

Meeting Date:

ORDINANCE NO. ____ (N.S.)

AN ORDINANCE AMENDING ARTICLE XVI OF THE SAN DIEGO
COUNTY ADMINISTRATIVE CODE RELATING TO THE SAN DIEGO
COUNTY CHILD CARE AND DEVELOPMENT PLANNING COUNCIL

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. ARTICLE XVI of the San Diego County Administrative Code is amended to read as follows:

SEC. 266. CHILD CARE AND DEVELOPMENT PLANNING COUNCIL.

The San Diego County Child Care and Development Planning Council is hereby established as an advisory body to the Board of Supervisors pursuant to the authority of Welfare and Institutions Code section 10480 et seq.

SEC. 266.10. INTENT AND PURPOSE.

The Board of Supervisors of the County of San Diego declares that well being, protection, and healthy development of children, youth and families are essential to the residents of San Diego County. The family is recognized as the primary caregiver and source of social learning and must be supported and strengthened, while always ensuring the safety of children. When families are unable to provide for their children's basic needs, it is society's responsibility to work with them by assisting with the provision of needed services that are efficient, effective, coordinated and readily available. In order to fulfill the tasks related to this policy, the San Diego County Child Care and Development Planning Council is hereby recognized as an advisory body to the Board of Supervisors. As specified in Welfare and Institutions Code Section 104080 et seq., the Planning Council shall advise the Board of Supervisors as well as the San Diego County Superintendent of Schools in matters within its duties and responsibilities related to Early Learning and Care (ELC) mixed delivery systems. An ELC mixed delivery system is a comprehensive approach to providing early childhood education and care services through a diverse set of providers and settings. This system integrates various types of early learning and care public and private programs, for children from birth through age 12 (including expanded learning), into a cohesive network. The goal is to ensure that all children have equitable access to culturally, linguistically, and developmentally appropriate high-quality experiences.

The purpose of the Planning Council is to assess the ELC mixed delivery system needs of San Diego County children and develop plans to address those needs. As required by statute, the Council will establish priorities for the distribution of federal, state, and local child care and development funds. It will seek and advocate for funding for ELC Mixed Delivery services. Working collaboratively with

community agencies, the business community, and organizations to support and enhance community child care resources and services, the Planning Council will promote the improvement of quality in ELC mixed delivery services for all San Diego County children.

Due to its mission to assess and identify local ELC mixed delivery needs and priorities, the Council is in a unique position to educate the community and to review and comment upon federal, state and local proposals related to ELC mixed delivery systems. The Council may review and comment upon proposals which may impact local ELC mixed delivery system needs and priorities. The Council may provide information and educational materials relating to local ELC mixed delivery system needs and priorities to individuals and organizations in furtherance of developing additional local mixed delivery system resources. If the Council wishes the County to take an official position on ELC mixed delivery related legislation, the Council shall work with County staff to recommend the position be included in the County's established intergovernmental legislative program process.

SEC. 266.11. MEMBERSHIP AND SELECTION.

(a) The Planning Council shall consist of up to 35 members plus designated alternates, reflecting the geographic and ethnic diversity of San Diego County, with a maximum of seven members in each of the five categories defined by Welfare and Institutions Code section 10485.

(1) 20% consumers of child care – parents or persons who receive, or who have received child care services within the past 36 months.

(2) 20% child care providers – persons, organizations, entities, or schools who provide child care services, reflective of the range of child care providers in the County.

(3) 20% public agency representatives – persons who represent a city, county, city and county, or local education agency.

(4) 20% community representatives - persons who represent an agency, organization, or business that support or who advocate for early learning or mixed delivery services through participation in civic or community-based organizations but are not child care providers and do not represent an agency that contracts with the California Department of Education to provide child care and development services.

(5) 20% discretionary – persons who qualify for any other category above, or those who otherwise support the intent and goals of the Planning Council.

(b) The Planning Council may designate up to 20 alternate members. Designation of alternates shall be consistent with the five categories defined by statute. Alternates may attend and participate in meetings of the Planning Council or its committees. Alternates may be designated to vote in the place of members within their category who are not in attendance at a Council meeting or a meeting of a Council committee.

(c) The Planning Council may designate ex-officio representatives to the Council as necessary. Ex-officio representatives will not be subject to the membership attendance requirements of the Council and will not vote at meetings of the Council.

SEC. 266.12. APPOINTMENTS.

