

File No. 220808

Committee Item No. 2

Board Item No. 11

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 25, 2022

Board of Supervisors Meeting

Date Sept. 6, 2022

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
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Completed by: Victor Young Date July 21, 2022

Completed by: _____ Date _____

BOARD of SUPERVISORS



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MEMORANDUM

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair
Rules Committee

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: July 25, 2022

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 26, 2022

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, July 26, 2022. This item was acted upon at the Rules Committee Meeting on Monday, July 25, 2022, at 10:00 a.m., by the votes indicated.

Item No. 54 File No. 220808

[Administrative, Campaign and Governmental Conduct Codes - Early Childhood Department and Advisory Committee]

Ordinance amending the Administrative and Campaign and Governmental Conduct Codes to establish a Department of Early Childhood as successor to the Office of Early Care and Education and First Five San Francisco; establish an Early Childhood Community Oversight and Advisory Committee as successor to the Office of Early Care and Education Citizens' Advisory Committee; and update the responsibilities of the Children and Families First Commission.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Connie Chan - Aye
Supervisor Rafael Mandelman - Aye
Supervisor Aaron Peskin - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Anne Pearson, Deputy City Attorney

[Administrative, Campaign and Governmental Conduct Codes - Early Childhood Department and Advisory Committee]

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

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

Section 1. The Administrative Code is hereby amended by revising Article XXIII of Chapter 2A, and Section 2A.310, to read as follows:

ARTICLE XXIII:

DEPARTMENT OF EARLY CHILDHOOD~~OFFICE OF EARLY CARE AND EDUCATION~~

SEC. 2A.310. DEPARTMENT OF EARLY CHILDHOOD~~OFFICE OF EARLY CARE AND EDUCATION~~.

(a) ~~Office of Early Care and Education~~Department of Early Childhood; Director. There is hereby established a Department of Early Childhood (the "Department"). The Mayor shall appoint a Director who shall serve as the Department head ~~for the Office of Early Care and Education ("OECE")~~ and appointing officer for the Department~~OECE~~. The Mayor may consider, but is not

1 required to accept, recommendations from the Children and Families First Commission (the “First
2 Five Commission”) and the Early Childhood Community Oversight and Advisory Committee (“EC
3 COAC”) for the position of Director. The Director shall serve at the pleasure of the Mayor. The
4 Department~~OECE~~ shall include such officers and employees as are authorized pursuant to the
5 budgetary and fiscal provisions of the Charter.

6 (b) Duties and Functions.

7 (1) The Department~~OECE~~ shall be responsible for aligning and coordinating the
8 City’s efforts to provide early care and education for children ages zero to five in San Francisco
9 and for promoting and supporting the development of early child supports and comprehensive
10 programs, policies, and strategies to enhance services for children ages zero to five in San Francisco,
11 including programs and funding streams from the Department of Children, Youth, and Their
12 Families, the ~~Children and Families Commission~~ (First Five Commission), and the Human
13 Services Agency to serve young children and their families.

14 (2) The Department shall improve and deliver access for children ages zero to five and
15 their families to fulfill a unified vision and to meet goals, including, by way of example but not
16 limitation:

17 (A) ~~The OECE shall work to improve access for all of San Francisco’s young~~
18 ~~children to~~ Establishing a universal system for high-quality early care and education,
19 strengthening the early care and education workforce, and building early care and education
20 system capacity.

21 (B) Establishing systems that serve children ages zero to five through programs
22 and services that help their families in providing support for them, creating stability and evidence-
23 based models for family success.

24 (C) Developing new policy partnerships that extend the reach, access, and
25 impact of early childhood care and education programs and services to a broader and more diverse

1 sector of families, with a particular focus on improving racial equity and outreach to Black,
2 Indigenous, and People of Color (BIPOC) children and their families.

3 (D) Ensuring that access to services and the implementation of policies achieves
4 measurable success in the outcomes for all families.

5 (E) Complementing ongoing and future efforts on a statewide level that expand
6 universal early care and education programs for children ages zero to five including community-based
7 programs, preschool, and transitional kindergarten programs and supporting children for kindergarten
8 readiness.

9 (F) Developing processes for ensuring broad community and stakeholder
10 engagement in the planning, implementation, and evaluation of services related to early childhood care
11 and education.

12 (G) Considering and responding to the input, needs, and concerns of parents
13 and caregivers of children ages zero to five by establishing easy-to-use, culturally-appropriate forums
14 and tools for these stakeholders to influence policies and practices that are accessible in the languages
15 of the stakeholders; and building connections with existing accessible organizations or forums.

16 (3) The ~~Department~~OECE shall develop and maintain a strategic plan and
17 proposal ("Department Strategic Plan"), to be submitted to the Board of Supervisors no later
18 than January 1, ~~2016~~2024, and every five years thereafter, that addresses the expansion of
19 quality universal early education in San Francisco. The Department shall also update the
20 Department Strategic Plan, initially by January 1, 2024 and on an annual basis thereafter and such
21 update shall include recommendations from the First Five Commission and the EC COAC as described
22 in this subsection (b)(3) and the elements described in subsections (b)(3)(A) through (D). The
23 Department may prepare the Department Strategic Plan in conjunction with the preparation of the
24 County Strategic Plan required by Section 86.4 of the Administrative Code. Before initiating the
25 annual update to the Department Strategic Plan, the Department shall consult with the First Five

1 Commission and the EC COAC on the scope, metrics, and outreach for the plan and the joint process
2 shall involve the First Five Commission and the EC COAC. The Department Strategic Plan and
3 proposal shall:

4 (A) Include goals for early care and education programs that align with
5 emerging developments in state or federal early care and education policy, and address
6 professional development needs of center-based, family child care providers and to the extent
7 resources allow, license-exempt care providers;

8 (B) Address neighborhood-specific needs, including school readiness,
9 subsidy availability, children's dual language development, facility development parent
10 engagement and education, inclusion of children with special needs, and provider support for
11 both family child care homes and early care and education centers; ~~and~~

12 (C) Include a set of equity metrics to be used to compare existing early
13 care and education services and resources in low-income and disadvantaged communities
14 with early care and education services and resources available in the City as a whole; ~~and~~

15 (D) As part of the combined development of the Department and County
16 Strategic Plans and to meet the minimum requirements of the County Strategic Plan, include an
17 assessment and analysis of the unmet funding needs for family support services for those caring for
18 children ages zero to five and how the Department plans to expand and leverage funding; and
19 coordinate with other relevant City departments, including, by way of example but not limitation, the
20 Department of Children, Youth, and Their Families and Human Services Agency, to meet those unmet
21 funding needs.

22 (4) The ~~Department's OECE's~~ Director or designee shall attend meetings of the
23 ~~Office of Early Childhood Community Oversight and Care and Education Citizens'~~ Advisory
24 Committee (~~"OECE-CAC"~~), established by Chapter 5, Article XIII of the Administrative Code,
25 and the ~~Department OECE~~ shall provide staffing to ~~EC COAC OECE-CAC~~, including providing the

1 EC COAC~~OECE~~ CAC with the information it requests. The Department shall provide its proposed
2 budget and accompanying documents to the EC COAC and the First Five Commission no later than
3 two weeks prior to the public hearing required by Section 5.13-5(e) of Article XIII of Chapter 5 of the
4 Administrative Code.

5 (5) The Department shall prepare an annual report on the Early Care and Education
6 for All Initiative, as required in Section 20.17-3 of Article XVII of Chapter 20 of the Administrative
7 Code. ~~The Human Services Agency shall provide administrative support for the OECE.~~

8 (6) The Department~~OECE~~ shall have such other duties and functions as are
9 assigned by the Charter, an ordinance, or the Mayor.

10 (c) Funding. The Department may be funded by appropriations from the Babies and Families
11 First Fund established in Section 10.100-36 of the Administrative Code and including implementation
12 of Section 2112(d)(2) of the Business and Tax Regulations Code, disbursements from the Public
13 Education Enrichment Fund made pursuant to Section 16.123-4 of the Charter for preschool and early
14 education programs, appropriations from the San Francisco Children and Families Trust Fund in
15 Section 10.100-287 of the Administrative Code, and such other appropriations as the Board of
16 Supervisors may direct by ordinance. The Department shall report the amount and percentage of its
17 administrative costs that are funded by monies from the Babies and Families First Fund, the Public
18 Education Enrichment Fund, and the Children and Families Trust Fund, respectively, as part of the
19 Department's proposed budget and accompanying documents to the EC COAC and the First Five
20 Commission prior to the public hearing required by Section 5.13-5(e) of the Administrative Code.

21 (d) Transfer of Functions. All City and County of San Francisco programs, employees and
22 other personnel assigned to the Children and Families First Department (also referred to in the City
23 Charter and the Municipal Code as "First 5 San Francisco") and the Office of Early Care and
24 Education shall be transferred to the Department. The Director of the Office of Early Care and
25 Education shall be the interim Director of the Department until the Mayor appoints a Director. The

1 transfer of programs, staff, and assets shall be effective as of the effective date of Ordinance No. _____,
2 establishing the Department of Early Childhood.

