

File No. 091435

Committee Item No. 3
Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date February 18, 2010

Board of Supervisors Meeting

Date 3/2/10

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Budget Analyst Report |
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Completed by: Linda Wong
Completed by: L.W.

Date February 12, 2010
Date 2/19/10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

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1 [Child Care Planning and Advisory Council Membership.]
 2

3 **Ordinance amending San Francisco Administrative Code by amending section 5.200,**
 4 **to: (1) reduce the number of members of the Child Care Planning and Advisory Council**
 5 **("Council") from 30 to 25, and provide for the appointment of 12 members by the Board**
 6 **of Supervisors, 12 members by the Board of Education and the joint appointment of**
 7 **one member by the Board of Supervisors and Board of Education; (2) provide for the**
 8 **establishment of a Council Executive Committee; and (3) amend the attendance,**
 9 **qualification, membership term, and compensation provisions for Council members.**

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

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

14 Section 1. 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 for the City and County of San Francisco is
 19 hereby established. The Department of Children, Youth and Their Families shall provide
 20 administrative support for the Council, as specified in a Memorandum of Understanding
 21 between the Department and the Council. The Council shall consist of no more than 25 ~~30~~
 22 members. Pursuant to Education Code Section 8499.3, the Board of Supervisors shall
 23 appoint 12 ~~15~~ members, ~~and~~ the Board of Education, or County Superintendent of Schools, if
 24 the Board of Education delegates the appointment power to her or him, shall appoint 12 ~~15~~
 25 members and the Board of Supervisors and the Board of Education, or County Superintendent of

1 Schools, if the Board of Education delegates the appointment power to her or him, shall jointly appoint
2 one member. Thirteen (13) Sixteen (16) members shall constitute a quorum of the Council. The
3 affirmative vote of thirteen (13) sixteen (16) members shall be required for the approval of any
4 matter. The members shall be broadly representative of the ethnic, racial, gender, age and
5 sexual orientation diversity of the City and County. All members shall be residents of the City
6 and County, in accordance with Section 4.101 of the Charter. The residency requirement may be
7 waived upon a finding by the appointing authority that a resident of the City and County with specific
8 experience, skills or qualifications willing to serve could not be located within the City and County. In
9 making nominations and appointments, the nominating and appointing authorities shall select
10 persons from varying backgrounds who have demonstrated abilities, expertise, and
11 experience with child care.

12 (b) Executive Committee. Notwithstanding the provisions of subsection (a), the Council may
13 establish an Executive Committee of no fewer than 7 of its members to act on urgent matters between
14 regularly-scheduled meetings of the full Council. The Executive Committee must act by a majority vote
15 of its membership at a publicly-noticed meeting, and must promptly inform the full Council of any
16 action by the Executive Committee. The Executive Committee shall not take any action that conflicts
17 with the Council's policy principles or budget.

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

6 (2) To conduct an assessment of child care needs in San Francisco no less than once
7 every five years. The needs assessment shall comply with all guidelines issued by the State
8 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 at
14 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.

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

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

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

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

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

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

19 (9) To submit the results of the needs assessment and changes in local priorities
20 identified to the Board of Supervisors and the Superintendent of Schools for approval before
21 submitting them to the State Department of Education.

22 (10) To report ~~to the San Francisco Children and Families First Commission~~ the result of
23 the child care needs assessment, local priorities, the countywide child care plan, and any
24 revisions thereto, the review of any child care programs, and any other reports or information
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1 gathered regarding child care in San Francisco, to the Department of Children, Youth and Their
2 Families, San Francisco Children and Families Commission, Human Services Agency and the Board of
3 Education.

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

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

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

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

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

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

20 ~~(17) To support efforts of the Department of Children, Youth and Their Families to gather,~~
21 ~~consolidate and disseminate child care information;~~

22 ~~(17) (18)~~ To cooperate with, participate in, and make recommendations to other
23 City/County planning and advisory bodies that relate directly or indirectly to delivery of child
24
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1 care services, ~~including but not limited to the Collaborative Planning Committee for Children, Youth~~
2 ~~and Families;~~

3 ~~(18) (19)~~ To advise and support all City/County departments involved in child care
4 services, including but not limited to the Department of Children, Youth and Their Families, San
5 Francisco Children and Families Commission, Department of Human Services Agency, the
6 Department of Public Health, the Recreation and Park Department, the Redevelopment Agency,
7 Offices of the Mayor and the Library Department;

8 ~~(19) (20)~~ To provide guidance to all participants in the local child care system, in
9 cooperation with existing public agencies, including the school district, and private agencies
10 and institutions engaged in child care services.

11 ~~(e) (d)~~ **Membership and Organization.**

12 (1) The membership of the Child Care Planning and Advisory Council shall be
13 composed of 20% consumers, 20% child care providers, 20% public agency representatives;
14 20% community representatives; and 20% discretionary, as required by Education Code
15 Section 8499.3.