Appointments to the Council shall be made in accordance with Welfare and Institutions Code section 10485, which requires appointments jointly by the Board of Supervisors and the County Superintendent of Schools. General membership appointments will be made as terms expire. On an annual basis, Council members will solicit and/or review nominations received and make recommendations to the appointing authorities for appointments of new members and alternates to fill vacancies. An annual list of people interested in being nominated to the Council shall be kept as a pool for future appointments. On the effective date of this Article, existing Council members previously appointed shall be deemed appointed pursuant to this Article by operation of law and shall continue as members for the duration of their appointed terms, so long as eligible and qualified for continued Council membership.

SEC. 266.13. VACANCIES.

A vacancy shall occur if any of the following events occur before the expiration of the term:

- (1) the death of the incumbent;
 - (2) the resignation of the incumbent;
 - (3) the cessation of the incumbent to be a resident of the County of San Diego or to be employed in the County of San Diego in alignment with their Council membership category;
 - (4) three absences from regularly scheduled meetings within a calendar year;
 - (5) failure to be an active participant in at least one committee of the Council;
- or
- (6) failure to complete ethics training as required by Section 266.17.

When a vacancy occurs as the result of any of the occurrences listed above, the Council Chair shall notify Council members when that position has become vacant. The Council shall select an alternate previously approved by the Board of Supervisors and the County Superintendent of Schools, if one exists, to fill the vacancy for the remainder of the calendar year. The Council shall advise the office of the Clerk of the Board of Supervisors in writing of any changes to the membership of the Council.

SEC. 266.14. TERM OF OFFICE.

Planning Council members shall serve two year terms. Terms are subject to reappointment at the request of the Council and with the approval of the Board of Supervisors and the County Superintendent of Schools. Members and alternates may serve more than two consecutive terms.

SEC. 266.15. ORGANIZATION.

- (a) Officers. The Planning Council shall elect from its membership a Chair, a First Vice-Chair, and a Second Vice-Chair.
- (b) Rules. The Planning Council shall prepare and adopt the necessary rules and regulations for the conduct of its business in the Council bylaws.
- (c) Quorum. A majority of the members currently appointed shall constitute a quorum. A majority of the quorum in attendance shall be required to carry any motion or approval. Council alternates may be designated to act in order to achieve a quorum.
- (d) Meetings. Regular meetings shall be convened a minimum of four times annually on a quarterly basis. Meeting dates, location and time will be established at the beginning of each fiscal year and may be changed as needed. The Council shall give public notice of the time and place of meetings in compliance with the requirements of the Ralph M. Brown Act, Government Code section 54950 et seq. All meetings of the Planning Council shall be open and public and all persons shall be permitted to attend any meetings of the Council.

SEC. 266.16. COMPENSATION AND EXPENSES.

Members of the Council shall serve without compensation. In accordance with State Department of Education guidelines, members may be reimbursed at State-determined rates for appropriate meeting, workshop and conference expenses within California, incurred in performing their duties under this Article.

SEC. 266.17. DUTIES AND RESPONSIBILITIES.

The Council shall carry out all duties and responsibilities as set forth in Welfare and Institutions Code section 10480 et seq. and as these sections are amended. The Council shall perform such other duties as assigned by the Board of Supervisors.

All members appointed or reappointed must complete ethics training as required by Government Code section 53235. Such training shall be completed on or before January 31st of the year of their appointment or reappointment. Lack of completion will result in dismissal from the Planning Council.

SEC. 266.18. REPORTS.

The Planning Council shall make all reports required by law and shall make available to the Board of Supervisors and County Superintendent of Schools its findings and recommendations as mandated by state law.

SEC. 266.19. STAFF ASSISTANCE.

The County of San Diego acts as the fiscal agent for the Child Care and Development Planning Council through a revenue agreement with the California State Department of Social Services. The Health and Human Services Agency

oversees the contract to administer funds for and provide support services to the Child Care and Development Planning Council.

SEC. 266.20. ORDINANCE CHANGES.

Any proposed change in the provisions of the Article shall be submitted to the Council for review and comment prior to the said proposed change being considered by the Board of Supervisors.

Section 2. This ordinance shall take effect 30 days after its adoption. Within 15 days after the date of adoption of this ordinance, a summary shall be published once with the names of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

**APPROVED AS TO FORM AND LEGALITY
CLAUDIA G. SILVA, COUNTY COUNSEL**

BY: Kyle Sand, Senior Deputy County Counsel