#### AMENDED IN COMMITTEE 7/25/2022 ORDINANCE NO. 189-22

FILE NO. 220808

1	[Administrative, Campaign and Governmental Conduct Codes - Early Childhood Department and Advisory Committee]
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3	Ordinance amending the Administrative and Campaign and Governmental Conduct
4	Codes to establish a Department of Early Childhood as successor to the Office of Early
5	Care and Education and First Five San Francisco; establish an Early Childhood
6	Community Oversight and Advisory Committee as successor to the Office of Early
7	Care and Education Citizens' Advisory Committee; and update the responsibilities of
8	the Children and Families First Commission.
9	NOTE: Unchanged Code text and uncodified 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.
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12	Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.
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14	Be it ordained by the People of the City and County of San Francisco:
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16	Section 1. The Administrative Code is hereby amended by revising Article XXIII of
17	Chapter 2A, and Section 2A.310, to read as follows:
18	ARTICLE XXIII:
19	<u>DEPARTMENT OF EARLY CHILDHOOD OF FICE OF EARLY CARE AND EDUCATION</u>
20	SEC. 2A.310. <u>DEPARTMENT OF EARLY CHILDHOOD</u> OFFICE OF EARLY CARE
21	AND EDUCATION.
22	(a) Office of Early Care and Education Department of Early Childhood; Director. There is
23	hereby established a Department of Early Childhood (the "Department"). The Mayor shall appoint
24	a Director who shall serve as the Department head for the Office of Early Care and Education
25	("OECE") and appointing officer for the <u>Department</u> OECE. <u>The Mayor may consider, but is not</u>

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

- (b) Duties and Functions.
- (1) The <u>Department OECE</u> shall be responsible for aligning and coordinating the City's efforts to provide early <u>care and</u> education for children ages zero to five in San Francisco <u>and for promoting and supporting the development of early child supports and comprehensive</u> <u>programs, policies, and strategies to enhance services for children ages zero to five in San Francisco</u>, including programs and funding streams from the Department of Children, Youth, and Their Families, the <u>Children and Families Commission</u> (First Five Commission), and the Human Services Agency to serve young children and their families.
- (2) The Department shall improve and deliver access for children ages zero to five and their families to fulfill a unified vision and to meet goals, including, by way of example but not limitation:
- (A) The OECE shall work to improve access for all of San Francisco's young children to Establishing a universal system for high-quality early care and education, strengthen ing the early care and education workforce, and build ing early care and education system capacity.
- (B) Establishing systems that serve children ages zero to five through programs and services that help their families in providing support for them, creating stability and evidence-based models for family success.
- impact of early childhood care and education programs and services to a broader and more diverse

(C) Developing new policy partnerships that extend the reach, access, and

Commission and the EC COAC on the scope, metrics, and outreach for the plan and the joint process shall involve the First Five Commission and the EC COAC. The <u>Department S</u>strategic pPlan-and proposal shall:

- (A) Include goals for early care and education programs that align with emerging developments in state or federal early care and education policy, and address professional development needs of center-based, family child care providers and to the extent resources allow, license-exempt care providers;
- (B) Address neighborhood-specific needs, including school readiness, subsidy availability, children's dual language development, facility development parent engagement and education, inclusion of children with special needs, and provider support for both family child care homes and early care and education centers;—*and*
- (C) Include a set of equity metrics to be used to compare existing early care and education services and resources in low-income and disadvantaged communities with early care and education services and resources available in the City as a whole; and-
- (D) As part of the combined development of the Department and County

  Strategic Plans and to meet the minimum requirements of the County Strategic Plan, include an

  assessment and analysis of the unmet funding needs for family support services for those caring for

  children ages zero to five and how the Department plans to expand and leverage funding; and

  coordinate with other relevant City departments, including, by way of example but not limitation, the

  Department of Children, Youth, and Their Families and Human Services Agency, to meet those unmet

  funding needs.
- (4) The <u>Department's OECE's</u> Director or designee shall attend meetings of the <u>Office of Early Childhood Community Oversight and Care and Education Citizens'</u> Advisory Committee ("OECE CAC"), established by Chapter 5, Article XIII of the Administrative Code, and the <u>Department OECE</u> shall provide staffing to <u>EC COAC OECE CAC</u>, including providing the

