2) Pursuant to Education Code Section 8499.6, subdivision (d), to prepare a  
2 comprehensive, County- wide child care plan in accordance with State guidelines, to consult  
3 with local child care resource and referral agencies and interagency children's services  
4 councils, to enlist community participation through neighborhood and special population  
5 meetings, and to update and report annually on the results and status of this planning  
6 process;

7 (3) To comply with anticipated State guidelines regarding the ongoing duties and  
8 responsibilities of local child care planning councils;

9 (4) To review and evaluate legislation affecting child care, to collect and evaluate data  
10 regarding local supply, demand, cost and market rates of child care services, and to consider  
11 community concerns and issues that affect local child care services;))

12 (15) (( (5) )) To review and evaluate legislation affecting child care and to ((To))  
13 suggest or recommend local child care legislation;

14 (16) (( (6) )) To recommend to the Board of Supervisors, the Mayor, the Board of  
15 Education, the Superintendent of Schools and State and federal policy makers positions to  
16 facilitate the maintenance, expansion and improvement of child care services in San  
17 Francisco, and to help secure public and private child care resources for same;

18 (17) (( (7) )) To support efforts of the ((Mayor's)) Department of Children, Youth and  
19 Their Families (( (MDCYF) )) to gather, consolidate and disseminate child care information;

20 (18) (( (8) )) To cooperate with, participate in and make recommendations to other  
21 City/County planning and advisory bodies that relate directly or indirectly to delivery of child  
22 care services, including but not limited to the Collaborative Planning Committee for Children,  
23 Youth and Families;

1           (19) (( (9) )) To advise and support all City/County departments involved in child care  
2 services, including but not limited to the Department of Human Services, the Department of  
3 Public Health, the Recreation and Park Department and the Library Department;

4           (20) (( (10) )) To provide guidance to all participants in the local child care system, in  
5 cooperation with existing public agencies, including the school district, and private agencies  
6 and institutions engaged in child care services.

7           (d) **Membership and Organization.**

8           (1) The membership ((members)) of the Child Care Planning and Advisory Council  
9 shall be composed of 20 percent consumers, 20 percent child care providers, 20 percent  
10 public agency representatives, 20 percent community representatives, and 20 percent  
11 discretionary as required by Education Code Section 8499.3. ((appointed as follows:))

12           (A) “Child care provider” shall mean a person who provides child care services or  
13 represents persons who provide child care services.

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

19           (C) “Consumer” shall mean a parent or person who receives, or has received within the  
20 past 36 months, child care services.

21           (D) “Public agency representative” shall mean a person who represents a city, county,  
22 city and county, or local education agency.

23           (2) Members shall be appointed as follows:

24           (A) Each member of the Board of Supervisors shall nominate one member of the  
25 Council, for a total of 11 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 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  
5 nominations];

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

7 (iv) Community representatives [five nominations];

8 (( (iv) Community organizations [two nominations];

9 (v) Organized labor [one nomination];

10 (vi) Local business [two nominations].))

11 The list of qualified individuals for nomination and appointment may include members  
12 of the following organizations: parent advisory councils of public and private child care  
13 programs; associations of child care centers, family day care providers and Head Start; public  
14 interest organizations including but not limited to the Child Care Law Center; community  
15 organizations; ((the San Francisco Labor Council;)) the Bay Area Employer Work and Family  
16 Coalition; and members of labor organizations and local businesses that fall within the  
17 definition of "community representative" as described in subsection (d)(10)(B). ((and  
18 members of MAC representative of the foregoing categories.))

19 (B) The Mayor shall nominate seven members of the Council, representing the  
20 following categories:

21 (i) Public agency representatives: One representative from each of the following local  
22 ((Local)) government offices – ((including)) the ((Mayor's)) Department of Children, Youth and  
23 Their Families (( (MDCYF) )), the Department of Human Services, the Recreation and Park  
24 Department, the Office of Community Development and the Housing Authority [five ((four))  
25 nominations];

1 (ii) Discretionary: Public at large [one nomination];

2 (iii) Consumer: Parents, guardians or caretakers using child care or early childhood  
3 education services [one nomination];

4 (iv) Community representative ((Philanthropy)) [one nomination].

5 The list of qualified individuals for nomination and appointment may include individuals  
6 from appropriate City departments, public interest organizations, and foundations, ((, and  
7 members of MAC representative of the foregoing categories.))