3
4
5 Section 2. Chapter 86 of the Administrative Code is hereby amended by revising
6 Sections 86.1 through 86.4, to read as follows:

7 **SEC. 86.1. ESTABLISHMENT OF THE SAN FRANCISCO CHILDREN AND**
8 **FAMILIES FIRST COMMISSION.**

9 (a) Establishment. The San Francisco Children and Families First Commission (the
10 “Commission”) is hereby established. ~~The Commission and designated as the county commission~~
11 ~~for purposes of California Health & Safety Code Sections 130100 et seq., as it may be amended from~~
12 ~~time to time, shall manage the San Francisco Children and Families First Department.~~ The
13 Department of Early Childhood (the “Department”) ~~of Children, Youth and Their Families~~ shall
14 provide office space, administrative support, and other services for the Commission ~~and the~~
15 ~~Children and Families First Department, as specified in a Memorandum of Understanding between the~~
16 ~~Department of Children, Youth and Their Families and the Commission.~~ The Commission shall
17 consist of nine members.

18 (b) Purpose. The Commission ~~and Children and Families First Department are~~ is
19 established to promote, support, and improve the early development of children from the
20 prenatal stage to five years of age and to carry out the provisions of the California Children
21 and Families First Act of 1998 (the “Act”), including by way of example but not limitation, support
22 for families through parenting education and child health and wellness programs.

23
24 **SEC. 86.2. POWERS AND DUTIES OF THE SAN FRANCISCO CHILDREN AND**
25 **FAMILIES FIRST COMMISSION.**

1 The Ceommission shall have the following powers and duties:

2 (a) ~~By May 1, 2000, t~~The Commission shall adopt an adequate and complete San
3 Francisco Strategic Plan (the “County Strategic Plan”), as described in Section 86.4 below, for
4 the support and improvement of early childhood development, including family support related to
5 caring for children ages zero to five, within the City and County of San Francisco. Prior to
6 adopting the County Strategic Plan, the Commission shall hold no less than one public hearing
7 on the proposed County Strategic Plan.

8 (b) On at least an annual basis, the Commission shall review its County Strategic Plan
9 and revise the Plan as may be necessary or appropriate. The Commission shall hold no less
10 than one public hearing on its periodic review of the County Strategic Plan before any
11 revisions to the Plan are adopted.

12 (c) The Commission shall submit its adopted County Strategic Plan, and any
13 subsequent revisions thereto, to the State Children and Families First Commission (the “State
14 Commission”).

15 (d) On or before October 15~~th~~ of each year, the Commission shall conduct and prepare
16 ~~and adopt~~ an audit of and issue a written report on the implementation and performance of its
17 functions during the preceding fiscal year.

18 (1) At a minimum, the audit and report shall include the manner in which the
19 funds were expended, the progress toward and the achievement of program goals and
20 objectives, and the measurement of specific outcomes through appropriate reliable indicators.

21 (2) On or before November 1 of each year, tThe Commission shall transmit the
22 audit and report to the State ~~Children and Families First~~ Commission ~~annually~~.

23 (3) The Commission shall conduct no less than one public hearing prior to
24 adopting any annual audit and report.

1 (e) The Commission shall conduct no less than one public hearing on each annual
2 report by the State Commission prepared pursuant to California Health and Safety Code
3 Section 130150(b).

4 (f) The Commission shall establish no less than one advisory committee to provide
5 technical and professional expertise and support for any purposes that will be beneficial in
6 accomplishing the purposes of the ~~Act~~ Act. Each advisory committee shall meet and shall make
7 recommendations and reports as deemed necessary or appropriate. ~~One advisory committee~~
8 ~~shall be comprised of members nominated by the Starting Points Initiative Early Childhood~~
9 ~~Interagency Council.~~

10 (g) The Commission shall expend the funds in the San Francisco Children and
11 Families First Trust Fund, only for the purposes authorized by the Act and this
12 ~~Chapter 86 Ordinance~~ and in accordance with the ~~San Francisco~~ County Strategic Plan approved
13 by the Commission. The Commission shall not expend funds that are not authorized by the Act,
14 including but not limited to the Babies and Families First Fund established in Section 10.100-36 of the
15 Administrative Code and grant funds directed to the Department and general fund appropriations, but
16 may make recommendations to the Department regarding spending from other funding sources. The
17 Commission shall hold at least one joint public hearing annually with the Early Childhood Community
18 Oversight and Advisory Committee (the "EC COAC"), established by Article XIII of Chapter 5 of the
19 Administrative Code, to review and make recommendations regarding the Department's budget no
20 later than February 14 of each year.

21 (h) The Commission shall hold at least one joint public hearing annually with the EC COAC
22 to review, and provide input to, the Department's annual report evaluating the effectiveness of the
23 Early Care and Education for All Initiative, required by Section 20.17-3 of the Administrative Code.
24 Following the joint public hearing, and before the Department submits the report to the Board of
25 Supervisors, the Commission and the EC COAC shall each transmit recommendations regarding the

1 report to the Department. The Department's final report shall include a summary of the
2 recommendations received and describe the ways in which the Department has addressed the
3 recommendations. ~~The commission shall be empowered to enter into such contracts as necessary or~~
4 ~~appropriate to carry out the provisions and purposes of the Act.~~

5 (i) The Commission ~~shall~~may recommend candidates for Director of the Department to the
6 Mayor and may hold a joint public meeting with the EC COAC to recommend such candidates to the
7 Mayor. ~~appoint and may remove at its pleasure an Executive Director. The Executive Director shall be~~
8 ~~responsible for managing the Children and Families First Department. The Executive Director is~~
9 ~~authorized to hire additional staff subject to budget constraints and the approval of the Commission.~~

10 (j) The Commission may review national, state, and local legislation that may affect
11 young children and their families and

12 (1) Make recommendations to the Mayor and the Board of Supervisors
13 regarding the proposed legislation; and

14 (2) Consistent with Charter Section 3.100, ~~C~~ommunicate the Commission's
15 position regarding the proposed legislation to the appropriate legislative bodies, as long as the
16 Commission's position on state and federal legislation does not conflict with any official
17 position taken by the City and County ~~and the communication is coordinated with the Office of the~~
18 Mayor.

19 (k) The Commission shall coordinate with the EC COAC to develop joint policy
20 recommendations with the EC COAC regarding the Department's coordination of services, policies,
21 and planning strategies for early childhood care and education and family support for children ages
22 zero to five to include:

23 (1) Addressing the continuous quality improvement of programs and capacity-building
24 of providers.

1 (2) Developing recommendations for equitable, inclusive, culturally and linguistically
2 appropriate services and innovations responsive to emerging early childhood needs.

3 (3) Developing recommendations for processes to ensure data and data systems are
4 used for greater accountability of program outcomes, enhance learning internally, across investments,
5 and across service sectors, and address persistent racial, diversity, equity, and inclusion gaps.

6 (4) Promoting public interest and awareness around issues facing young children and
7 their families.

8 (5) Developing processes and structures that support organizations, communities, and
9 public agencies to work together to advance the well-being of young children and their families.

10 (l) The Commission shall meet at least four times each calendar year.

11
12 **SEC. 86.3. MEMBERSHIP AND ORGANIZATION OF THE SAN FRANCISCO**
13 **CHILDREN AND FAMILIES FIRST COMMISSION.**

14 (a) The members of the Commission are as follows. Seats 3 and 5 through 9 shall be
15 appointed by the Board of Supervisors ~~as follows~~:

16 (1) Seat 1 ~~One member~~ shall be the Director of Public Health or ~~his or her~~ the
17 Director's designee.

18 (2) Seat 2 ~~One member~~ shall be the Executive Director ~~General Manager~~ of the
19 ~~Department of~~ Human Services Agency or ~~his or her~~ the Executive Director's designee.

20 (3) Seat 3 ~~One member~~ shall be a member of the Board of Supervisors.

21 (4) Seat 4 ~~One member~~ shall be the Department Head of the Department ~~Director~~
22 ~~of the Mayor's Office~~ of Children, Youth and Their Families or ~~his or her~~ the Department Head's
23 designee.

(5) Seat 5 shall be nominated by the Mayor (and approved by the Board of Supervisors) as a representative director or supervisor of a Mayoral office or other City program for prevention or early intervention for families at risk.

(6) Seat 6 shall be a member of the Child Care Planning and Advisory Council, established in Article XX of Chapter 5 of the Administrative Code.

(7) Seat 7 shall be a provider of family support services as described in the San Francisco County Strategic Plan established by Section 86.4 below.

