



**FIRST 5 ALAMEDA COUNTY SUB-COMMITTEE MEETING AGENDA**

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**Monday, February 5, 2018**

**First 5 Alameda County  
1115 Atlantic Ave.  
Alameda, CA 94501  
Conference Room E**

4:30 PM – 6:30 PM

**Sub-Committee Commissioners:** Renee Herzfeld, Lori Cox, Cecilia Echeverría, Scott Coffin, Kimi Watkins-Tartt

**Alternates:** Karina Rivera

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- 1. Public Comment (for items not listed on the agenda) - Limited to 3 minutes per speaker**
- 2. Alameda County & City of Oakland Child Care and Early Education Initiatives**
- 3. Adjournment**

**Information about the First 5 Conference Center**

- The First 5 Conference Center is wheelchair accessible. Please notify us 3 business days in advance if you need special assistance so we can make reasonable arrangements to ensure accessibility.
- Please refrain from wearing strongly scented products to the Conference Center in consideration of those who may experience chemical sensitivities.

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## THE CHILDREN'S INITIATIVE OF 2018

### SEC. 1. Title.

This measure shall be known and may be cited as "The Children's Initiative of 2018."

### SEC. 2. Findings and Declarations.

The People of the City of Oakland hereby find and declare the following:

A. The children of Oakland are our future and will provide the leadership, creativity, and productivity to strengthen and sustain the quality of life in our City.

B. Research shows that 90% of a child's brain develops during the first five years of life. This critical period is a window of opportunity to lay the foundation for all of the years that follow.<sup>1</sup>

C. Only 43% of OUSD students entered "kindergarten ready," and more specifically, 82% of white students entered kindergarten-ready compared to 36% of African American students and 29% of Latino students in 2016.

D. Only 10% of high school freshmen in Oakland had a Bachelor's degree 6 years after graduating from high school in 2010.

E. Low- and moderate-income students with as little as \$500 in dedicated savings for post-secondary education are three times more likely to attend college and four times more likely to graduate from college than youth without college savings<sup>2</sup>

F. College graduates will earn up to \$900,000 more than those with a high school diploma over a lifetime<sup>3</sup> all else equal, and college graduates are far less likely to suffer from poverty, unemployment, or to commit a crime.<sup>4</sup>

G. Research demonstrates that public investment in quality early education programs has some of the highest returns on investment, with up to \$8.90 for every public dollar we spend,<sup>5</sup> with reduced costs for special education, welfare, and public safety.<sup>6</sup>

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<sup>1</sup> Brown, T. T., & Jernigan, T. L. (2012). Brain development during the preschool years. *Neuropsychology Review*, 22(4), 313–333. <http://doi.org/10.1007/s11065-012-9214-1>

<sup>2</sup> William Elliott (2013). *Building Expectations, Delivering Results: Asset-Based Financial Aid and the Future of Higher Education*, Lawrence, KS. Center on Assets Education and Inclusion at the University of Kansas.

<sup>3</sup> Tamborini, C. R., Kim, C., & Sakamoto, A. (2015). Education and Lifetime Earnings in the United States. *Demography*, 52(4), 1383–1407. <http://doi.org/10.1007/s13524-015-0407-0>

<sup>4</sup> Trostel, P. (2015). *It's Not Just the Money: The Benefits of College Education to Individuals and to Society*. Indianapolis, IN: Lumina Foundation. <https://www.luminafoundation.org/files/resources/its-not-just-the-money.pdf>

<sup>5</sup> Lynch, R., & Vaghul, K. (2015). *The Benefits and Costs of Investing in Early Childhood Education*. Washington DC: Washington Center for Equitable Growth. <http://equitablegrowth.org/report/the-benefits-and-costs-of-investing-in-early-childhood-education/>

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H. The homeless population in Oakland includes hundreds of children and their families who are unable to access quality child care, early education services, or post-secondary education supports.

I. Low compensation of early educators drives turnover and hampers the ability to attract and retain skilled educators, which in turn undermines stable, continuous relationships essential to children.<sup>7</sup>

## SEC. 3. Purpose and Intent.

In enacting this Act, it is the purpose and intent of the people of the City of Oakland to expand support for children from cradle-to-career, by improving and expanding preschool experiences and increasing the kindergarten readiness of the City's children, as well as ensuring every child in Oakland graduates high school with the expectations, resources and skills to complete college and be successful in the career of their choice, with a specific focus on reducing race- and income-related disparities. It will do so by expanding access to high quality preschool, early education, and developmental supports for children in their critical developmental years in order to prepare them for success in the public education system; removing barriers to college access by increasing exposure, college savings, eligibility, and affordability for students and their families from birth through elementary, middle, and high school; and increasing college enrollment and persistence supports to ensure successful completion for students.