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

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

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

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

3 (2) Members shall be appointed as follows:

4 (A) The Board of Supervisors shall appoint 12 ~~11~~ members representing the following
5 categories, one each of whom is nominated by an individual member of the Board of
6 Supervisors, and a second being nominated by the President of the Board of Supervisors:

7 (i) Consumers: The list of qualified individuals for nomination and appointment may include
8 members of the following- Parents, guardians or caretakers with varied income levels who use child
9 care and/or early education services, including but not limited to clients of publicly subsidized
10 programs such as CalWORKS, and other child care programs funded through the San Francisco
11 Human Services Agency, the California Department of Education, Head Start or Preschool for All;

12 (ii) Child Care providers: The list of qualified individuals for nomination and appointment
13 must include a representative from Head Start and may include members of the following- Private and
14 subsidized child care providers including, but not limited to, from a private center, from a family day
15 care home, a Title 5 program, a school age program, from a Head Start center and from a Preschool
16 for All site;

17 (iii) Discretionary: The list of qualified individuals for nomination and appointment must
18 include a representative from one of the county's Resource and Referral Agencies and may include
19 members of the following- Representatives from the public at large and/or representatives from any of
20 the other categories, or outside of these categories at the discretion of the appointing agencies;

21 (iv) Community representatives The list of qualified individuals for nomination and
22 appointment may include members of the following- Parent advisory councils of public and private
23 child care programs; associations of child care providers, family child care providers and Head Start;
24 City College of San Francisco, San Francisco State University, public interest organizations including,

1 but not limited to, the Child Care Law Center, Low Income Investment Fund, community organizations,
2 members of labor organizations and local businesses that fall within the definition of "community
3 representative" as described in Subsection (d)(1) (B) and other community and public agency
4 representatives that deal with child care.

5 (v) Public Agency Representatives: The list of qualified individuals for nomination and
6 appointment must include representatives from two of the following agencies - the Department of
7 Children, Youth and their Families, Human Services Agency, San Francisco Children and Families
8 Commission, Community Care Licensing, Department of Public Health, Recreation and Parks
9 Department, Mayor's Office of Community Investment and San Francisco Housing Authority, or other
10 entities.

11 (B) The Board of Education, or County Superintendent of Schools, if the Board of Education
12 delegates the appointment power to her or him, shall nominate twelve (12) members of the Council
13 representing the following categories:

14 (i) Consumers: The list of qualified individuals for nomination and appointment may include
15 members of the following- The Parents, guardians or caretakers with varied income levels who
16 use child care and/or early education services [two members], including but not limited to clients
17 of publicly subsidized programs such as CalWORKS, and other child care programs funded through
18 the San Francisco Human Services Agency, the California Department of Education, Head Start or
19 Preschool for All;

20 (ii) Child Care providers: The list of qualified individuals for nomination and appointment
21 must include a representative from San Francisco Unified School District and may include members of
22 the following- Private and subsidized child care providers including, but not limited to, one from a
23 private center, one from a family day care home, a Title 5 program, a school age program, San
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1 Francisco Unified School District, and one from a Head Start center and from a Preschool for All
2 site[three members];

3 (iii) Discretionary: The list of qualified individuals for nomination and appointment must
4 include a representative from one of the county's Resource and Referral Agencies and may include
5 members of the following – representatives of the Public public at large and/or representatives from
6 any of the other categories, or outside of these categories at the discretion of the appointing agencies
7 [one members];

8 (iv) Community representatives: [five members] The list of qualified individuals for
9 nomination and appointment may include members of the following- Parent advisory councils of public
10 and private child care programs; associations of child care providers, family child care providers and
11 Head Start; City College of San Francisco, San Francisco State University, public interest
12 organizations including, but not limited to, the Child Care Law Center, Low Income Investment Fund
13 community organizations, members of labor organizations and local businesses that fall within the
14 definition of "community representative" as described in Subsection (d)(1) (B) and other community
15 and public agency representatives that deal with child care.

16 (v) Public Agency Representatives: The list of qualified individuals for nomination and
17 appointment must include representative from two of the following agencies - the Department of
18 Children, Youth and their Families, Human Services Agency, San Francisco Children and Families
19 Commission, Community Care Licensing, Department of Public Health, Recreation and Parks
20 Department, Mayor's Office of Community Investment and San Francisco Housing Authority, or other
21 entities.

22 (C) The Board of Supervisors and the Board of Education or the County Superintendent of
23 Schools, if the Board of Education delegates the appointment power to her or him, shall jointly appoint
24 one member representing any one of the categories listed above.