(8) Seats 8 and 9~~Five additional members~~ shall be appointed from among the following categories: ~~persons responsible for management of the following County functions: children services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services;~~ recipients of project services included in the ~~County Strategic Plan~~; educators specializing in early childhood development; representatives of a local child care resource or referral agency, ~~the Child Care Planning and Advisory Council or another~~ a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies. To the extent feasible, members shall be selected from existing committees, councils, or coalitions promoting early childhood development and support of their families in order to facilitate planning and coordination of services.

(b) The Commission shall convene by March 1, 1999.

(c) ~~All appointed m~~Members of the Commission, ~~that is, those~~ appointed ~~pursuant to Subsection (a)(5) above,~~ to Seats 3 and 5 through 9 shall serve at the pleasure of the Board of Supervisors. The term of each ~~e~~Commission member appointed ~~pursuant to~~ Seats 3 and 5

1 through 9 Subsection (a)(5) shall be for four years; provided, however, that the members first
2 appointed shall, by lot, classify their terms so that two members shall serve a three-year term,
3 and three members shall serve a four-year term. On the expiration of these terms, their
4 successors shall be appointed for a four-year term. In the event a vacancy occurs during the
5 term of office of any appointed member, a successor shall be appointed for the unexpired
6 term of the office vacated in a manner similar to that for the initial member. After serving the
7 unexpired term of a predecessor, the successor may be appointed for a full four-year term. Members in
8 Seats 5 through 9 may serve no more than two consecutive terms on the Commission. For the purposes
9 of these term limits, serving more than half of a term shall count as serving a full term on the
10 Commission. Any member in Seats 3 and 5 through 9 who fails to attend at least half of the
11 meetings held in a calendar year shall be deemed to have resigned from the Commission.

12 (d) A majority of the members of the Commission shall constitute a quorum.

13 (e) The Commission shall establish any additional rules and regulations for its own
14 organization and procedure consistent with State and local law.

15 (f) No member of the Commission shall be compensated for ~~his or her~~ their services,
16 except members may be paid reasonable per diem and reimbursement of reasonable
17 expenses for attending meetings and discharging other official responsibilities as authorized
18 by the Commission. In addition, members serving in Seats 1 through 5 may receive their full
19 compensation as City employees, since their work for the Commission shall be considered part of their
20 responsibilities in their capacity as City employees.

21 (g) Continuing Membership on Children and Families First Commission. The members of the
22 previously established Commission seated as of the effective date of Ordinance No. _____ shall by
23 operation of law remain members of the Commission. Their terms of office and term limits shall not
24 incorporate their previous service on the Commission. The terms of office for members of the
25 previously established Commission, as well as Seat 5, shall begin on the effective date of Ordinance

No. _____. Seat 5 shall be vacant until a new appointment is made in accordance with subsection (a) of this Section 86.3. The terms of office for members in Seats 6, 7, 8, and 9 with previous service on the Commission shall be limited to a one-year term. At the conclusion of the transitory one-year term for members in Seats 6, 7, 8, and 9, new appointments to the Commission shall be made in accordance with subsection (a) of this Section 86.3.

(h) The Department shall provide administrative support to the Commission.

SEC. 86.4. ESTABLISHMENT OF A SAN FRANCISCO COUNTY STRATEGIC PLAN.

(a) The ~~San Francisco~~ Commission shall establish the a San Francisco County Strategic Plan for the support and improvement of early childhood development, including support for their families in caring for children ages zero to five, within the City and County of San Francisco. The County Strategic Plan shall be consistent with and in furtherance of the purposes of the Act and any guidelines adopted by the State Commission that are in effect at the time the County Strategic Plan is adopted or subsequently revised. The Department may prepare the County Strategic Plan in conjunction with its preparation of the Department Strategic Plan required by Section 2A.310 of the Administrative Code.

(b) The County Strategic Plan shall include, at a minimum:

- (1) A description of the goals and objectives proposed to be attained;
- (2) A description of the programs, services, and projects proposed to be provided, sponsored, or facilitated;
- (3) A description of how measurable outcomes of such programs, services, and projects will be determined by the Commission using appropriate reliable indicators; and

1 (4) A description of how programs, services, and projects relating to early
2 childhood development and support for families with children ages zero to five within the county
3 will be integrated into a consumer-oriented and easily accessible system.

4 ~~(c) Prior to adopting the Strategic Plan, and in each subsequent review of the Strategic Plan,~~
5 ~~the Children and Families First Commission shall review and consider:~~

6 ~~——— (1) The current Children's Services Plan prepared by the Mayor;~~

7 ~~——— (2) The most current comprehensive countywide child care plan, and any other reports,~~
8 ~~issued by the Child Care Planning and Advisory Council, or any other local child care planning~~
9 ~~council established pursuant to State law;~~

10 ~~——— (3) Any current reports relating to early childhood development, parental education~~
11 ~~and/or family support services;~~

12 ~~——— (A) Issued by the San Francisco Department of Public Health or Health~~
13 ~~Commission,~~

14 ~~——— (B) Issued by the San Francisco Department of Human Services or Human~~
15 ~~Services Commission,~~

16 ~~——— (C) Issued by the Citywide Alcoholism Advisory Board,~~

17 ~~——— (D) Issued by the Maternal and Adolescent Health Board,~~

18 ~~——— (E) Issued by the Drug Abuse Advisory Board,~~

19 ~~——— (F) Issued by the Mental Health Board,~~

20 ~~——— (G) Issued by the San Francisco Unified School District, and~~

21 ~~——— (H) Issued by the Starting Points Initiative and/or its Early Childhood~~
22 ~~Interagency Council,~~

23 ~~——— (I) Issued by any other federal, State or locally funded agencies in the City and~~
24 ~~County of San Francisco.~~

Section 3. The Administrative Code is hereby amended by revising Article XIII of Chapter 5, including Sections 5.120 through 5.124, renumbering those sections as Sections 5.13-1, 5.13-2, 5.13-3, 5.13-4, and 5.13-5, respectively, and adding Section 5.13-6, to read as follows:

**ARTICLE XIII: ~~OFFICE OF EARLY~~ CHILDHOOD CARE AND EDUCATION CITIZENS'
COMMUNITY OVERSIGHT AND ADVISORY COMMITTEE**

SEC. 5.13-1~~20~~. CREATION OF ADVISORY COMMITTEE.

The Board of Supervisors hereby establishes an ~~Office of Early Childhood Care and Education Citizens' Community Oversight and~~ Advisory Committee ("~~OECE CACEC COAC~~"). The previously established Office of Early Care and Education Citizens' Advisory Committee is hereby abolished.

SEC. 5.13-2~~21~~. PURPOSE.

The ~~OECE COAC~~ shall make recommendations to the ~~Office of Early Care and Education~~ Department of Early Childhood (the "Department OECE"), established by Chapter 2A, Article XXIII of the Administrative Code, regarding the ~~Department OECE's~~ mission of providing early care and education for children ages zero to five in San Francisco and other City departments involved in early care and education initiatives. The ~~OECE COAC~~ shall also advise the ~~Department OECE~~ on developing ~~a the Department Strategic Plan and a proposal~~ for expanding high-quality early care and education in San Francisco, as described in Section 2A.310 of the Administrative Code, and offer expertise in the areas of policy, planning, collaboration, and strategic partnerships. In collaboration with the Children and Families Commission (the "First Five Commission"), the EC COAC shall provide input and recommendations to the Department regarding overall strategies, policies, and procedures for the Department. The EC COAC shall

1 provide analysis, guide design engagement processes, and make recommendations to the Department,
2 the Mayor, and the Board of Supervisors regarding use of funds for the Early Care and Education for
3 All Initiative, described in Section 20.17-1 of Article XVII of Chapter 20 of the Administrative Code,
4 and the Babies and Families First Fund, described in Section 10.100-36 of Article XIII of Chapter 10 of
5 the Administrative Code.

6
7 **SEC. 5.13-3122. MEMBERSHIP AND ORGANIZATION.**

8 (a) The ~~OECE~~ COAC shall consist of nine members. ~~No later than April 1, 2015, the~~
9 Mayor shall ~~nominate~~appoint five members to hold Seats 1 through 5, and the Board of
10 Supervisors shall appoint four members to hold Seats 6 through 9. Each appointment
11 ~~nomination~~ by the Mayor shall be effective immediately, ~~unless~~ but may be rejected by a two-
12 thirds vote of the Board of Supervisors within 30 days following transmittal of the Mayor's
13 Notice of Appointment to the Clerk of the Board of Supervisors.