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

- (5) The Department shall prepare an annual report on the Early Care and Education for All Initiative, as required in Section 20.17-3 of Article XVII of Chapter 20 of the Administrative Code. The Human Services Agency shall provide administrative support for the OECE.
- (6) The <u>Department OECE</u> shall have such other duties and functions as are assigned by the Charter, an ordinance, or the Mayor.
- (c) Funding. The Department may be funded by appropriations from the Babies and Families

  First Fund established in Section 10.100-36 of the Administrative Code and including implementation
  of Section 2112(d)(2) of the Business and Tax Regulations Code, disbursements from the Public

  Education Enrichment Fund made pursuant to Section 16.123-4 of the Charter for preschool and early
  education programs, appropriations from the San Francisco Children and Families Trust Fund in
  Section 10.100-287 of the Administrative Code, and such other appropriations as the Board of
  Supervisors may direct by ordinance. The Department shall report the amount and percentage of its
  administrative costs that are funded by monies from the Babies and Families First Fund, the Public
  Education Enrichment Fund, and the Children and Families Trust Fund, respectively, as part of the
  Department's proposed budget and accompanying documents to the EC COAC and the First Five
  Commission prior to the public hearing required by Section 5.13-5(e) of the Administrative Code.
- (d) Transfer of Functions. All City and County of San Francisco programs, employees and other personnel assigned to the Children and Families First Department (also referred to in the City Charter and the Municipal Code as "First 5 San Francisco") and the Office of Early Care and Education shall be transferred to the Department. The Director of the Office of Early Care and Education shall be the interim Director of the Department until the Mayor appoints a Director. The

transfer of programs, staff, and assets shall be effective as of the effective date of Ordinance No. 189-22, establishing the Department of Early Childhood.

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

## SEC. 86.1. ESTABLISHMENT OF THE SAN FRANCISCO CHILDREN AND FAMILIES FIRST COMMISSION.

- (a) Establishment. The San Francisco Children and Families First Commission (the "Commission") is hereby established. The Commission and designated as the county commission for purposes of California Health & Safety Code Sections 130100 et seq., as it may be amended from time to time. shall manage the San Francisco Children and Families First Department. The Department of Early Childhood (the "Department") of Children, Youth and Their Families shall provide office space, administrative support, and other services for the Ceommission and the Children and Families First Department, as specified in a Memorandum of Understanding between the Department of Children, Youth and Their Families and the Commission. The Ceommission shall consist of nine members.
- (b) Purpose. The Commission and Children and Families First Department are is established to promote, support, and improve the early development of children from the prenatal stage to five years of age and to carry out the provisions of the California Children and Families First Act of 1998 (the "Act"), including by way of example but not limitation, support for families through parenting education and child health and wellness programs.

## SEC. 86.2. POWERS AND DUTIES OF THE SAN FRANCISCO CHILDREN AND FAMILIES FIRST COMMISSION.

The *Ce*ommission shall have the following powers and duties:

- (a) By May 1, 2000, tThe 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 <u>County</u> 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 <u>County</u> Strategic Plan before any revisions to the Plan are adopted.
- (c) The Commission shall submit its adopted <u>County</u> Strategic Plan, and any subsequent revisions thereto, to the State Children and Families First Commission <u>(the "State Commission")</u>.
- (d) On or before October 15th of each year, the Commission shall <u>conduct and</u> prepare <u>and adopt</u> 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) <u>On or before November 1 of each year, t</u>The Commission shall transmit the audit and report to the State <u>Children and Families First</u> Commission <u>annually</u>.
- (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. One advisory committee shall be comprised of members nominated by the Starting Points Initiative Early Childhood Interagency Council:
- Families First Trust Fund, only for the purposes authorized by the Act and this 
  Chapter 86Ordinance and in accordance with the San Francisco 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. The commission shall be empowered to enter into such contracts as necessary or
appropriate to carry out the provisions and purposes of the Act.

- (i) The Commission shall 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, appoint and may remove at its pleasure an Executive Director. The Executive Director shall be responsible for managing the Children and Families First Department. The Executive Director is authorized to hire additional staff subject to budget constraints and the approval of the Commission.
- (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) <u>Consistent with Charter Section 3.100, Communicate the Commission's</u> 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 <u>and the communication is coordinated with the Office of the Mayor</u>.
- (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.