8 (C) Each member of the Board of Education shall nominate one member of the  
9 Council, for a total of seven members, representing the following categories:

10 (i) Clients of publicly subsidized programs such as CalWORKS ((Greater Avenues for  
11 Independence (GAIN), Transitional Child Care (TCC) )), and other child care programs funded  
12 through the Department of Human Services (DHS) [three nominations];

13 (ii) Public agency representative: San Francisco Department of Public Health  
14 (( (DPH) )) [one nomination];

15 (iii) Public agency representative: The local district office of Community Care Licensing  
16 (( (CCL) )) [one nomination];

17 (iv) Community representative: Organized educators [one nomination];

18 (v) Public agency representative: Local public educational ((Educational)) training  
19 institutions [one nomination].

20 The list of qualified individuals for nomination and appointment may include the  
21 following: participants in CalWORKS ((GAIN, TCC, CCL)) and Department of Human Services  
22 ((DHS)) child care programs; representatives of the Department of Public Health ((DPH)); the  
23 local district office of Community Care Licensing, United Educators of San Francisco ((,)) ;  
24 City College; and San Francisco State University. ((and teacher training schools including but  
25



1 not limited to San Francisco State University; and members of MAC representative of the  
2 foregoing categories.))

3 (D) The Superintendent of Schools shall nominate four members of the Council,  
4 representing the following categories:

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

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

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

12 ((The list of qualified individuals for nomination and appointment may include members  
13 of MAC representative of the above categories.))

14 (2) If the Mayor, the Board of Education or the Superintendent fail to act on their  
15 nominations in a timely manner, the power to make these nominations shall revert to the  
16 Board of Supervisors.

17 (3) The term of each member of the Council shall be for three years; provided,  
18 however, that the initial members shall, by lot, classify their terms so that nine members shall  
19 serve a two-year term, 10 members shall serve a three-year term, and 10 members shall  
20 serve a four-year term. On the expiration of these and successive terms, their successors  
21 shall be appointed for a three-year term in a manner similar to that described for the initial  
22 members; provided, however, that any member may be reappointed for one additional  
23 consecutive term.

24 (4) Where a member, prior to expiration of his or her term, ceases to retain the status  
25 which qualified him or her for appointment to the Council, the membership shall be terminated

1 and there shall be a vacancy on the Council. In the event a vacancy occurs during the term of  
2 office of any member, a successor shall be appointed to fill the vacancy for the remainder of  
3 the term, consistent with the process and requirements of the previous appointee.

4 (5) Any member who misses four meetings within a twelve-month period without the  
5 approval of the Council shall be deemed to have resigned from the Council.

6 (6) (( (5) )) The initial meeting of the Council shall be called within 30 days of the day  
7 the Board of Supervisors completes its initial appointments.


8 (7) (( (6) )) The members of the Council shall elect a Chair of the Council and shall  
9 promulgate such rules or regulations as are necessary for the conduct of its business under  
10 this Section.

11 (e) Compensation. With the exception of consumer members of the Council, ((The))  
12 members of the Council shall not be compensated, nor shall they be reimbursed for  
13 expenses. Upon approval by the Council, each consumer member may receive a stipend of  
14 no more than \$25 per meeting, not to exceed \$300 annually, from funds provided to the  
15 Council by the State of California.

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17  
18 APPROVED AS TO FORM:

19 LOUISE H. RENNE, City Attorney

20  
21  
22 By:

  
THOMAS J. OWEN  
Deputy City Attorney

23  
24  
25  
SUPERVISOR KAUFMAN  
BOARD OF SUPERVISORS



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Ordinance

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**File Number:** 000109

**Date Passed:**

Ordinance amending Administrative Code Section 5.200 to give the Child Care Planning and Advisory Council additional powers and duties in conformance with State law and to change the composition of the council in conformance with State law.

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February 7, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

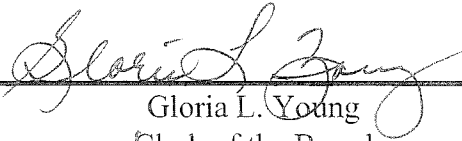
February 14, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Brown

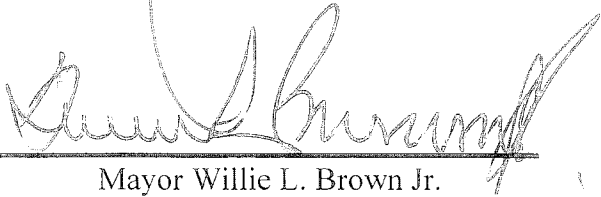
File No. 000109

I hereby certify that the foregoing Ordinance was FINALLY PASSED on February 14, 2000 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

FEB 25 2000

\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.