## SEC. 4. Definitions [TBD: Once finalized, to be alphabetized].

- (a) "Act" shall mean the Children's Initiative of 2018.
- (b) "'Citizens' Oversight Committee" shall mean the Children's Initiative Citizens' Oversight Commission created by Section \_\_ of this Act.
- (c) "College" shall mean post-secondary education including two-year, four-year or licensed career technical educational degrees, subject to other criteria as determined by the Citizens' Oversight Committee.
- (d) "Early Education Fund" shall mean the Oakland Early Education Fund established by Section \_\_ of this Act.
- (e) "Early Education Implementation Partner" shall mean the public agency or nonprofit organization selected to implement the Early Education Program pursuant to Section \_\_ of this Act.

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<sup>6</sup> Masse, L. and Barnett, W.S., A Benefit Cost Analysis of the Abecedarian Early Childhood Intervention (2002); Karoly et al., Early Childhood Interventions: Proven Results, Future Promise (2005); Heckman et al., The Effect of the Perry Preschool Program on the Cognitive and Non-Cognitive Skills of its Participants (2009).

<sup>7</sup> Whitebook, M., Phillips, D., & Howes, C. (2014). Worthy work, STILL unlivable wages: The early childhood workforce 25 years after the National Child Care Staffing Study, Executive Summary. Berkeley, CA: Center for the Study of Child Care Employment, University of California, Berkeley. <http://cscce.berkeley.edu/files/2014/Executive-Summary-Final.pdf>

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(f) “First 5 Alameda County” shall mean the independent county agency established by the County of Alameda pursuant to section 130140 of the California Health and Safety Code.

(g) “Funding Guidelines” shall mean guidelines developed by the accountability officer and adopted by the Citizens’ Oversight Committee every 5 years for each Fund established by this Act. In support of the statement of Purpose and Intent and consistent with the Act, these guidelines will identify goals for each fund as well as metrics and benchmarks to assess the achievement of outcomes central to those goals. The guidelines will be created through a local assessment of context and needs, and a national assessment of evidence-based best practices in the field.

(h) “High need” shall mean a child experiencing homelessness or housing instability as broadly defined by the McKinney Vento Homeless Assistance Act, or other criteria as determined by the Citizens’ Oversight Committee, such as child abuse or neglect, trauma, interaction with the criminal-justice system including incarceration or deportation, linguistic isolation, domestic violence, a child or family with disabilities or special needs, or children facing other similar challenges.

(i) “Preschool” shall mean a developmentally-appropriate educational program for children prior to kindergarten.

(j) “Preschool desert” shall mean an area of the City of Oakland that lacks preschool providers with sufficient preschool resources to serve the population of eligible children in a manner accessible to parents, or other criteria as determined by the Citizens’ Oversight Committee.

(k) “Oakland Promise Fund” shall mean the Oakland Promise Fund established by Section \_\_ of this Act.

(l) “Oakland Promise Implementation Partner” shall mean the public agency, nonprofit organization, entity, or program within a public agency or non-profit selected to implement the Oakland Promise Programs pursuant to Section \_\_ of this Act.

## **SEC. 5. The Children’s Initiative Oversight and Accountability.**

### **SEC. 5.1. The Children’s Initiative Citizens Oversight Commission.**

(a) **Establishment.** There is hereby established the Children’s Initiative Citizens Oversight Commission.

(b) **Membership; Appointment Process; Qualifications.** The Citizens’ Oversight Committee shall be composed of nine (9) to fifteen (15) members. Members of the Citizens’ Oversight Committee shall be appointed by the Mayor and confirmed by the Council pursuant to Section 601 of the Charter. The Mayor shall request recommendations from the members of the City Council, and Oakland Unified School District Board of Education and Superintendent at least 14 days prior to submitting any appointments for confirmation. The Commission should be reflective of the diversity of Oakland and must include the following members:

(1) At least one member with professional expertise in early childhood education policy;

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- (2) At least one member with professional expertise in early childhood care or development;
- (3) At least one member with professional expertise in K-12 or college access;
- (4) At least one member with professional expertise in college completion, college or university leadership, or support for traditionally underrepresented college students;
- (5) At least one member with experience in budgeting, auditing, or finance;
- (6) At least one member with at least two years of experience teaching in early childhood education or kindergarten in low-income communities;
- (7) At least one member who is a member of a union or labor advocacy group;
- (8) At least one homeowner who is subject to the parcel tax imposed by section \_\_\_;
- (9) At least one parent, who within the last five years, has had a child of preschool age who attended a Head Start program or was on a waitlist for a Head Start program;
- (10) At least one member who is, or who has within the last five years been, enrolled in an Oakland public school, or graduated from an Oakland public school graduate and enrolled in college, or who is the first in their immediate family to graduate from college;

(c) **Qualifications; Conflicts.** The members in paragraph (6) through (10) must be residents of Oakland. The members set forth in paragraphs (1) through (5) must reside or work in Oakland. One member may satisfy more than one of the requirements set forth in paragraphs (1) through (10) of subdivision (b). Members may not receive income from or hold governing authority with an Implementation Partner or a non-governmental organization that is an Early Education or Oakland Promise program provider.

