[Child Care Planning and Advisory Council Membership.]

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

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 5.200, to read as follows:

SEC. 5.200. CHILD CARE PLANNING AND ADVISORY COUNCIL.

(a) Establishment. Pursuant to California Education Code Section 8499-8499.8, a local Child Care Planning and Advisory Council for the City and County of San Francisco is hereby established. The Department of Children, Youth and Their Families shall provide administrative support for the Council, as specified in a Memorandum of Understanding between the Department and the Council. The Council shall consist of no more than 25 members. Pursuant to Education Code Section 8499.3, the Board of Supervisors shall appoint 12 members, and the Board of Education, or County Superintendent of Schools, if the Board of Education delegates the appointment power to her or him, shall appoint 12 members and the Board of Supervisors and the Board of Education, or County Superintendent of

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

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

(c) Purpose. The Council is established to advise the Board of Supervisors, the Mayor, the San Francisco Children and Families Commission and, with their consent, the Board of Education and the Superintendent of Schools about child care issues. The Council will serve as a representative advisory and planning body to maintain, expand and improve local child care services. The Council will provide links between government and the community, and will work to maximize the amount and impact of local, State, federal and private resources and funding for child care in San Francisco.
(d) (e) **Powers and Duties.** The Child Care Planning and Advisory Council shall have the following powers and duties:

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

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

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

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

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

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

(E) The number of children receiving public assistance.

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

(G) The number of children of migrant workers.

(H) The number of children with special needs.

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

(J) Special needs based on geographic considerations.

(K) The age of children needing services.

(L) Any other factors deemed appropriate by the Council.
(3) To document information gathered during the needs assessment, which shall include, but need not be limited to, data on supply, demand, cost and market rates for each category of child care in San Francisco.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) (d) Membership and Organization.

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

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

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

(C) "Consumer" shall mean a parent or person who receives, or has received within the past 36 months, child care services.
(D) "Public agency representative" shall mean a person who represents a city, county, city and county, or local education agency.

(2) Members shall be appointed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(C) The Board of Supervisors and the Board of Education or the County Superintendent of Schools, if the Board of Education delegates the appointment power to her or him, shall jointly appoint one member representing any one of the categories listed above.
The list of qualified individuals for appointment may include members of the following organizations: parent advisory councils of public and private child care programs; associations of child care centers; family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer-Work and Family Coalition; and members of labor organizations and local businesses that fall within the definition of "community representative" as described in Subsection(d)(1)(B).

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

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

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

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

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

(D) Community representative: a member of an organized educators' group and an additional community representative [two members];
(E) Public agency representative: one representative from each of the following local agencies:
San Francisco Department of Public Health; the local district office of Community Care Licensing; a
local public educational training institution; the San Francisco Housing Authority [four members];
The list of qualified individuals for appointment may include the following: participants in
CalWORKs and Department of Human Services child care programs; representatives of the
Department of Public Health; the local district office of Community Care Licensing; United Educators
of San Francisco; City College; and San Francisco State University.
(3) (4) The respective terms of office of the members of the Child Care Planning and Advisory Council
who shall hold office on the eighth day of March, 2010, shall expire at noon on that date and the 25
persons appointed as members of the Council pursuant to this ordinance shall succeed to those offices
on the eighth day of March, 2010. In order to provide for staggered terms, the initial terms of those 25
persons shall be designated by lot so that 6 members appointed by the Board of Supervisors shall serve
a two-year term and 6 members shall serve a three-year term, and 6 members appointed by the Board
of Education or the Superintendent of Schools shall serve a two-year term and 6 members shall serve a
three-year term. The one member jointly appointed by the Board of Supervisors and the Board of
Education or the Superintendent of Schools shall serve a three-year term. Thereafter, all terms shall be
for three years.

Members may serve for up to two consecutive terms, and may be re-appointed after one year off
the Council. No terms served prior to March 8, 2010 shall be counted towards the term limit for
Council members. A member appointed to serve a term of two years or less, including the initial term
provided in the preceding paragraph, shall not be deemed to have served a full term for purposes of
this term limit.
The term of each member of the Council shall be for three years, beginning after an initial phase of terms drawn by lot to create staggered expiration of terms. Upon adoption of this ordinance, currently seated members will be grandfathered in as Council members. Initial terms shall, by lot, be designated so that ten members shall serve a two-year term, 10 members shall serve a three-year term, and 10 members shall serve a four-year term. On the expiration of these initial terms, all terms shall be for three years. Any member may be reappointed for one additional consecutive term. Any person serving a term of two years or less shall not be considered having completed one full term, and will therefore remain eligible to serve two complete terms. Persons serving two complete terms will be eligible to serve again after one year of non-service.

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

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

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

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

(9) (e) Compensation. Upon approval by the Council, each member who is not otherwise compensated to attend meetings may receive a stipend of no more than $50 per
meeting, not to exceed $600 annually, exclusively from funds provided to the Council by the State of California.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: [Signature]

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

March 02, 2010 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

March 09, 2010 Board of Supervisors - FINALLY PASSED
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/9/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

3-19-2010

Date Approved