- (5) <u>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.</u>
- (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 Satrategic Pplan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or anothera 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 mMembers 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 eCommission member appointed pursuant to Seats 3 and 5

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

- (d) A majority of the members of the Commission shall constitute a quorum.
- (e) The Commission shall establish any additional rules and regulations for its own organization and procedure consistent with State and local law.
- (f) No member of the Commission shall be compensated for his or her their services, except members may be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the Commission. In addition, members serving in Seats 1 through 5 may receive their full compensation as City employees, since their work for the Commission shall be considered part of their responsibilities in their capacity as City employees.
- (g) Continuing Membership on Children and Families First Commission. The members of the previously established Commission seated as of the effective date of Ordinance No. 189-22 shall by operation of law remain members of the Commission. Their terms of office and term limits shall not incorporate their previous service on the Commission. The terms of office for members of the previously established Commission, as well as Seat 5, shall begin on the effective date of Ordinance

No.189-22. 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

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. 5.13-1120. 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.<u>13-2</u>121. PURPOSE.

The  $\Theta$ ECE COAC shall make recommendations to the O-ffice of Early Care and Education Department of Early Childhood (the "Department OECE"), established by Chapter 2A, Article XXIII of the Administrative Code, regarding the O-peartment O-ECE's mission of providing early O-care and education for children ages zero to five in San Francisco and other City departments involved in early O-care and education initiatives. The O-ECO-Care Shall also advise the O-peartment O-ECE on developing O-the Department O-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

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

#### SEC. 5.13-3122. MEMBERSHIP AND ORGANIZATION.

- (a) The  $\Theta$ ECE COAC shall consist of nine members. No later than April 1, 2015, tThe Mayor shall nominateappoint five members to hold Seats 1 through 5, and the Board of Supervisors shall appoint four members to hold Seats 6 through 9. Each appointment nomination by the Mayor shall be effective immediately, unless but may be rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of the Mayor's Notice of Appointment to the Clerk of the Board of Supervisors.
  - (b) Members of the  $\Theta$ EC $\cancel{E}$  C $\cancel{O}$ AC shall have the following qualifications:
- (1) 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;
- (2) 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 the Superintendent of Schools to the Mayor. If the Superintendent of Schools fails to make a recommendation within 90 days of a vacancy by April 1, 2015, the Mayor may nominate appoint a person to hold this seat;
- (3) Seat 3: must be a $\underline{n}$  early care and education provider that serves infants 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 <u>Ceare Planning and Advisory</u>
  Council <u>("CCPAC") established by Article XX of Chapter 5 of the Administrative Code</u>,
  recommended to the Board of Supervisors by the <u>CCPACChildcare Planning and Advisory</u>
  Council.
- (c) Each <u>nominating appointing</u> authority may remove any of its <u>nominees appointees</u> 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 ΘΕCΕ COAC shall notify the San Francisco Unified School District of any such vacancies and, if the San

Francisco Unified School District has not made a recommendation within 90 days of the notice, the Mayor shall *nominateappoint* a successor.

- (e) To the extent required by law, members of the ΘECE COAC shall be subject to state and local conflict of interest laws, including the California Political Reform Act (Cal. Gov. Code §§ 87100 et seq.) and California Government Code section 1090.
- (f) Subcommittees. The EC COAC may establish subcommittees to be convened as directed by the EC COAC. The EC COAC's Chair or the Chair's designee shall appoint members to the subcommittees. Subcommittees shall report findings and make recommendations to the full EC COAC for its consideration.
- (g) Advisory bodies. The EC COAC may appoint advisory bodies to advise it in the exercise of its duties, including but not limited to advisory bodies to make joint recommendations to the Mayor for appointment as Director of the Department and representing the perspectives of parents and guardians. Advisory bodies created by the EC COAC may include, in whole or part, individuals who are not members of the EC COAC, as well as members of the First Five Commission or CCPAC.

#### SEC. 5.13-4123. TERMS OF OFFICE AND MEETINGS.

- (a) Terms of Office. Members of the  $\Theta$ EC $\cancel{E}$  C $\cancel{O}$ AC shall serve for two years, except that the members initially appointed to Seats 1, 3, 5, 7, and 9 shall serve for three years; thereafter, the members holding these seats shall serve for two years. *The terms of the initial appointees shall commence on May 1, 2015.*
- (b) Term Limits. No member may serve more than two consecutive terms on the  $\Theta$ ECE COAC. For the purpose of these term limits, serving more than half of a term shall count as serving a full term on the committee.
- (c) Transition from Previous Citizens' Advisory Committee. Members of the previously
  established Office of Early Care and Education Citizens' Advisory Committee seated as of the effective

date of Ordinance No. 189-22 shall by operation of law become the initial members of the EC COAC.