(d) **Terms.** A members shall serve no more than four full consecutive terms. A member may be removed for cause pursuant to Section 601 of the Charter, or for the failure to attend three consecutive meetings of the Citizens' Oversight Committee or more than fifty percent (50%) of the meetings in a 12-month period. For the initial appointments only, one-third shall serve for 4 years, one-third shall serve for 3 years, and one-third shall serve for 2 years. Subsequently, all terms shall be for three years.

(e) **Quorum.** A majority of the appointed members of the Commission shall constitute a quorum, but in no case shall it be fewer than 5.

(f) **Compensation.** Members shall serve without compensation. Members may request and receive reimbursement for actual transportation and childcare expenses, capped at \$500 annually.

(g) **Functions and Duties.** It shall be the function and duty of the Citizens' Oversight Committee to:

- (1) Approve a recommendation of the five-year Funding Guidelines for the Early Education and Oakland Promise Programs to accomplish the purposes of this Act, as specified in \_\_\_\_\_, and submitting said recommendation to the Oakland City Council for its adoption.

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(2) Approve the recommendation of the selection of implementation partners for the Early Education and Oakland Promise Programs and ensure that the selection is consistent with the Act,

(3) Review and approve annual independent financial audits of each of the Funds.

(4) Review the performance appraisals and external evaluations of the implementation of the Early Education and Oakland Promise Programs prepared by the Accountability Officer.

(5) Approve a recommendation for termination of an implementation partner by a  $\frac{2}{3}$  vote, if termination would further the purposes of the Act, as specified in section \_\_\_.

(6) Perform such other functions and duties as may be prescribed by laws of the Charter or City ordinance.

## **SEC. 5.2. The Children's Initiative Accountability Officer.**

**(a) Establishment.** The City Administrator shall establish a position that serves as an Accountability Officer for the Children's Initiative at a salary scale commensurate with the duties of the position. The City Administrator or his/her designee shall hire for the position, in consultation with the Superintendent of the Oakland Unified School District. The City Administrator may appoint an interim Children's Initiative Accountability Officer to carry out the duties set forth in subdivision (b) until such time as a permanent appointment is made.

**(b) Duties.** The Accountability Officer shall be responsible for

(1) Accountability, oversight, and delivery of the purposes and intent of the act,

(2) Preparing the five-year Funding Guidelines for the Early Education and Oakland Promise Programs, overseeing the Early Education and Oakland Promise Programs, and supporting and providing recommendations to the Citizens' Oversight Committee

(3) Supervising an independent financial audit of expenditures from the Funds and performance appraisals of the implementation of the Early Education and Oakland Promise Program, and presenting the financial audits and performance evaluations to the Citizens' Oversight Committee for approval;

(4) Monitoring the performance of the implementation partners through an official Performance Appraisal, consistent with the metrics outlined in the Implementation Partners' contracts, and reporting at least once every two years regarding the implementation partners' performance to the Citizens' Oversight Committee; and

(5) Carrying out such other duties as may be delegated by the Citizens' Oversight Committee.

(6) Seat and train the Citizens Oversight Committee, consistent with membership process in section (5.1b)

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(7) Conducting the selection process for the Early Education and Oakland Promise Implementation partners, consistent with the Act

(8) Developing the agreement or contract with the selected Implementation Partners, which must provide for the the following, as further specified for the first 5 year cycle in in section 7:

(i) An explanation of the research-based evidence that supports programmatic decisions;

(ii) A plan to involve community members, parents and families throughout the implementation of the five-year operational plan and program design; and to minimize the administrative burden on families in accessing services; and

(iii) A plan for the use of an existing, rigorous and reliable external evaluation, or a plan for the development of such an evaluation, of child outcomes data, including kindergarten readiness, college access and college completion, that will facilitate assessment of whether the Early Education and Oakland Promise programs are achieving the goals of the Act and will also provide further information on race- and income-based disparities and particularly for children in high-need, including annual benchmarks and a plan for data transparency for the public.

(3) Collecting and maintaining data consistent with performance metrics established by the Citizens' Oversight Committee upon the recommendation of the Accountability Officer to track performance and provide such information to the Accountability Officer at least once every two years;

(4) Securely segregating monies received from the Early Education Fund from other funds to ensure appropriate accounting of receipts and expenditures and submit to annual independent financial audits; and

(5) Entering into data sharing agreements with the City, including data disaggregated by race and income, including data from partnering program providers, such as early education providers,.

## **SEC. 5.3. Funding for Oversight and Accountability.**

(a) **The Fund.** There is hereby established the Oakland Children's Initiative Oversight and Accountability Fund.

(b) **Revenue.** For each fiscal year, 10 percent (10%) of the proceeds of the parcel tax imposed pursuant to Section \_ of this Act shall be deposited in the Children's Initiative Oversight and Accountability Fund, to be appropriated by the City Council for the purposes specified in subdivision (c) of this section. Of this amount, at least three percent (3%) shall be reserved for independent third party evaluations.

