

ATTACHMENT A

ORDINANCE NO. 9772 (NEW SERIES)

**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 County Administrative Code is revised to read as follows:

**ARTICLE XVI
CHILD CARE AND DEVELOPMENT PLANNING COUNCIL**

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 Assembly Bill 1542 (Chapter 270, Statutes 1997) and Education Code Sections 8499.3 and 8499.5.

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 Assembly Bill 1542 and the Education Code 8499.3 and 8499.5, the Planning Council shall advise the Board of Supervisors as well as the County Superintendent of Schools in matters within its duties and responsibilities.

The purpose of the Planning Council is to assess the child care and child development 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 child care and child development 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 child care and development services for all San Diego County children.

Due to its mission to assess and identify local child care 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 child care. The Council may review and comment upon proposals which may impact local child care needs and priorities. The Council may provide information and educational materials relating to local child care needs and priorities to individuals and organizations in furtherance of developing additional local child care resources. If the Council wishes the County to take an official position on child care 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.

The Planning Council shall consist of 35 members plus designated alternates, reflecting the geographic and ethnic diversity of San Diego County, with a minimum of seven members in each of the five categories defined by law;

- (a) 20% consumers of child care – parents or persons who receive, or who have received child care services within the past 36 months.
- (b) 20% child care providers – persons who provide child care services or represent persons who provide child care services, reflective of the range of child care providers in the county.
- (c) 20% public agency representatives – persons who represent a city, county, city and county, or local education agency.
- (d) 20% community representatives -persons who represent an agency or business that provides private funding for child care services, or who advocate for child care 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.
- (e) 20% discretionary.

The Planning Council may designate up to thirty-five (35) alternate members. Designation of alternates shall be consistent with the five categories defined by statute. Alternates may attend and participate in meetings. Alternates may be designated to vote in the place of members within their category who are not in attendance at a Council meeting.

The Planning Council may designate four (4) ex-officio representatives to the Council. They will be the Assistant Deputy Director of Child Care Services for the County or a designee; a designated representative of the County Office of Education; the Department Head of the County Child Care Resource and Referral program; and the manager of the local branch of State Child Care Licensing. These ex-officio representatives will serve as liaisons to their respective agencies. 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 continue to be made in accordance with the Board of Supervisors' initial action establishing the Council 6-18-91 (84), which requires appointments jointly by the Chief Administrative Officer and the 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. A list of persons 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 on the happening of any of the following events 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 by an organization concerned with child care and child development in the County of San Diego.
- (4) Three unexcused absences from regularly scheduled meetings within a calendar year.
- (5) Failure to be an active participant in at least one committee of the Council.

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 County Board of Supervisors and the

County Office of Education or their designees to fill the vacancy for the remainder of the calendar year.

SEC. 266.14. TERM OF OFFICE

Planning Council members shall serve two year terms. Terms are renewable at the request of the Council and with the approval of the Board of Supervisors and the County Office of Education or their designees. 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.
- (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 alternated may be designated to act in order to achieve a quorum.
- (d) Meetings. Regular meetings shall be convened a minimum of 10 times annually. 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 Sec. 54950. 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. ESTABLISHMENT OF COMMITTEES.

- (a) Standing Committees. The Council shall establish committees on either a permanent or temporary basis to address relevant child care concerns and issues within the community. The scope and purpose of all committees shall be reviewed at least annually by the Executive Committee and recommendations for continuation or elimination made to the Council.
 - (1) All members and alternate members must actively participate on at least one committee of the Council. Both members and alternate members of the Council are designated to vote at committee meetings on issues of concern to the committees they participate on.
 - (2) All interested members of the community are invited and urged to participate in the committee of the Council. Upon appointment by the

Planning Council chair, members of the community may become voting members of the committee.

(3) The actions and recommendations of committees shall not be deemed the action of the Planning Council.

(b) Executive Committee. The Executive Committee shall consist of the Council Chair, the First and Second Vice-chairs, the prior Council Chair, and a chair from each standing committee. The Assistant Deputy Director of Child Care Services shall be an ex-officio member of the Executive Committee. The Executive Committee is delegated the power to act for the Council between meetings with their actions reviewed and ratified at the next Council meeting. A majority of the Executive Committee shall constitute a quorum of the Executive Committee.

SEC. 266.17. 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. 266.18. DUTIES AND RESPONSIBILITIES

The Council shall carry out all duties and responsibilities as set forth in Education Code sections 8499.3 and 8499.5 and as these sections are amended. The Council shall perform such other duties as assigned by the Board of Supervisors.

SEC. 266.19. REPORTS

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

SEC. 266.20. STAFF ASSISTANCE

Under the auspices of the Director of the Health and Human Services Agency, the Assistant Deputy Director for Child Care Services shall provide administrative and staff support to the Planning Council.

SEC. 266.21. 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.

PASSED AND ADOPTED THIS 9th DAY OF MAY 2006