14 (b) Members of the ~~OECE~~ COAC shall have the following qualifications:

15 (1) Seat 1: must be a parent or guardian of a child who is enrolled in a facility
16 that provides early care and education services, which includes child care, early care,
17 preschool, infant and toddlers care;

18 (2) Seat 2: must be a representative of the San Francisco Unified School
19 District's Early Education Division, or any successor to that division, recommended by the
20 Superintendent of Schools to the Mayor. If the Superintendent of Schools fails to make a
21 recommendation within 90 days of a vacancy~~by April 1, 2015~~, the Mayor may ~~nominate~~appoint a
22 person to hold this seat;

23 (3) Seat 3: must be an early care and education provider that serves infants
24 and toddlers ages zero to three;

(4) Seat 4: must be a family support provider, a provider or educator who works with children with special needs, a community member with expertise in early education, a member of the mental health community specializing in early care, a member of a philanthropic organization, which has an emphasis on early care and education issues, or a member of the business community with an interest in early care and education issues;

(5) Seat 5: must be a representative of an institution of higher education that specializes in early care and education;

(6) Seat 6: must be a family child care provider;

(7) Seat 7: must be a provider of early care and education at a community-based childcare center in San Francisco, but this member cannot be a San Francisco Unified School District provider;

(8) Seat 8: must be a family support provider, a provider or educator who works with children with special needs, a community member with expertise in early education, a member of the mental health community specializing in early care, a member of a philanthropic organization, which has an emphasis on early care and education issues, or a member of the business community with an interest in early care and education issues; and

(9) Seat 9: must be a representative of the Child ~~C~~are Planning and Advisory Council ("CCPAC") established by Article XX of Chapter 5 of the Administrative Code, recommended to the Board of Supervisors by the CCPAC ~~Childcare Planning and Advisory Council~~.

(c) Each ~~nominating~~ appointing authority may remove any of its ~~nominees~~ appointees at any time with or without cause.

(d) If a vacancy occurs in any seat on the committee, the ~~nominating~~ appointing authority for the vacated seat shall ~~nominate~~ appoint a successor. For Seat 2, the ~~OECE~~ COAC shall notify the San Francisco Unified School District of any such vacancies and, if the San

1 Francisco Unified School District has not made a recommendation within 90 days of the
2 notice, the Mayor shall ~~nominate~~appoint a successor.

3 (e) To the extent required by law, members of the ~~OECE~~ COAC shall be subject to
4 state and local conflict of interest laws, including the California Political Reform Act (Cal. Gov.
5 Code §§ 87100 et seq.) and California Government Code section 1090.

6 (f) Subcommittees. The EC COAC may establish subcommittees to be convened as directed by
7 the EC COAC. The EC COAC's Chair or the Chair's designee shall appoint members to the
8 subcommittees. Subcommittees shall report findings and make recommendations to the full EC COAC
9 for its consideration.

10 (g) Advisory bodies. The EC COAC may appoint advisory bodies to advise it in the exercise of
11 its duties, including but not limited to advisory bodies to make joint recommendations to the Mayor for
12 appointment as Director of the Department and representing the perspectives of parents and
13 guardians. Advisory bodies created by the EC COAC may include, in whole or part, individuals who
14 are not members of the EC COAC, as well as members of the First Five Commission or CCPAC.

16 **SEC. 5.13-4123. TERMS OF OFFICE AND MEETINGS.**

17 (a) Terms of Office. Members of the ~~OECE~~ COAC shall serve for two years, except
18 that the members initially appointed to Seats 1, 3, 5, 7, and 9 shall serve for three years;
19 thereafter, the members holding these seats shall serve for two years. ~~The terms of the initial~~
20 ~~appointees shall commence on May 1, 2015.~~

21 (b) Term Limits. No member may serve more than two consecutive terms on the
22 ~~OECE~~ COAC. For the purpose of these term limits, serving more than half of a term shall
23 count as serving a full term on the committee.

24 (c) Transition from Previous Citizens' Advisory Committee. Members of the previously
25 established Office of Early Care and Education Citizens' Advisory Committee seated as of the effective

1 date of Ordinance No. _____ shall by operation of law become the initial members of the EC COAC.
2 Their terms of office and term limits shall incorporate their service on the Office of Early Care and
3 Education Citizens' Advisory Committee, with the effect that their terms of office and term limits will be
4 identical to what they would have been if the Office of Early Care and Education Citizens' Advisory
5 Committee had not been abolished. Similarly, their service on the Office of Early Care and Education
6 Citizens' Advisory Committee shall be considered in calculating compliance with the meeting
7 attendance requirement in subsection (d)(1), below. With reference to subsection (d)(2), the bylaws of
8 the Office of Early Care and Education Citizens' Advisory Committee shall apply to the EC COAC
9 until changed by the EC COAC, and the Chair and Vice-Chair of the Office of Early Care and
10 Education Citizens' Advisory Committee shall remain in those positions with the EC COAC until
11 changes are made by the EC COAC in accordance with the bylaws adopted by the EC COAC.

12 (e) Meetings.

13 (1) The ~~OECE~~ COAC shall meet at least four times each calendar year. ~~The~~
14 ~~OECE CAC shall convene its first meeting by May 1, 2015.~~ Any member of the ~~OECE~~ COAC who
15 fails to attend at least half of the meetings held in a calendar year shall be deemed to have
16 resigned from the committee.

17 (2) At its first meeting, ~~the~~ OECE COAC shall select a Chair and Vice-Chair.
18 The ~~OECE~~-CAC shall also adopt bylaws governing its meetings. Five members of the ~~OECE~~
19 COAC shall constitute a quorum of the committee, and the affirmative votes of at least five
20 members of the ~~OECE~~ COAC are necessary to constitute approval by the committee.

21 (e) The Department shall provide administrative and clerical support for the EC COAC.
22

23 **SEC. 5.13-5124. DUTIES OF THE COMMITTEE.**

24 (a) The EC COAC shall provide policy recommendations on strategies, processes, and
25 services to meet the Department's goals and priorities consistent with the EC COAC's purpose

1 described in Section 5.13-2. In collaboration with the First Five Commission, the EC COAC shall
2 develop policy recommendations regarding the Department's coordination of services, policies, and
3 planning strategies for early care and education, including:

4 (1) Addressing the continuous quality improvement of programs and capacity-building
5 of providers

6 (2) Developing recommendations for equitable, inclusive, culturally and linguistically
7 appropriate services and innovations responsive to emerging early childhood needs.

8 (3) Developing recommendations for processes to ensure data and data systems are
9 used for greater accountability of program outcomes, enhance learning internally, across investments,
10 and across service sectors, and address persistent racial, diversity, equity, and inclusion gaps.

11 (4) Promoting public interest and awareness around issues facing young children and
12 their families.

13 (5) Developing processes and structures that support organizations, communities, and
14 public agencies to work together to advance the well-being of young children and their families.

15 ~~(a)~~ (b) The ~~OECE~~ COAC shall work with the ~~Department Office of Early Care and Education~~
16 to develop and maintain the Department's Strategic Plan and proposal, as described in
17 Administrative Code Section 2A.310.

18 ~~(b)~~ (c) The ~~OECE~~ COAC shall advise the ~~Department OECE~~ on the development of
19 funding guidelines.

20 ~~(c)~~ (d) The ~~OECE~~ COAC shall review and advise the Department OECE's regarding its
21 needs assessments, plans, and funding allocations, evaluation of services, common data systems,
22 processes for making funding decisions, program improvement and capacity-building of service
23 providers, community engagement in planning and evaluating services, and any changes in expenditure
24 plans during the fiscal year, but shall not have any approval authority over these matters.
25

1 ~~(de)~~ The ~~OECE~~ COAC shall promote transparency for the Department's budget, including,
2 in particular, expenditures from the Babies and Families Fund, by holding a joint annual public
3 hearing with the First Five Commission regarding the Department's budget no later than February 14
4 of each year. The EC COAC shall review and provide a recommendation report of the Department's
5 overall annual budget expenditures. The EC COAC shall~~ean~~ provide input to the ~~Department~~~~OECE~~
6 on the evaluation plan for tracking the results of the City's investments in early care and
7 education.

8 (f) The EC COAC shall coordinate with the CCPAC to receive and incorporate CCPAC's
9 feedback and recommendations into EC COAC's recommendations to the Department's annual report
10 evaluating the effectiveness of the Early Care and Education for All Initiative, required by Section
11 20.17-3 of the Administrative Code.

12 (g) The EC COAC may recommend candidates for Director of the Department to the Mayor
13 and may hold a joint public meeting with the First Five Commission for the purpose of considering
14 candidates.

15
16 **SEC. 5.13-6. SUNSET.**

17 Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that
18 advisory bodies created by the Board should sunset within three years, the Board intends the EC COAC
19 to exist indefinitely unless terminated by ordinance.

20
21
22 Section 4. The Administrative Code is hereby amended by revising Article XVII of
23 Chapter 20, Sections 20.17-1 through 20.17-3, to read as follows:

24 **SEC. 20.17-1. EARLY CARE AND EDUCATION FOR ALL INITIATIVE.**
25

1 The Department of Early Childhood (the “Department”), as successor to the Office of Early
2 Care and Education (OECE), shall establish and maintain the Early Care and Education for All
3 Initiative (Initiative), to provide support for quality early care and education for children in San
4 Francisco families, consistent with this Article XVII. The Initiative shall be funded by
5 appropriations from the Babies and Families First Fund established in Section 10.100-36 of
6 this Administrative Code, in addition to such other appropriations as the Board of Supervisors
7 may direct by ordinance. This Article XVII implements Section 2112(d)(2) of the Business and
8 Tax Regulations Code, by facilitating the allocation of moneys in the Babies and Families First
9 Fund among the purposes set forth in subsections (d)(1)(A), (d)(1)(B), (d)(1)(C), and (d)(1)(D)
10 of Section 2112.