(c) **Eligible Use.** Moneys in the Children's Initiative Oversight and Accountability Fund shall be used to support the oversight and accountability costs of the Citizens' Oversight Committee, including the costs of Commission staff, Commission operations and meetings, financial audits, independent third-party evaluations, strategic and implementation planning, and communications and outreach to ensure

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effective public participation. To the extent that the oversight and accountability costs of the Citizens' Oversight Committee amount to less than ten percent (10%) of the proceeds of the parcel tax in any fiscal year, two-thirds of the funds remaining at the end of the following fiscal year shall be deposited in the Early Education Fund and shall be available for appropriation to achieve the goals of the Early Education Programs, and one third shall be deposited in the Oakland Promise Fund and shall be available for appropriation to achieve the goals of the Oakland Promise Program.

## **SEC. 6. The Oakland Early Education Program.**

### **SEC. 6.1 Early Education Fund.**

(a) **The Fund.** There is hereby established the Oakland Early Education Fund.

(b) **Revenue.** For each fiscal year, 60 percent of the proceeds of the parcel tax imposed pursuant to Section \_ of this Act shall be deposited in the Early Education Fund, to be appropriated by the City Council for the purposes specified in subdivision (c) of this section.

(c) **Eligible Use.** Moneys in the Early Education Fund shall be used to support the Early Education Program to expand access to developmentally-appropriate, culturally-competent and gender-responsive early care and education and high quality preschool for children who reside in Oakland or whose parents resided in Oakland in the year previous to their enrollment in such programs, as provided by Sections \_ and \_ of this Act, in order to increase overall kinder-readiness and reduce the kinder-readiness gap between children from, high-income backgrounds and children from low-income backgrounds or who are in high need, as further specified in the five-year Funding Guidelines.

### **SEC. 6.2. Early Education Implementation Partner.**

(a) **Selection.** The Citizens' Oversight Committee shall select the Early Education Implementation Partner pursuant to a request for proposals. The implementation partner must meet the following minimum criteria:

(1) Be a non-profit corporation in good standing or a governmental agency or joint powers authority;

(2) Have a primary mission consistent with the purposes of the Early Education Fund and the capability to achieve all of the purposes of the Early Education Fund;

(3) Have expertise in early education or a record of successfully implementing programs or services for children age zero to five;

(4) At the time of application and while acting as Early Education Implementation Partner, not be a non-public preschool provider in the City of Oakland.

(b) **Alternative Selection Process.**

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(1) The Accountability Officer may recommend First 5 Alameda County as the Early Education Implementation Partner, without issuing a request for proposals, provided that within \_\_ days of the voters' approval of this Act, the Citizens' Oversight Committee determines, in its sole discretion, that:

(A) The voters of Alameda County have approved a tax to fund early child care and education in June 2018 and allocated planning power to First 5 Alameda County; and

(B) First 5 Alameda County is willing, and has the capacity, to serve as the Early Education Implementation Partner.

(2) The Accountability Officer may recommend administering the program through an agreement with a City department or other governmental entity, which shall serve as the Early Education Implementation Partner, without issuing a request for proposals.

**(c) Term of Early Education Implementation Partner.**

(1) The Early Education Implementation Partner shall act as the Early Education Implementation Partner for a period of up to five years with opportunities for renewal, provided that it remains in good standing and continues to carry out the requirements specified in this Act and is not terminated prior to the expiration of its term pursuant to paragraph (2).

(2) The Citizens' Oversight Committee may, by a vote of two-thirds (2/3) of its members, terminate the Early Education Implementation Partner before the expiration of a five-year period, if the Early Education Implementation Partner fails to remain in good standing, breaches its agreement with the City, is unwilling or unable to carry out the purposes of this Act, or engages in gross negligence, fraud, or unlawful activity. In the event of termination, the Citizens' Oversight Committee shall select an Early Education Implementation Partner in accordance with subdivisions (a) or (b) of this section for a five-year period.

(3) At the expiration of the five-year period, the Citizens' Oversight Committee may, based on the Early Education Implementation Partner's performance, renew the contract for an additional five-year term, without issuing a request for proposals, or select an Early Education Implementation Partner in accordance with subdivisions (a) or (b) of this section for a five-year period. Thereafter, the Citizens' Oversight Committee shall select the Early Education Implementation Partner through a request for proposals or as outlined in subdivision (b).

**SEC. 6.3. Maintenance of Effort. Non-Supplantation [PLACEHOLDER].**

(a) The City of Oakland shall not reduce the amount of City funds appropriated to support child care and early education services below \$\_\_\_\_\_, which is the level appropriated for such purposes during the 2017-18 fiscal year.

(b) Notwithstanding subdivision (a), if a severe and unanticipated financial or other event occurs that so adversely impacts the General Purpose Fund as to prevent the City from budgeting the amount set forth in subdivision (a) to support child care and early education services required by this Act, the budget to

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support child care and early education services shall be reduced by the amount the City is unable to fund as a result of such event. This exception shall apply only if the City Administrator submits a report to the City Council explaining the severe and unanticipated event, the steps that were taken by the City to avoid the need to reduce the budget and the steps that will be taken by the City in the future to restore funding. Such actions must be taken for each fiscal year in which the City fails to meet budget requirements of this Act for the reasons described in this sub-section.