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

7 ~~(B) The Board of Supervisors shall permanently assign a seat on the council to the director or~~
8 ~~his/her designee from each of the following public agencies: the Department of Children, Youth and~~
9 ~~Their Families, the Department of Human Services, the Recreation and Park Department, and the~~
10 ~~Office of Community Development [four members];~~

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

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

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

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

23 ~~(D) Community representative: a member of an organized educators' group and an additional~~
24 ~~community representative [two members];~~

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

4 ~~The list of qualified individuals for appointment may include the following: participants in~~
5 ~~CalWORKs and Department of Human Services child care programs; representatives of the~~
6 ~~Department of Public Health; the local district office of Community Care Licensing, United Educators~~
7 ~~of San Francisco; City College; and San Francisco State University.~~

8 ~~(3) (4) The respective terms of office of the members of the Child Care Planning and Advisory Council~~
9 ~~who shall hold office on the eighth day of March, 2010, shall expire at noon on that date and the 25~~
10 ~~persons appointed as members of the Council pursuant to this ordinance shall succeed to those offices~~
11 ~~on the eighth day of March, 2010. In order to provide for staggered terms, the initial terms of those 25~~
12 ~~persons shall be designated by lot so that 6 members appointed by the Board of Supervisors shall serve~~
13 ~~a two-year term and 6 members shall serve a three-year term, and 6 members appointed by the Board~~
14 ~~of Education or the Superintendent of Schools shall serve a two-year term and 6 members shall serve a~~
15 ~~three-year term. The one member jointly appointed by the Board of Supervisors and the Board of~~
16 ~~Education or the Superintendent of Schools shall serve a three-year term. Thereafter, all terms shall be~~
17 ~~for three years.~~

18
19 ~~Members may serve for up to two consecutive terms, and may be re-appointed after one year off~~
20 ~~the Council. No terms served prior to March 8, 2010 shall be counted towards the term limit for~~
21 ~~Council members. A member appointed to serve a term of two years or less, including the initial term~~
22 ~~provided in the preceding paragraph, shall not be deemed to have served a full term for purposes of~~
23 ~~this term limit.~~

1 *The term of each member of the Council shall be for three years, beginning after an initial*
2 *phase of terms drawn by lot to create staggered expiration of terms. Upon adoption of this ordinance,*
3 *currently seated members will be grandfathered in as Council members. Initial terms shall, by lot, be*
4 *designated so that ten members shall serve a two year term, 10 members shall serve a three year term,*
5 *and 10 members shall serve a four year term. On the expiration of these initial terms, all terms shall be*
6 *for three years. Any member may be reappointed for one additional consecutive term. Any person*
7 *-serving a term of two years or less shall not be considered having completed one full term, and will*
8 *therefore remain eligible to serve two complete terms. Persons serving two complete terms will be*
9 *eligible to serve again after one year of non-service.*

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

16 (5) (6) Any member who misses four meetings within a twelve month period, without
17 the express approval of the Council, shall be deemed to have resigned from the Council.

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

20 (6) (8) The members of the Council shall elect a Chair of the Council and shall
21 promulgate such rules or regulations as are necessary for the conduct of its business under
22 this Section.


23 (f) (e) **Compensation.** Upon approval by the Council, each member who is not
24 otherwise compensated to attend meetings may receive a stipend of no more than \$50 ~~\$25~~ per
25

1 meeting, not to exceed ~~\$600~~ ~~\$300~~ annually, exclusively from funds provided to the Council by
2 the State of California.

3
4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA, City Attorney

6
7 By:


8 Terence J. Howzell
Deputy City Attorney

[Child Care Planning and Advisory Council Membership.]

LEGISLATIVE DIGEST

Ordinance amending San Francisco Administrative Code by amending section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council ("Council") from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council members.

Existing Law

The City has a Child Care Planning and Advisory Council to advise the Board of Supervisors, the Mayor, the San Francisco Children and Families Commission and, with their consent, the Board of Education and the Superintendent of Schools about child care issues. The Council serves as a representative advisory and planning body to maintain, expand and improve local child care services. The Council also provides links between government and the community, and works to maximize the amount and impact of local, State, federal and private resources and funding for child care in San Francisco.

Amendments to Current Law

The proposed amendments would reduce the number of members of the Council from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education and the joint appointment of one member by the Board of Supervisors and Board of Education. The proposed amendments would provide for the establishment of a Council Executive Committee of no fewer than 7 members that could act on urgent matters between regularly-scheduled meetings of the full Council.

The proposed amendments would require the express approval of the Council to excuse the attendance of a Council member. The proposed amendment would change the specified, representative categories from which Council members must or could be nominated and appointed.

The proposed amendments would provide that the respective terms of office for Council members that hold office on March 8, 2010, shall expire on that day and that persons appointed as members of the Council under the proposed amendments shall succeed to those offices on March 8, 2010. Council members appointed under the proposed amendments would serve staggered terms as specified and could serve up to 2 consecutive terms. The proposed amendments would increase the stipend that Council members may receive, who are not otherwise compensated to attend meetings, from no more than \$25 to no more than \$50 per meeting, not to exceed \$600 annually.