

1 [Amending the Appointment Process for the Child Care Planning and Advisory Council and
2 Establishing 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 (1) amend Section 5.200 to provide that half the membership is**
5 **appointed by the Board of Supervisors and half the membership is appointed by the Board of**
6 **Education, or County Superintendent of Schools, if the Board of Education delegates the**
7 **appointment power to her or him; (2) amend compensation provisions for Council members to**
8 **provide for compensation if a member is not otherwise compensated for attending committee**
9 **meetings; and (3) add Section 10.100-367 to Article XII of Chapter 10 of Part One of the San**
10 **Francisco Municipal Code (Administrative Code) establishing the Child Care Planning and**
11 **Advisory Council Account.**

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

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

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

1 Board of Supervisors shall appoint 15 members, and the Board of Education, or County Superintendent
2 of Schools, if the Board of Education delegates the appointment power to her or him, shall appoint 15
3 members. Sixteen (16) members shall constitute a quorum of the Council. The affirmative vote
4 of sixteen (16) members shall be required for the approval of any matter. The members shall
5 be broadly representative of the ethnic, racial, gender, age and sexual orientation diversity of
6 the City and County. All members shall be residents of the City and County, in accordance
7 with Section 4.101 of the Charter. In making nominations and appointments, the nominating
8 and appointing authorities shall select persons from varying backgrounds who have
9 demonstrated abilities, expertise, and experience with child care.

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

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

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

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

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

- 1 (B) The needs of families not eligible for subsidized child care.
- 2 (C) The waiting lists for programs funded by the State Department of Education and
3 the State Department of Social Services.
- 4 (D) The need for child care for children who have been abused or neglected or are
5 at risk of abuse or neglect.
- 6 (E) The number of children receiving public assistance.
- 7 (F) Family income among families with preschool or school age children.
- 8 (G) The number of children of migrant workers.
- 9 (H) The number of children with special needs.
- 10 (I) The number of children from all identifiable linguistic and cultural backgrounds.
- 11 (J) Special needs based on geographic considerations.
- 12 (K) The age of children needing services.
- 13 (L) Any other factors deemed appropriate by the Council.
- 14 (3) To document information gathered during the needs assessment, which shall
15 include, but need not be limited to, data on supply, demand, cost and market rates for each
16 category of child care in San Francisco.
- 17 (4) To. prepare a comprehensive countywide child care plan designed to mobilize
18 public and private resources to address identified needs and formulate priorities. The Council
19 shall enlist community participation in establishing priorities and shall hold at least one public
20 hearing prior to the development of, or any revisions to, the child care plan, during which
21 members of the public can comment on the proposed priorities and the plan.
- 22 (5) To conduct a periodic review of child care programs funded by the State
23 Department of Education and the State Department of Social Services to determine if
24 identified priorities are being met.
- 25

1 (6) To collaborate with subsidized and nonsubsidized child care providers, count
2 welfare departments, and human services agencies, job training programs, employers,
3 integrated child and family service councils, parent organizations, and other interested parties
4 to foster partnerships designed to meet local child care needs.

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

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

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

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

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

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

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

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

25

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

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

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

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

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

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

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

20 (1) The membership of the Child Care Planning and Advisory Council shall be
21 composed of 20% consumers, 20% child care providers, 20% public agency representatives;
22 20% community representatives; and 20% discretionary, as required by Education Code
23 Section 8499.3.

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

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

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

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

10 (2) Members shall be appointed as follows:

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

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

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

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

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

22 The list of qualified individuals for ~~nomination and~~ appointment may include members of
23 the following organizations: parent advisory councils of public and private child care
24 programs; associations of child care centers, family day care providers and Head Start; public
25 interest organizations including but not limited to the Child Care Law Center; community

1 organizations; the Bay Area Employer Work and Family Coalition; and members of labor
2 organizations and local businesses that fall within the definition of "community representative"
3 as described in Subsection (d)(1)(B).