(c) Proceeds from this tax may not be used to replace the funding level established in fiscal year 2017-2018 City of Oakland budget to support child care and early education services, unless the state, federal or other non-city sources of such funding levels have been reduced by the same amount.

(d) Proceeds from this tax may not be used by other local public agencies, including county and local education agencies, to supplant existing levels (Fiscal Year 2017-2018) of federal, state or local funding provided to the local public agencies to support child care and early education services, unless the state, federal or other local sources of such existing funding levels have been reduced by the same amount.

(e) Proceeds from this tax may not be used for K-12 school day services except for the purpose of expanding transitional kindergarten eligibility to additional four-year old children.

## **SEC. 7. The Oakland Promise Program.**

### **SEC. 7.1. The Oakland Promise Fund.**

(a) **The Fund.** There is hereby established the Oakland Promise Fund.

(b) **Revenue.** For each fiscal year, thirty percent (30%) of the proceeds of the parcel tax imposed pursuant to Section \_ of this Act shall be deposited in the Oakland Promise Fund, to be appropriated by the City Council for the purposes specified in subdivision (c) of this section.

(c) **Eligible Use.** Moneys in the Oakland Promise Fund shall be used exclusively to achieve the following goals for children who attend Oakland Public Schools, as further specified by the five-year Funding Guidelines:

- (1) increase early college awareness and expectations in students and their families, as well as instill a college-bound identity in students and college-going culture in schools;
- (2) increase early college savings;
- (3) increase k-12 preparedness;
- (4) increase college preparedness and eligibility;
- (5) increase college application and matriculation rates;
- (6) increase college affordability, including access to public and private student financial aid, and direct scholarships to students;
- (7) increase college persistence and graduation rates;

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- (8) reduce disparities in college and career access and success for students traditionally underrepresented in post-secondary education.

## **SEC. 7.2. Oakland Promise Implementation Partner.**

(a) **Selection.** The Accountability Officer recommends the Oakland Promise Implementation Partner pursuant to a request for proposals. The implementation partner must meet the following minimum criteria:

- (1) Be a non-profit organization in good standing or a governmental agency, including joint powers authority; or an entity or program within the aforementioned entities.
- (2) Have a mission consistent with the purposes of the Oakland Promise Fund and the capability to achieve all of the purposes of the Oakland Promise Fund through direct provision or through partnership agreements;
- (3) Have capability to successfully implement evidence-based programs or services for children age zero to college-age in service of the Oakland Promise Fund purposes;
- (4) Have the ability to leverage other funding sources to achieve the purposes of the Oakland Promise Fund; and
- (5) Have a demonstrated ability to evaluate the success of Oakland Promise Programs through an existing data-evaluation system or an existing relationship with a credible external evaluator.

(b) **Term of Oakland Promise Implementation Partner.**

- (1) The Oakland Promise Implementation Partner shall act as the Oakland Promise Implementation Partner for a period of up to five years, provided that it remains in good standing and continues to carry out the requirements specified in this Act and is not terminated prior to the expiration of its term pursuant to paragraph (2).
- (2) The Accountability Officer may recommend, and Citizens' Oversight Committee may, by a vote of two-thirds (2/3) of its members, terminating the contract with the Oakland Promise Implementation Partner before the expiration of a five-year period, if the Oakland Promise Implementation Partner fails to remain in good standing, breaches its agreement with the City, is unwilling or unable to carry out the purposes of this Act, or engages in gross negligence, fraud, or unlawful activity. In the event of termination, the Citizens' Oversight Committee shall select an Oakland Promise Implementation Partner in accordance with subdivision (a) of this section for a five-year period.
- (3) At the expiration of the five-year period, the Accountability Officer may recommend, based on the Oakland Promise Implementation Partner's performance, renew the contract for an additional five-year term, without issuing a request for proposals, or select an Oakland Promise Implementation Partner in accordance with subdivisions (a) or (b) of this section for a five-year period. Thereafter, the

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accountability officer shall recommend a selection for approval by the Citizens' Oversight Committee of the Oakland Promise Implementation Partner through a request for proposals.

## **SEC 7. Implementation of the Children's Act for the First 5 Year Cycle**

**(a) Early Education Funding Guidelines for the First 5-Years.** For the first five years following the passage of the parcel tax, in addition to the requirements set forth in subparagraph (A), in order to expedite implementation and ensure the Citizens of Oakland begin to feel the benefit of the passing of the Act, the Funding Guidelines for the Early Education Program shall be to fund programs to make available free or affordable and high-quality preschool for all three- and four-year old children from low-income backgrounds who reside in Oakland, and to make high-quality preschool more affordable for all three- and four-year old children. If the Accountability Officer assesses and recommends to the Oversight Committee that these goals are substantially achievable, the third goal for this time period shall be to invest in child development and family support services for families from low-income backgrounds with children from birth through age three.