Their terms of office and term limits shall incorporate their service on the Office of Early Care and Education Citizens' Advisory Committee, with the effect that their terms of office and term limits will be identical to what they would have been if the Office of Early Care and Education Citizens' Advisory

Committee had not been abolished. Similarly, their service on the Office of Early Care and Education

Citizens' Advisory Committee shall be considered in calculating compliance with the meeting attendance requirement in subsection (d)(1), below. With reference to subsection (d)(2), the bylaws of the Office of Early Care and Education Citizens' Advisory Committee shall apply to the EC COAC until changed by the EC COAC, and the Chair and Vice-Chair of the Office of Early Care and Education Citizens' Advisory Committee shall remain in those positions with the EC COAC until changes are made by the EC COAC in accordance with the bylaws adopted by the EC COAC.

#### $(e\underline{d})$ Meetings.

- (1) The OECE COAC shall meet at least four times each calendar year. *The* OECE CAC shall convene its first meeting by May 1, 2015. Any member of the OECE COAC who fails to attend at least half of the meetings held in a calendar year shall be deemed to have resigned from the committee.
- (2) At its first meeting,  $\underline{the}$   $\Theta EC \cancel{E}$   $C \underline{O}AC$  shall select a Chair and Vice-Chair. The  $\Theta EC \cancel{E}$ -CAC shall also adopt bylaws governing its meetings. Five members of the  $\Theta EC \cancel{E}$   $C \underline{O}AC$  shall constitute a quorum of the committee, and the affirmative votes of at least five members of the  $\Theta EC \cancel{E}$   $C \underline{O}AC$  are necessary to constitute approval by the committee.
  - (e) The Department shall provide administrative and clerical support for the EC COAC.

#### SEC. 5.13-5124. DUTIES OF THE COMMITTEE.

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

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

(f) The EC COAC shall coordinate with the CCPAC to receive and incorporate CCPAC's feedback and recommendations into EC COAC's recommendations 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.

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

#### SEC. 5.13-6. SUNSET.

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 EC COAC to exist indefinitely unless terminated by ordinance.

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

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

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

#### SEC. 20.17-2. SPENDING PLAN.

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

website, and a social media presence. Each of these mechanisms shall be advertised prominently on *the DepartmentOECE*'s website.

- (b) Within nine months of the effective date of this Article XVII, and subject to the budgetary and fiscal provisions of the Charter, the Department OECE shall submit to the Board of Supervisors a five-year spending plan for the Initiative, and a proposed resolution to approve the spending plan. It is the Board's intent that this spending plan provide guidance to the Board when the Board adopts future appropriations ordinances. The spending plan shall estimate the anticipated funds available to the Initiative, identify specific programs or services to be offered as components of the Initiative, and specify the level of funding proposed for each such component in light of anticipated funds available to support the Initiative as a whole. To the extent possible in light of anticipated available funds, the spending plan shall be designed to achieve the following goals, in whatever priority the Department OECE deems most appropriate:
- (1) Providing support for quality early care and education to all San Francisco children under the age of six from households whose incomes are at or below 85% of State Median Income, and who are listed as eligible, on that basis, to receive support for early care and education—but who, because of a lack of available resources, are not receiving the full amount of support to which they are entitled;
- (2) Providing financial support for measures to increase the compensation of early care and education professionals and staff by not less than 10%, with an ultimate goal of achieving parity in compensation with K-12 educators who have commensurate experience, in a manner designed to improve the quality and availability of early care and education;
- (3) Providing support for quality early care and education to all San Francisco children under the age of four whose families earn up to and including 200% of Area Median

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

- (4) Undertaking other measures designed to improve access to quality early care and education services that support the physical, emotional, and cognitive development of San Francisco children under the age of six.
- (c) To promote stability and continuity in early care and education, the spending plan described in subsection (b) shall contain provisions addressing policies for financial reserves, strategic one-time expenditures, and other strategies designed to manage revenue volatility.
- (d) Within 90 days of introduction of the resolution to approve the spending plan described in subsection (b), the Board shall take any action it deems necessary, in its discretion, to approve, amend, or reject the proposed resolution and spending plan.