4 (B) ~~The Mayor shall nominate seven members of the Council, representing the following~~
5 ~~categories:~~

6 (i) ~~Public agency representatives: One representative from each of the following local~~
7 ~~government offices~~The Board of Supervisors shall permanently assign a seat on the council to the
8 director or his/her designee from each of the following public agencies: the Department of Children,
9 Youth and Their Families ("DCYF"), the Department of Human Services, the Recreation and
10 Park Department ,and ~~the Office of Community Development~~and the Housing Authority [four
11 members ~~five nominations~~];

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

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

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

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

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

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

1 (B) Child care providers: one member representing the Children’s Centers operated by the
2 San Francisco Unified School District; one member from each of the two local child care resource and
3 referral agencies, Wu Yee Children’s Services and Children’s Council of San Francisco [three
4 members];

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

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

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

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

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

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

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

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

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

23 The list of qualified individuals for ~~nomination and~~ appointment may include the
24 following: participants in CalWORKs and Department of Human Services child care
25 programs; representatives of the Department of Public Health, the local district office of

1 Community Care Licensing, United Educators of San Francisco, City College and San
2 Francisco State University.

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

5 ~~(i) — Child care provider: The Children's Centers run by the San Francisco Unified School~~
6 ~~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 of~~
10 ~~the two local resource and referral agencies, Wu Yee Children's Services and Children's Council of~~
11 ~~San Francisco, for a total of two nominations].~~

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

15 ~~(4)(3)~~ The term of each member of the Council shall be for three years, beginning after
16 an initial phase of terms drawn by lot to create staggered expiration of terms. Upon adoption of this
17 ordinance, currently seated members will be grandfathered in as Council members. ; provided,
18 however, that the i[n]itial membersterms shall, by lot, elassify their termsbe designated so that ~~nineteen~~
19 members shall serve a two-year term, 10 members shall serve a three-year term, and 10
20 members shall serve a four-year term. On the expiration of these ~~and successive initial~~ terms,
21 their successorsall terms shall be appointed for a three- year s.term in a manner similar to that
22 described for the initial members; provided, however, that a Any member may be reappointed for
23 one additional consecutive term. Any person serving a term of two years or less shall not be
24 considered having completed one full term, and will therefore remain eligible to serve two complete
25 terms. Persons serving two complete terms will be eligible to serve again after one year of non-service.

1 ~~(5)~~(4) Where a member, prior to expiration of his or her term, ceases to retain the
2 status which qualified him or her for appointment to the Council, the membership shall be
3 terminated and there shall be a vacancy on the Council. In the event a vacancy occurs during
4 the term of office of any member, a successor shall be appointed to fill the vacancy for the
5 remainder of the term, consistent with the process and requirements of the previous
6 appointee.

7 ~~(6)~~(5) Any member who misses four meetings within a twelve month period, without
8 the approval of the Council, shall be deemed to have resigned from the Council.

9 ~~(7)~~(6) The initial meeting of the Council shall be called within 30 days of the day the
10 Board of Supervisors completes its initial appointments.

11 ~~(8)~~(7) The members of the Council shall elect a Chair of the Council and shall
12 promulgate such rules or regulations as are necessary for the conduct of its business under
13 this Section.

14 (e) **Compensation.** ~~With the exception of consumer members of the Council, members of~~
15 ~~the Council shall not be compensated, nor shall they be reimbursed for expenses.~~ Upon approval by
16 the Council, each ~~consumer~~ member who is not otherwise compensated to attend meetings may
17 receive a stipend of no more than \$25 per meeting, not to exceed ~~\$600~~ \$300 annually, from
18 funds provided to the Council by the State of California.

19 Section 2. The San Francisco Administrative Code is hereby amended by adding
20 Section 10.100-367, to read as follows:

21 SEC. 10.100-367. Child Care Planning and Advisory Account.

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

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

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

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

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15 APPROVED AS TO FORM:
16 LOUISE H. RENNE, City Attorney

17 By: _____
18 JOHN I. KENNEDY
19 Deputy City Attorney
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