**(b) Oakland Promise Funding Guidelines for the First 5-Years.** For the first five years following the passage of the parcel tax, in addition to the requirements set forth in subparagraph(X), in order to expedite implementation and ensure the Citizens of Oakland begin to feel the benefit of the passing of the Act, the Funding Guidelines for the Oakland Promise Program shall be to fund programs to:

- (1) Increase early college awareness and expectations in students and their families, as well as to instill a college-bound identity in students and college-going culture in schools;
- (2) Increase early college savings and asset building for families with children age zero to grade five;
- (3) Reduce disparities among children 0-5 in measures of socio-emotional development, health, and kindergarten readiness, particularly for children traditionally underrepresented in post-secondary education
- (4) Increase college awareness, preparedness, application, and eligibility, as measured by increases in completing courses required for college enrollment, such as those required by the University of California System for enrollment, and in college acceptance rates in Oakland Public Schools;
- (5) Increase college affordability, including access to public and private student financial aid and direct provision of scholarships;
- (6) Increase college matriculation and enrollment rates, such as increasing the percent of students who enroll in college directly after high school;
- (7) Increase full-time college persistence rates for students enrolled in college, especially during the first year of their enrollment, and between their first and second year of enrollment.

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(8) Increase the number of Oakland students graduating from college within 6 years of high school graduation

(9) Reduce disparities in college access, applications, enrollment and completion, particularly for children traditionally underrepresented in post-secondary education

**(c) Partnership Agreement and Contracting Requirements for Early Education in the First-5 Years.** In addition to the requirements set forth in paragraph(X), the Accountability Officer shall develop partnership or contracting agreements with the Early Education Partner which:

(1) Fund programs which achieve the following outcomes prioritized as follows, such that plans to fund a lower priority outcome may only be implemented if the Early Education Implementation Partner has determined that the next highest priority goal is reasonably achievable within the first five year implementation period:

(i) Make available free or affordable high-quality preschool for four-year old children from low-income backgrounds, with a priority on serving the children of families that have incomes below one-hundred-thirty percent (130%) of the Federal Poverty Level or who are in high need.

(ii) Make available free or affordable and high-quality preschool for three-year old children from low-income backgrounds, with a priority on serving the children of families that have incomes below one-hundred-thirty percent (130%) of the Federal Poverty Level or who are in high need.

(iii) Increase the affordability of high-quality preschool for four-year old children, with a priority on serving the children of families with the lowest incomes.

(iv) Increase the affordability of high-quality preschool for three-year old children, with a priority on serving the children of families with the lowest incomes.

(v) Increase the availability of comprehensive child development support services for families from low-income backgrounds with children from birth through age three

(2) Ensure that all participating early educators are paid at least the Oakland living wage;

(3) Provide for the development of a high quality preschool system, which shall mean that funding streams from federal, state and local sources, including Head Start or a successor program, are coordinated to ensure that existing high-quality early education programs are not made financially unviable; and that preschool programs generally are able to achieve the following within a reasonable timeframe:

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- (i) a rating of at least three on the regional Quality Rating and Improvement System (QRIS), or a successor system,
- (ii) offer an evidence-based curriculum with demonstrated success in improving the school readiness of low-income children,
- (iii) conduct formative assessments to shape instruction, and offer professional development and coaching for educators
- (iv) participate widely valid, regular and reliable assessments of early education quality in order to foster continuous improvement in child outcomes;

## **SEC. 8. Parcel Tax [Language Based on Measure Z, with added Senior Citizen exemption].**

### **SEC. 8.1. Definitions.**

For purposes of Section 7 only, the following terms shall be defined as set forth below:

- (a) “Building” shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word “Building” includes the word “structure.”
- (b) “Family” shall mean one or more persons related by blood, marriage, domestic partnership, or adoption, legal guardianship, who are living together in a single residential unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.
- (c) “Hotel” shall mean as defined by Oakland Municipal Code section 4.24.020.
- (d) “Multiple Residential Unit Parcel” shall mean a parcel zoned for a Building, or those portions thereof, that accommodates or is intended to contain two or more residential units.
- (e) “Non-Residential” shall mean all parcels that are not classified by this Act as Residential Parcels, and shall include, but not be limited to, parcels for industrial, commercial and institutional improvements, whether or not currently developed.
- (f) “Occupancy” shall be as defined by Oakland Municipal Code section 4.24.020.
- (g) “Operator” shall be as defined by Oakland Municipal Code section 4.24.020.
- (h) “Owner” shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.
- (i) “Parcel” shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.

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(j) "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(k) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or Improvements and shall include any exclusive right to the use of such land or Improvements.

(l) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

(m) "Single Family Residential Parcel" shall mean a parcel zoned for single-family residences, whether or not developed.