11
12 **SEC. 20.17-2. SPENDING PLAN.**

13 (a) Within 30 days of the effective date of this Article XVII, ~~the Department~~OECE shall
14 submit to the Board of Supervisors a report setting forth the procedures ~~the Department~~OECE
15 intends to use to develop the spending plan described in subsection (b). These procedures
16 shall be designed to encourage broad and diverse community engagement—including, but
17 not limited to, engagement with employees working in early care and education, the owners of
18 businesses offering early care and education, parents, nonprofit organizations,
19 philanthropists, the Child Care Planning and Advisory Council (CCPAC), established by Article
20 XX of Chapter 5 of the Administrative Code, First 5 San Francisco, academics, and other experts—
21 in the development of that spending plan, and shall include the development of a wide range
22 of mechanisms by which engaged community members may communicate with ~~the~~
23 ~~Department~~OECE. These mechanisms shall include, but need not be limited to, one or more
24 public town halls, one or more surveys, a dedicated page on ~~the Department~~OECE's existing
25

1 website, and a social media presence. Each of these mechanisms shall be advertised
2 prominently on the Department~~OECE~~'s website.

3 (b) Within nine months of the effective date of this Article XVII, and subject to the
4 budgetary and fiscal provisions of the Charter, the Department~~OECE~~ shall submit to the Board
5 of Supervisors a five-year spending plan for the Initiative, and a proposed resolution to
6 approve the spending plan. It is the Board's intent that this spending plan provide guidance to
7 the Board when the Board adopts future appropriations ordinances. The spending plan shall
8 estimate the anticipated funds available to the Initiative, identify specific programs or services
9 to be offered as components of the Initiative, and specify the level of funding proposed for
10 each such component in light of anticipated funds available to support the Initiative as a
11 whole. To the extent possible in light of anticipated available funds, the spending plan shall be
12 designed to achieve the following goals, in whatever priority the Department~~OECE~~ deems most
13 appropriate:

14 (1) Providing support for quality early care and education to all San Francisco
15 children under the age of six from households whose incomes are at or below 85% of State
16 Median Income, and who are listed as eligible, on that basis, to receive support for early care
17 and education—but who, because of a lack of available resources, are not receiving the full
18 amount of support to which they are entitled;

19 (2) Providing financial support for measures to increase the compensation of
20 early care and education professionals and staff by not less than 10%, with an ultimate goal of
21 achieving parity in compensation with K-12 educators who have commensurate experience, in
22 a manner designed to improve the quality and availability of early care and education;

23 (3) Providing support for quality early care and education to all San Francisco
24 children under the age of four whose families earn up to and including 200% of Area Median
25

1 Income, in a manner proportionate to family income (such that families with lower incomes
2 receive proportionately more support);

3 (4) Undertaking other measures designed to improve access to quality early
4 care and education services that support the physical, emotional, and cognitive development
5 of San Francisco children under the age of six.

6 (c) To promote stability and continuity in early care and education, the spending plan
7 described in subsection (b) shall contain provisions addressing policies for financial reserves,
8 strategic one-time expenditures, and other strategies designed to manage revenue volatility.

9 (d) Within 90 days of introduction of the resolution to approve the spending plan
10 described in subsection (b), the Board shall take any action it deems necessary, in its
11 discretion, to approve, amend, or reject the proposed resolution and spending plan.

12 13 **SEC. 20.17-3. REPORTS.**

14 The spending plan described in Section 20.17-2(b) shall also include metrics designed
15 to evaluate the effectiveness of the Initiative and each of its specific components. Within one
16 year of ~~the Department~~*OECE*'s submission of the spending plan to the Board of Supervisors,
17 and on an annual basis thereafter, ~~the Department~~*OECE* shall prepare, and submit to ~~the~~
18 Children and Families First Commission (the "First Five Commission"), established by Chapter 86 of
19 the Administrative Code, the Early Childhood Community Oversight and Advisory Committee (the "EC
20 COAC"), established by Article XIII of Chapter 5 of the Administrative Code, the CCPAC, and the
21 Board of Supervisors, a report evaluating the effectiveness of the Initiative and each of its
22 specific components, using the metrics previously developed in ~~the Department~~*OECE*'s
23 spending plan and include a financial analysis forecasting how the Department will achieve universal
24 access to early care and education, and establish a universal system for high-quality early care and
25 education that interrupts racialized outcomes for children by building and funding an integrated system

1 of early childhood supports and service in San Francisco and is based on planned expenditures and
2 anticipated funding. The report should also consider and report on emerging needs, and new
3 conditions or circumstances that would impact effectiveness such as workforce retention or newly
4 identified revenue sources, economic conditions, or new policy directives. Before the
5 Department~~OECE~~ submits this annual report to the Board of Supervisors, ~~OECE's~~the EC COAC,
6 the CCPAC, and the First Five Commission~~Citizens' Advisory Committee~~ shall have an opportunity
7 to review the report and submit related recommendations to the Department and the Board of
8 Supervisors~~OECE~~.

9
10
11 Section 5. Article XIII of Chapter 10 of the Administrative Code is hereby amended by
12 revising Section 10.100-81, to read as follows:

13 **SEC. 10.100-81. INFANT AND TODDLER EARLY LEARNING SCHOLARSHIP**
14 **FUND.**

15 (a) Establishment of Fund. The Infant and Toddler Early Learning Scholarship Fund
16 ("the Fund") is hereby established as a category four fund to provide financial assistance to
17 both family child-care homes and early care and education centers that are licensed by the
18 State of California (collectively "Providers").

19 (b) Sources of Funds. The Fund may receive any legally available monies
20 appropriated for this purpose including, but not limited to, monies received by the City through
21 public-private partnerships.

22 (c) Use of Funds. The Department of Early Childhood (the "Department"), as successor to
23 the Office of Early Care and Education ("OECE"), shall use monies in the Fund to provide
24 grants to Providers under a funding program that the Department~~OECE~~ shall establish. The
25 purpose of the grants shall be to expand access to quality infant and toddler care for parents

1 and guardians who (1) reside in San Francisco, (2) work or attend school at least part-time,
2 (3) have a child younger than 36 months old, and (4) have a moderate family income subject
3 to a limit established by the Department~~OECE~~, which shall be no less than 110% of Area
4 Median Income for the San Francisco area, derived from the U.S. Department of Housing and
5 Urban Development, adjusted solely for household size.

6 (d) Administration and Oversight of Fund. The Department~~OECE~~ shall administer the
7 Fund.

8 (1) No later than six months after the effective date of the ordinance in Board
9 File No. 161034 enacting this Section 10.100-81, and prior to issuing any grants, the
10 Department~~OECE~~ shall adopt rules for the program consistent with this Section 10.100-81. The
11 rules shall at a minimum establish a selection process for awarding grants, eligibility criteria
12 for Providers receiving grants, procedures for determining the size and frequency of grant
13 awards, processes for disbursement of grant funds, restrictions on the use of grant funds,
14 criteria for determining which families' tuition costs may be reduced by grant funds, and
15 reporting obligations for Providers. The rules shall establish criteria that prioritize funding that
16 supports parents and guardians who attend publicly funded colleges or universities in the City
17 over those who attend other colleges or universities.

18 (2) Within 15 days after adopting initial rules for the program under subsection
19 (d)(1), the Department~~OECE~~ shall submit a copy thereof to the Board of Supervisors. These
20 rules shall not become effective, and the Department~~OECE~~ shall issue no grants thereunder,
21 until at least 90 days after the Department~~OECE~~ has submitted the rules to the Board of
22 Supervisors. Any subsequent rules or rule amendments adopted by the Department~~OECE~~ shall
23 become effective immediately upon adoption.

24 (3) The Department~~OECE~~ shall submit an annual report to the Board of
25 Supervisors and the Mayor describing the implementation of the program.

Section 6. The Administrative Code is hereby amended by revising Chapter 29B, Sections 29B.4 and 29B.5, to read as follows:

SEC. 29B.4. CHILD CARE FEASIBILITY STUDY.

(a) Preparation of Study. A City agency or private developer that is subject to the requirements of this Chapter 29B shall prepare a Child Care Feasibility Study that considers the build out and tenant improvements of a child care center on the project site that contains the information required in subsection (d) below and has the minimum features described in subsection (e). The Feasibility Study shall be prepared at an early stage in the project design when budgeting and other planning decisions are made and must be completed and submitted as required by subsection (b)(2) below prior to any funding approvals.