#### SEC. 20.17-3. REPORTS.

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

anticipated funding. The report should also consider and report on emerging needs, and new conditions or circumstances that would impact effectiveness such as workforce retention or newly identified revenue sources, economic conditions, or new policy directives. Before the Department OECE submits this annual report to the Board of Supervisors, OECE'sthe EC COAC, the CCPAC, and the First Five Commission-Citizens' Advisory Committee shall have an opportunity to review the report and submit related recommendations to the Department and the Board of Supervisors OECE.

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

## SEC. 10.100-81. INFANT AND TODDLER EARLY LEARNING SCHOLARSHIP FUND.

- (a) Establishment of Fund. The Infant and Toddler Early Learning Scholarship Fund ("the Fund") is hereby established as a category four fund to provide financial assistance to both family child-care homes and early care and education centers that are licensed by the State of California (collectively "Providers").
- (b) Sources of Funds. The Fund may receive any legally available monies appropriated for this purpose including, but not limited to, monies received by the City through public-private partnerships.
- (c) Use of Funds. The <u>Department of Early Childhood (the "Department")</u>, as successor to <u>the</u> Office of Early Care and Education ("OECE"), shall use monies in the Fund to provide grants to Providers under a funding program that <u>the Department OECE</u> shall establish. The purpose of the grants shall be to expand access to quality infant and toddler care for parents

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

- (d) Administration and Oversight of Fund. *The Department OECE* shall administer the Fund.
- File No. 161034 enacting this Section 10.100-81, and prior to issuing any grants, the DepartmentOECE shall adopt rules for the program consistent with this Section 10.100-81. The rules shall at a minimum establish a selection process for awarding grants, eligibility criteria for Providers receiving grants, procedures for determining the size and frequency of grant awards, processes for disbursement of grant funds, restrictions on the use of grant funds, criteria for determining which families' tuition costs may be reduced by grant funds, and reporting obligations for Providers. The rules shall establish criteria that prioritize funding that supports parents and guardians who attend publicly funded colleges or universities in the City over those who attend other colleges or universities.
- (2) Within 15 days after adopting initial rules for the program under subsection (d)(1), <u>the DepartmentOECE</u> shall submit a copy thereof to the Board of Supervisors. These rules shall not become effective, and <u>the DepartmentOECE</u> shall issue no grants thereunder, until at least 90 days after <u>the DepartmentOECE</u> has submitted the rules to the Board of Supervisors. Any subsequent rules or rule amendments adopted by <u>the DepartmentOECE</u> shall become effective immediately upon adoption.
- (3) <u>The Department OECE</u> shall submit an annual report to the Board of 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 <u>29B</u> 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 

<u>Department of Early Childhood (the "Department")San Francisco Office of Early Care and Education</u>

(OECE), located in the San Francisco Human Services Agency, in preparing the Child Care

Feasibility Study. <u>The DepartmentOECE</u> shall be responsible for providing all of the necessary data on the child care needs generated by a specific project, <u>or otherwise</u>, OECE will provide all of the applicable/needed data on child care needs related to a specific project. <u>The DepartmentOECE</u> would provide the child care data for demographics, existing area deficiencies, availability, and pricing. <u>The DepartmentOECE</u> 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 <u>the DepartmentOECE</u> staff and would ensure that <u>the</u>

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

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

#### SEC. 29B.5. ANNUAL REPORT BY CITY ADMINISTRATOR.

One year after the effective date of this Chapter 29B, and every year thereafter, the City Administrator shall prepare and submit to the Board of Supervisors a report that summarizes any waivers that have been granted pursuant to Subsection (c) of this Chapter. A copy of the Annual Report shall also be provided to the San Francisco Child Care Planning and Advisory Council, the Child Care Facilities Interagency Committee, and the <u>DepartmentOECE</u>.

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

### SEC. 5.19-5. FAMILY VIOLENCE COUNCIL - COMPOSITION - TERMS OF OFFICE.

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

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

#### SEC. 3.1-103. FILING OFFICERS.

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

#### (b) **DEPARTMENT HEADS.**

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

Child Support Services, Director

Children and Families First Commission, Executive Director

Children, Youth and Their Families, Executive Director

**District Attorney** 

Early Childhood, Director

Economic Workforce and Development, Executive Director

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Section 10. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board 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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## City and County of San Francisco Tails

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

#### **Ordinance**

File Number:

220808

Date Passed:

September 06, 2022

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.

July 25, 2022 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 25, 2022 Rules Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

July 26, 2022 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

September 06, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220808

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/6/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

London N. Breed Mayor **Date Approved**