(n) "Transient" shall mean any individual who exercises Occupancy of a hotel or is entitled to Occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days has elapsed.

## **SEC. 8.2. Imposition of Parcel Tax for 30 years**

For each year beginning in fiscal year 2019-2020 and ending in fiscal year 2049-50, there is hereby imposed a special tax on all Owners of parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The tax imposed by this Section shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of any Possessory Interest in such parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned the parcel on that date. The tax shall be collected at the same time, by the same officials, and pursuant to the same procedures as the one percent property tax imposed pursuant to Article XIII A of the California Constitution.

The tax hereby imposed shall be set as follows subject to adjustment as provided in Section \_\_ of this Act:

(a) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of \$198 per Parcel.

(b) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of \$135.25 per occupied Residential Unit. Owners of units that are vacant for six months or more per year may apply to the Director of Finance to have the rate reduced by 50% to \$67.62 per vacant Residential Unit located on the Parcel.

(c) The tax for Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total single family residential unit equivalents (SFE). A frontage of 80 feet for a commercial institutional parcel, for example, is equal to one (1) single family resident unit

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equivalent. (See matrix.) An area of 6,400 square feet for the commercial institutional parcel is equal to one (1) single family residential unit equivalent. The tax is the annual rate \$\_\_\_ multiplied by the total number of single family residential unit equivalents (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	AREA (SF)
Commercial Institutional	80	6,400
Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

Example: assessment calculation for a Commercial Institutional Parcel with a Frontage of 160 feet and an Area of 12,800 square feet:

$$\begin{aligned} \text{Frontage} & 160 \text{ feet} \div 80 = 2 \text{ SFE} \\ \text{Area} & 12,800 \text{ square feet} \div 6,400 = 2 \text{ SFE} \\ & 2 \text{ SFE} + 2 \text{ SFE} = 4 \text{ SFE} \\ & 4 \text{ SFE} \times \$ \_\_\_ = \$ \_\_\_ \text{ tax} \end{aligned}$$

(d) An Owner of an Undeveloped Parcel is exempt from this parcel tax if the Owner can prove that the parcel was undeveloped for at least six months of the year in question.

(e) The tax imposed by this Act shall be imposed on each Hotel within the City as follows:

(1) **Residential Hotels.** Rooms in a Hotel occupied by individuals who were not Transients for 80% or more of the previous Fiscal Year shall be deemed Residential Units and the parcel on which they are located shall be subject to the Parcel tax imposed on Multiple Residential Unit Parcels. The remainder of the Building shall be subject to the applicable tax computed in accordance with the single family residential unit equivalent formula set forth in Section 7.2(c) of this Act.

(2) **Transient Hotels.** Notwithstanding the previous subsection, if 80% or more of the Operator's gross receipts for the previous Fiscal Year were reported as rent received from Transients on a return filed by the Operator in compliance with section 4.24.010 of the Oakland Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as Commercial/Institutional, and shall be subject to the applicable tax computed in accordance with the single family residential unit equivalent formula set forth in Section 7.2(c) of this Act, and the parcel tax imposed on Multiple Residential Units shall not apply.

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## SEC. 8.3. Exemptions.

(a) **Low income household exemption.** The following is exempt from this tax: an Owner of a Single Family Residential Unit (1) who resides in such unit and (2) whose combined family income, from all sources for the previous fiscal year, is at or below the income level qualifying as “very low income” for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.,) for such fiscal year. Owners must apply for the exemption provided for in this section annually by petition to the Director of the Finance of the City of Oakland or City Administrator designee in the manner and time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provide such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

(b) **Senior household exemption.** The following is exempt from this tax: an Owner of a single family residential unit (1) who resides in such unit, (2) who is 65 years of age or older and (3) whose combined family income, from all sources for the previous fiscal year, is at or below the income level qualifying as "low income" for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.,) for such fiscal year. Owners must apply for the exemption provided for in this section annually by petition to the Director of Finance or City Administrator designee in the manner and time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provide such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

(c) **Fifty percent reduction for affordable housing projects.** Rental housing owned by nonprofit corporations and nonprofit-controlled partnerships for senior, disabled and low income households that are exempt from ad valorem property tax pursuant California Revenue and Taxation Code sections 214(f), (g) and (h) shall be liable for only 50% of the parcel tax. The exemption shall apply in the same proportion that is exempted from ad valorem property tax.

(d) **Rebate to tenants in foreclosed single family homes.** The City will provide a rebate of one-half of the tax and subsequent increases thereto to tenants in single family homes that have been foreclosed upon who have paid a passed through Parcel Tax. To qualify for this rebate, a tenant must: (1) have lived in the unit before foreclosure proceedings commenced; and (2) be at or below the income level qualifying as “very low income” for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.,) for such fiscal year. The City will provide this rebate for every month that the tax was applied and the tenant occupied the unit. The City will provide this rebate at the end of each fiscal year, or when the tenant vacates the unit, whichever is earlier. The City Administrator will promulgate regulations to effectuate this subdivision.