The sponsor of a development project subject to this Article shall consult with the ~~Department of Early Childhood (the "Department") San Francisco Office of Early Care and Education (OECE), located in the San Francisco Human Services Agency,~~ in preparing the Child Care Feasibility Study. ~~The Department~~OECE shall be responsible for providing all of the necessary data on the child care needs generated by a specific project, ~~or otherwise, OECE will provide all of the applicable/needed data on child care needs~~ related to a specific project. ~~The Department~~OECE would provide the child care data for demographics, existing area deficiencies, availability, and pricing. ~~The Department~~OECE would also provide a list of appropriate consultants that have the expertise to conduct a child care feasibility study, as well as any technical assistance related to the understanding and effective use of the child care data required in the feasibility study. This would also ensure that the sponsoring department discusses the project with ~~the Department~~OECE staff and would ensure that ~~the~~

1 ~~Department~~~~OECE~~ can educate the sponsoring department and/or their hired consultants about
2 how to successfully implement child care services where a need is identified.

3 * * * *

4 (f) Approval by the ~~Department~~~~OECE~~. The consultant that prepares the Child Care
5 Feasibility Study required by this Chapter 29B shall be on the list of consultants approved by
6 the ~~Department~~~~OECE~~ as qualified to prepare the Feasibility Study. If the City agency or private
7 sponsor of a development project subject to this Chapter wishes to use either its own staff or
8 a consultant that is not on the ~~Department~~~~OECE~~ list, it must obtain the prior written approval of
9 that Office.

10 * * * *

12 **SEC. 29B.5. ANNUAL REPORT BY CITY ADMINISTRATOR.**

13 One year after the effective date of this Chapter 29B, and every year thereafter, the City
14 Administrator shall prepare and submit to the Board of Supervisors a report that summarizes
15 any waivers that have been granted pursuant to ~~S~~subsection (c) of this Chapter. A copy of the
16 Annual Report shall also be provided to the San Francisco Child Care Planning and Advisory
17 Council, the Child Care Facilities Interagency Committee, and the ~~Department~~~~OECE~~.

18
19
20 Section 7. Article XIX of Chapter 5 of the Administrative Code is hereby amended by
21 revising Section 5.19-5, to read as follows:

22 **SEC. 5.19-5. FAMILY VIOLENCE COUNCIL – COMPOSITION – TERMS OF** 23 **OFFICE.**

24 (a) Composition. The composition of the Council shall broadly represent the ethnic,
25 racial, sex, gender identity, age, and sexual orientation diversity of the ~~the~~ communities most

1 impacted by family violence. The Council shall consist of the following individuals or their
2 respective designees:

3 * * * *

4 (26) Director of the Department of Early Childhood~~Executive Director of First 5 San~~
5 ~~Francisco~~;

6 * * * *

7
8
9 Section 8. Chapter 59 of the Administrative Code is hereby amended by revising
10 Section 59A.2, to read as follows:

11 **SEC. 59A.2. FOOD SECURITY AND EQUITY REPORTS.**

12 * * * *

13 (b) Reporting Departments and Other Reporting Entities.

14 (1) DPH shall work in collaboration with the Department of Children, Youth, and
15 Their Families, Department of Disability and Aging Services, Department of Benefits and
16 Family Support, Department of Homelessness and Supportive Housing, Department of Early
17 Childhood~~Office of Early Care and Education, First 5 San Francisco~~, Recreation and Parks
18 Department, Human Rights Commission, Municipal Transportation Agency, Planning
19 Department, Department of the Environment, Office of Economic and Workforce
20 Development, Office of the Controller, Office of Contract Administration, and Treasurer & Tax
21 Collector (the “Reporting Departments”) to collect data and publish the Biennial Report.

22 * * * *

1 Section 9. Chapter 1 of Article III of the Campaign and Governmental Conduct Code is
2 hereby amended by revising Section 3.1-103, to read as follows:

3 **SEC. 3.1-103. FILING OFFICERS.**

4 Persons holding designated positions shall file the specified statements, declarations,
5 and certificates with the filing officers designated in this Section.

6 * * * *

7 **(b) DEPARTMENT HEADS.**

8 (1) The following department heads of City agencies shall file their Form 700
9 Statements of Economic Interests, Sunshine Ordinance Declarations, and Certificates of
10 Ethics Training with the Ethics Commission:

11 * * * *

12 Child Support Services, Director

13 ~~Children and Families First Commission, Executive Director~~

14 Children, Youth and Their Families, Executive Director

15 * * * *

16 District Attorney

17 Early Childhood, Director

18 Economic Workforce and Development, Executive Director

19 * * * *

20
21
22 Section 10. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

Section 11. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Henry L. Lifton
HENRY L. LIFTON
Deputy City Attorney

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LEGISLATIVE DIGEST

(Revised 7/25/2022)

[Administrative, Campaign and Governmental Conduct Codes - Early Childhood Department and Advisory Committee]

Ordinance amending the Administrative and Campaign and Governmental Conduct Codes to establish a Department of Early Childhood as successor to the Office of Early Care and Education and First Five San Francisco; establish an Early Childhood Community Oversight and Advisory Committee as successor to the Office of Early Care and Education Citizens' Advisory Committee; and update the responsibilities of the Children and Families First Commission

Existing Law

In order to receive certain State tax revenues intended to promote and support the early development of children from ages zero to five, State law requires counties to create a commission that meets the requirements of Sections 130100, et seq. of the California Health and Safety Code. The Board established the San Francisco Children and Families First Commission, also referred to in the City Charter and the Municipal Code as the First Five Commission ("First Five Commission"), to meet those State law requirements. The First Five Commission, (which includes staff referred to as "First Five") expends State funds to support, promote, and optimize early childhood development. The City Charter also gives the First Five Commission a role in oversight of funds in the Public Education Enrichment Fund. The First Five Commission also creates and updates a strategic plan on an annual basis, prepares an audit on the implementation and performance of its functions, and holds public hearings on the annual audit and the State's annual Children and Families First report.

The Office of Early Care and Education ("OECE") is responsible for aligning and coordinating the City's efforts to provide support for quality early care and education for children ages zero to five in San Francisco. OECE's authorizing ordinance required OECE to initially submit a strategic plan and proposal to the Board by January 1, 2016 that addressed the expansion of quality universal early education in San Francisco. And, in 2018, San Francisco voters approved taxes on revenue from the leases of certain commercial real properties to fund quality early care and education for young children in San Francisco. Pursuant to Article XVII of the San Francisco Administrative Code, OECE submits a five-year spending plan for these funds to the Board of Supervisors. The Human Services Agency currently provides administrative support to OECE.

The Board has established the Office of Early Care and Education Citizens' Advisory Committee, in Article XIII of the San Francisco Administrative Code, as an advisory body to OECE that provides recommendations and input on implementation priorities, policy development, evaluation design and planning.

Amendments to Current Law

This Proposed Ordinance would create a new Department of Early Childhood (“DEC”), to combine the functions of First Five (but not the nine members of the First Five Commission itself) and OECE. The DEC would be responsible for enhancing services for children ages zero to five in San Francisco, including aligning and coordinating the City’s efforts to provide early education for these children. The DEC would improve services for children by such strategies as: strengthening the early care and education workforce, establishing family-support programs, expanding access and outreach to underserved families, measuring outcomes, ensuring community and stakeholder engagement, and responding to the needs and concerns of parents.

The DEC would develop a revised strategic plan (the “Department Strategic Plan”) for submission to the Board of Supervisors by January 1, 2024, and every five years thereafter. DEC would update that plan on an annual basis and include the recommendations of the EC COAC (defined below) and the First Five Commission. The DEC would be authorized to update the Department Strategic Plan in conjunction with the First Five Commission’s strategic plan (now called the “County Strategic Plan”), and would address expansion of universal early education in San Francisco.

The Executive Director of OECE would be the acting Director of the DEC until the Mayor appoints a Director. The First Five Commission and the EC COAC may make recommendations to the Mayor regarding appointment of the Director and may meet jointly to recommend such candidates. All programs and personnel of First Five and OECE would transfer to the DEC on the effective date of the Proposed Ordinance. The Human Services Agency would no longer provide administrative support to OECE following creation of the DEC.

The Proposed Ordinance would maintain the First Five Commission’s responsibility for spending State tax revenue for early childhood development, as well as the implementing the other State law requirements, including updating the County Strategic Plan, preparing an annual audit, and holding public hearings on the annual audit and the State’s annual report. The Proposed Ordinance would update the membership of the First Five Commission to include one member nominated by the Mayor (and approved by the Board), one member from the Child Care Planning and Advisory Council, and one member as a provider of family support services. The current members of the First Five Commission would retain their seats after the effective date of this Proposed Ordinance.

The Proposed Ordinance would replace the current Office of Early Care and Education Citizens’ Advisory Committee with the new Early Childhood Community Oversight and Advisory Committee (“EC COAC”). The sitting members of the OECE Citizens’ Advisory Committee would retain their seats during this transition. The Proposed Ordinance would maintain the current duties of OECE Advisory Committee, but would now require the First Five

Commission and the EC COAC to hold joint public hearings to review of the DEC's budget and the DEC's annual update to the Department Strategic Plan. The Children and Families First Commission and the EC COAC would also coordinate to develop joint policy recommendations on the DEC's goals and would hold a joint public hearing on the DEC's budget.

Background Information

As a merger of First Five and OECE, the new department will be positioned to align and coordinate the development of comprehensive and connected systems, services, policies, and planning strategies for children ages zero to five in San Francisco. When distributing State tax revenues disbursed under the California Children and Families First Act of 1998, as well as local funds gathered under San Francisco's Proposition C of 2018, the DEC will have an improved ability to coordinate spending on child development and preschool.

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BOARD of SUPERVISORS



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MEMORANDUM

TO: John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Ingrid Mezquita, Director, Children and Families First Commission;
First Five San Francisco
Maya Castleman, Office of Early Care and Education

FROM: Victor Young, Assistant 

DATE: Clerk July 17, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 220808 Administrative, Campaign and Governmental Conduct Codes -
Early Childhood Department and Advisory Committee

Ordinance amending the Administrative and Campaign and Governmental
Conduct Codes to establish a Department of Early Childhood as successor to the
Office of Early Care and Education and First Five San Francisco; establish an
Early Childhood Community Oversight and Advisory Committee as successor to
the Office of Early Care and Education Citizens' Advisory Committee; and update
the responsibilities of the Children and Families First Commission.

If you have comments or reports to be included with the file, please forward them to me
at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San
Francisco, CA 94102 or by email at: victor.young@sfgov.org.

cc: Patrick Ford, Ethics Commission
Michael Canning, Ethics Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Alondra Esquivel-Garcia, Youth Commission

FROM: Angela Calvillo, Clerk of the Board

Victor Young

DATE: July 17, 2022

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following proposed legislation which is being referred to the Youth Commission as per Charter, Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 220808 Administrative, Campaign and Governmental Conduct Codes - Early Childhood Department and Advisory Committee

Ordinance amending the Administrative and Campaign and Governmental Conduct Codes to establish a Department of Early Childhood as successor to the Office of Early Care and Education and First Five San Francisco; establish an Early Childhood Community Oversight and Advisory Committee as successor to the Office of Early Care and Education Citizens' Advisory Committee; and update the responsibilities of the Children and Families First Commission.

Please return this cover sheet with the Commission's response to **Victor Young, Assistant Clerk, Rules Committee.**

RESPONSE FROM YOUTH COMMISSION Date: _____

_____ No Comment

_____ Recommendation Attached

Chairperson, Youth Commission

President, District 10
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 7/14/2022

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

☒ Waiving 30-Day Rule (Board Rule No. 3.23)

File No.

220808

Melgar

(Primary Sponsor)

Title. Administrative, Campaign and Governmental Conduct Codes - Early Childhood
Department and Advisory Committee

☐ Transferring (Board Rule No 3.3)

File No.

(Primary Sponsor)

Title.

From:

Committee

To:

Committee

☐ Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

(Date)

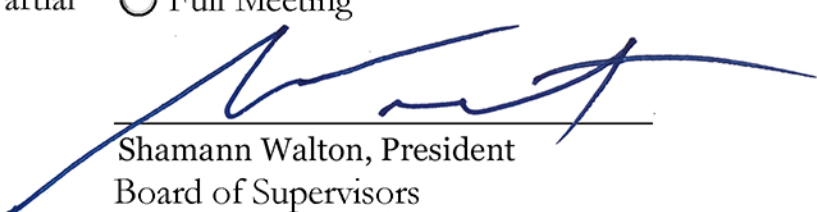
(Committee)

Meeting

Start Time:

End Time:

Temporary Assignment: ☐ Partial ☐ Full Meeting


Shamann Walton, President
Board of Supervisors



AARON PESKIN

DATE: July 21, 2022

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Aaron Peskin
Chairperson, Rules Committee

RE: Rules Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Rules Committee, I have deemed the following matters are of an urgent nature and request it be considered by the full Board on Tuesday, July 26, 2022, as a Committee Report:

220777 [Advanced Written Determination Regarding Statement of Incompatible Activities - Small Business Commission - Tiffany Carter]

Motion finding that Tiffany Carter's proposal to apply for grants and contracts administered by the Office of Economic and Workforce Development ("OEWD") and to seek assistance from OEWD relating to the growth of the restaurant she owns and to benefit the mission of SF Black Wallstreet LLC and SF Black Wallstreet Foundation are not incompatible with the Statement of Incompatible Activities of the Small Business Commission, of which she is a member, subject to conditions.

220808 [Administrative, Campaign and Governmental Conduct Codes – Early Childhood Department and Advisory Committee]

Ordinance amending the Administrative and Campaign and Governmental Conduct Codes to establish a Department of Early Childhood as successor to the Office of Early Care and Education and First Five San Francisco; establish an Early Childhood Community Oversight and Advisory Committee as successor to the Office of Early Care and Education Citizens' Advisory Committee; and update the responsibilities of the Children and Families First Commission.

220795 [Mayoral Reappointment, Entertainment Commission – Lieutenant David Falzon]

City and County of San
Francisco



Board of Supervisors,
District 3

AARON PESKIN

Motion approving/rejecting the Mayor's nomination of Lieutenant David Falzon to the Entertainment Commission, term ending July 1, 2026.
(Clerk of the Board)

220839

[Mayoral Appointment, Board of Appeals - John Trasvina]

Motion approving/rejecting the Mayoral appointment of John Trasvina to the Board of Appeals, for a term ending July 1, 2026. (Clerk of the Board)

These matters will be heard at the regularly scheduled Rules Committee on Monday, July 25, 2022, at 10:00am.

BOARD of SUPERVISORS



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MEMORANDUM

Date: July 21, 2022

To: The Honorable Members, Board of Supervisors

From: *AC* Angela Calvillo, Clerk of the Board

Subject: Ordinance - Administrative, Campaign and Governmental Conduct Codes -
Early Childhood Department and Advisory Committee

(File No. 220808) Children and Families First Commission

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided:

File No. 220808 *Ordinance amending the Administrative and Campaign and Governmental Conduct Codes to establish a Department of Early Childhood as successor to the Office of Early Care and Education and First Five San Francisco; establish an Early Childhood Community Oversight and Advisory Committee as successor to the Office of Early Care and Education Citizens' Advisory Committee; and update the responsibilities of the Children and Families First Commission.*

- Does a current body address the same or similar subject matter?

Yes. The Ordinance revises the Children and Families First Commission and establishes the Early Childhood Community Oversight and Advisory Committee as successor to the Office of Early Care and Education Citizens' Advisory Committee.



- Language requiring the body to meet at least once every four months

No. It is suggested that the following be added to the Ordinance "the Commission shall meet at least four times each calendar year".

- Language indicating members serve at the pleasure of the appointing authority

Yes. Section 86.3 (c) states "Members of the Commission appointed to Seat 3 and 5 through 9 shall serve at the pleasure of the Board of supervisors."

- Language establishing attendance requirements

No. It is suggested that the following be added to the Ordinance "Any member of the Commission who fails to attend at least half of the meetings held in a calendar year shall be deemed to have resigned from the commission."

- Number of seats and qualifications

The Commission shall be comprised of nine members. Seats 3, 5 through 9 shall be appointed by the Board of Supervisors as follows:

- * Seat 1 shall be the Director of Public Health or the Director's designee.*
- * Seat 2 shall be the Executive Director of the Human Services Agency or the Executive Director's designee.*
- * Seat 3 shall be a member of the Board of Supervisors.*
- * Seat 4 shall be the Department Head of the Department of Children, Youth and Their Families or the Department Head's designee.*
- * Seat 5 shall be nominated by the Mayor (and approved by the Board of Supervisors) as a representative director or supervisor of a Mayoral office or other City program for prevention or early intervention for families at risk.*
- * Seat 6 shall be a member of the Child Care Planning and Advisory Council, established in Article XX of Chapter 5 of the Administrative Code.*
- * Seat 7 shall be a provider of family support services as described in the San Francisco County Strategic Plan established by Section 86.4 below.*
- * Seats 8 and 9 shall be appointed from among the following categories: recipients of project services included in the Strategic Plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of*



local school districts; and representatives of local medical, pediatric, or obstetric associations or societies. To the extent feasible, members shall be selected from existing committees, councils, or coalitions promoting early childhood development and support of their families in order to facilitate planning and coordination of services.

- Term limits (i.e., commencement date? staggered terms?)

Members of Seats 3 and 5 through 9 shall serve for four-year terms. After serving the unexpired term of a predecessor, the successor may be appointed for a full four-year term.

Members may serve no more than two consecutive terms. For the purposes of term limits, serving more than half of a term shall count as serving a full term.

- Administering department

No. It is suggested that the Department of Early Childhood be listed as the administrative department.

- Reporting requirements

The Commission shall have the following powers and duties:

(a) The Commission shall adopt an adequate and complete San Francisco Strategic Plan (the "County Strategic Plan"), as described in Section 86.4 below, for the support and improvement of early childhood development, including family support related to caring for children ages zero to five, within the City and County of San Francisco. Prior to adopting the County Strategic Plan, the Commission shall hold no less than one public hearing on the proposed County Strategic Plan.

(b) On at least an annual basis, the Commission shall review its County Strategic Plan and revise the Plan as may be necessary or appropriate. The Commission shall hold no less than one public hearing on its periodic review of the County Strategic Plan before any revisions to the Plan are adopted.

(c) The Commission shall submit its adopted County Strategic Plan, and any subsequent revisions thereto, to the State Children and Families First Commission (the "State Commission").

(d) On or before October 15 of each year, the Commission shall conduct and prepare an audit of and issue a written report on the implementation and performance of its functions during the preceding fiscal year.

(1) At a minimum, the audit and report shall include the manner in which the funds were expended, the progress toward and the achievement of program goals and objectives, and the measurement of specific outcomes through appropriate reliable indicators.

(2) On or before November 1 of each year, the Commission shall transmit the audit and report to the State Commission.

(3) The Commission shall conduct no less than one public hearing prior to adopting any annual audit and report.



- (e) The Commission shall conduct no less than one public hearing on each annual report by the State Commission prepared pursuant to California Health and Safety Code Section 130150(b).*
- (f) The Commission shall establish no less than one advisory committee to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purposes of the Act. Each advisory committee shall meet and shall make recommendations and reports as deemed necessary or appropriate.*
- (g) The Commission shall expend the funds in the San Francisco Children and Families First Trust Fund, only for the purposes authorized by the Act and this Chapter 86 and in accordance with the County Strategic Plan approved by the Commission. The Commission shall not expend funds that are not authorized by the Act, including but not limited to the Babies and Families First Fund established in Section 10.100-36 of the Administrative Code and grant funds directed to the Department and general fund appropriations, but may make recommendations to the Department regarding spending from other funding sources. The Commission shall hold at least one joint public hearing annually with the Early Childhood Community Oversight and Advisory Committee (the "EC COAC"), established by Article XIII of Chapter 5 of the Administrative Code, to review and make recommendations regarding the Department's budget no later than February 14 of each year.*
- (h) The Commission shall hold at least one joint public hearing annually with the EC COAC to review, and provide input to, the Department's annual report evaluating the effectiveness of the Early Care and Education for All Initiative, required by Section 20.17-3 of the Administrative Code. Following the joint public hearing, and before the Department submits the report to the Board of Supervisors, the Commission and the EC COAC shall each transmit recommendations regarding the report to the Department. The Department's final report shall include a summary of the recommendations received and describe the ways in which the Department has addressed the recommendations.*
- (i) The Commission may recommend candidates for Director of the Department to the Mayor and may hold a joint public meeting with the EC COAC to recommend such candidates to the Mayor.*
- (j) The Commission may review national, state, and local legislation that may affect young children and their families and*
 - (1) Make recommendations to the Mayor and the Board of Supervisors regarding the proposed legislation; and*
 - (2) Consistent with Charter Section 3.100, communicate the Commission's position regarding the proposed legislation to the appropriate legislative bodies, as long as the Commission's position on state and federal legislation does not conflict with any official position taken by the City and County and the communication is coordinated with the Office of the Mayor.*
- (k) The Commission shall coordinate with the EC COAC to develop joint policy recommendations with the EC COAC regarding the Department's coordination of services, policies, and planning strategies for early childhood care and education and family support for children ages zero to five to include:*
 - (1) Addressing the continuous quality improvement of programs and capacity-building of providers.*
 - (2) Developing recommendations for equitable, inclusive, culturally and linguistically appropriate services and innovations responsive to emerging early childhood needs.*



(3) Developing recommendations for processes to ensure data and data systems are used for greater accountability of program outcomes, enhance learning internally, across investments, and across service sectors, and address persistent racial, diversity, equity, and inclusion gaps.

(4) Promoting public interest and awareness around issues facing young children and their families.

(5) Developing processes and structures that support organizations, communities, and public agencies to work together to advance the well-being of young children and their families.

▪ **Sunset date**

No. It is suggested that a sunset date be added or to clarify that it is the intent to waive Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory bodies created by the Board should sunset within three years, the Board intends the Commission to exist indefinitely unless terminated by ordinance.

BOARD of SUPERVISORS




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MEMORANDUM

Date: July 21, 2022

To: The Honorable Members, Board of Supervisors

From:  Angela Calvillo, Clerk of the Board

Subject: Ordinance - Administrative, Campaign and Governmental Conduct Codes -
Early Childhood Department and Advisory Committee

(File No. 220808) Early Childhood Community Oversight and Advisory
Committee

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided:

File No. 220808 *Ordinance amending the Administrative and Campaign and Governmental Conduct Codes to establish a Department of Early Childhood as successor to the Office of Early Care and Education and First Five San Francisco; establish an Early Childhood Community Oversight and Advisory Committee as successor to the Office of Early Care and Education Citizens' Advisory Committee; and update the responsibilities of the Children and Families First Commission.*

- Does a current body address the same or similar subject matter?

Yes. *Other bodies that might address the same subject matter:*

- *Office of Early Care and Education Citizens' Advisory Committee*
- *Children, Youth and Their Families Oversight and Advisory Committee*
- *Children and Families First Commission*



- Language requiring the body to meet at least once every four months

Yes. Section 5.13-4(d), states "the ECOAC shall meet at least four times each calendar year".

- Language indicating members serve at the pleasure of the appointing authority

Yes. Section 5.13-3(c), states "Each appointing authority may remove any of its appointees at any time with or without cause."

- Language establishing attendance requirements

Yes. Section 5.13-4(d), states "Any member of the ECOAC who fails to attend at least half of the meetings held in a calendar year shall be deemed to have resigned from the committee."

- Number of seats and qualifications

The ECOAC shall be comprised of nine members. The Mayor shall appoint five members (1-5) that shall be effective immediately, but may be rejected by a two-thirds votes of the Board of Supervisors within 30 days following transmittal to the Clerk of the Board of Supervisors and the Board of Supervisors shall appoint four members (seats 6-9).

- *Seat 1: must be a parent or guardian of a child who is enrolled in a facility that provides early care and education services, which includes child care, early care, preschool, infant and toddlers care;*
- *Seat 2: must be a representative of the San Francisco Unified School District's Early Education Division, or any successor to that division, recommended by Superintendent of Schools. This needs to be revised. The SFUSD Superintendent of Schools makes the recommendation. Does the Superintendent made a recommendation for the Mayor to appoint?*
- *Seat 3: must be an early care and education provider that serves infants and toddlers ages zero to three;*
- *Seat 4: must be a family support provider, a provider or educator who works with children with special needs, a community member with expertise in early education, a member of the mental health community specializing in early care, a member of a philanthropic organization, which has an emphasis on early care and education issues, or a member of the business community with an interest in early care and education issues;*
- *Seat 5: must be a representative of an institution of higher education that specializes in early care and education;*
- *Seat 6: must be a family child care provider;*



- *Seat 7: must be a provider of early care and education at a community-based childcare center in San Francisco, but this member cannot be a San Francisco Unified School District provider;*
- *Seat 8: must be a family support provider, a provider or educator who works with children with special needs, a community member with expertise in early education, a member of the mental health community specializing in early care, a member of a philanthropic organization, which has an emphasis on early care and education issues, or a member of the business community with an interest in early care and education issues; and*
- *Seat 9: must be a representative of the Childcare Planning and Advisory Council (CCPAC) established by, Article XX of Chapter 5 of the Administrative Code, recommended to the Board of Supervisors by the CCPAC.*

- Term limits (i.e., commencement date? staggered terms?)

Members shall serve for two-year terms. No member may serve more than two consecutive terms. For the purpose of term limits, serving more than half of a term shall count as serving a full term.

Members of the previously established Office of Early Care and Education Citizens' Advisory Committee seated as of the effective date of the Ordinance shall by operation of law become the initial members of the EC COAC.

- Administering department

Yes. The Department of Early Childhood shall provide administrative support.

- Reporting requirements

The ECCOAC shall provide policy recommendations on strategies, processes, and services to meet the Department's goals and priorities consistent with the EC COAC's purpose described in Section 5.13-2. In collaboration with the First Five Commission, the EC COAC shall develop policy recommendations regarding the Department's coordination of services, policies, and planning strategies for early care and education.

- Sunset date

No. Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory bodies created by the Board should sunset within three years, the Board intends the ECCOAC to exist indefinitely unless terminated by ordinance.