(e) Real property owned by a religious organization or school that is exempt from property taxes under California law is exempt from this tax. To qualify for this exemption, each religious organization or school seeking such exemption shall submit such information required to determine eligibility for such exemption.

## SEC. 8.4. Reduction in Tax Rate; Rate Adjustment.

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(a) Beginning in the Fiscal Year 2020-2021, and each year thereafter, the City Council shall increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased. The percentage increase of the tax imposed hereby shall not exceed such increase, using Fiscal Year 2019-2020 as the index year and in no event shall any annual adjustment exceed five percent (5%).

## **SEC. 8.5. Duties of the Director of Finance; Notice of Decisions.**

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this Act. The Director of Finance is charged with the enforcement of this Act and may adopt rules and regulations relating to such enforcement.

## **SEC. 8.6. Examination of Books, Records, Witnesses; Penalties.**

The Director of Finance or the Director of Finance's designee is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of Parcels and computation of the tax imposed by this Act.

The Director of Finance or the Director of Finance's designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this Act, including any person who claims an exemption, for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Director of Finance, or the Director of Finance's designee is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this Act and for this purpose may compel the production of books, papers and records, whether as parties or witnesses, whenever the Director of Finance believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this Act and of the Oakland Municipal Code and subject to any and all remedies specified therein.

## **SEC. 8.7. Collection of Tax; Interest and Penalties.**

The tax shall be delinquent if the City does not receive it on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector; and the tax shall be collected in such a manner as the City Council may decide. The City may place delinquencies on a subsequent tax bill.

A one-time penalty at a rate set by the City Council, which in no event shall exceed twenty-five percent (25%) of the tax due per fiscal year, is hereby imposed by this Act on all taxpayers who fail to timely pay the tax provided by this Act. In addition, the City Council may assess interest at the rate of one percent (1%) per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this Act shall become a part of the tax herein required to be paid.

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The City may authorize the County of Alameda to collect the taxes imposed by this Act in conjunction with and at the same time and in the same manner as the County collects property taxes for the City. If the City elects to authorize the County of Alameda to collect the tax, penalties and interest shall be those applicable to the nonpayment of property taxes.

## **SEC. 8.8. Collection of Unpaid Taxes.**

The amount of any tax, penalty, and interest imposed under the provisions of this Act shall be deemed a debt to the City. Any person owing money under the provisions of this Act shall be liable to an action brought in the name of the City for the recovery for such amount.

## **SEC. 8.9. Refund of Tax, Penalty, or Interest Paid More than Once, or Erroneously or Illegally Collected.**

Whenever the amount of any tax, penalty, or interest imposed by this Act has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified written claim for refund, stating the specific ground upon which such claim is founded, is received by the Director of Finance within one (1) year of the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator, or the executor of her or his estate. No representative claim may be filed on behalf of a taxpayer or a class of taxpayers. The claim shall be reviewed by the Director of Finance and shall be made on forms provided by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person, or such person's administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

## **SEC. 8. Savings Clause.**

If any provision, sentence, clause, section or part of this Act is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this Act and shall not affect or Act any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intention of the city, that the City would have adopted this Act had such unconstitutional, illegal or invalid provision, sentence, clause section or part thereof not been included herein.

If any tax or surcharge imposed by this Act is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel required to be funded from such taxes and surcharges shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

## **SEC. 9. Regulations.**

The City Council is hereby authorized to promulgate such regulations or ordinances as it shall deem necessary in order to implement the provisions of this ordinance.

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## **SEC. 10. Amendment.**

This Act may not be amended by action of the City Council without voter approval.

## **SEC. 11. Challenge to Tax.**

Any action to challenge the taxes imposed by this ordinance shall be brought pursuant to Government code section 50077.5 and Code of Civil Procedure section 860 et seq.

## **SEC. 12. Severability.**

If any provision of this Act, or part of this Act, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable. If a court were to find in a final, unreviewable judgment that the exclusion of one or more entities or activities from the applicability of the Act renders the Act unconstitutional, those exceptions should be severed and the Act should be made applicable to the entities or activities formerly exempt from the Act. It is the intent of the voters that this Act would have been enacted regardless of whether any invalid provision had been included or any invalid application had been made.

## **SEC. 13. Conflicting Initiatives.**

(a) In the event that this measure and another measure addressing the educational development and potential of Oakland children and youth shall appear on the same City ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

## **SEC. 14. Liberal Construction.**

This Act shall be liberally construed to effectuate its purposes.

## **SEC. 15. Effective Date.**

This Act shall take effect the day after the election at which it is adopted.

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**To:** First 5 Alameda County Commission

**From:** Christine Hom, Finance Officer

**Date:** February 20, 2018

**Subject:** Alameda County & City of Oakland Child Care and Early Education Initiatives

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#### **REQUESTED ACTION**

To review and discuss the following recommendations:

1. Edits to agency Bylaws
2. Appointment of Subcommittee Chair

#### **BACKGROUND OF ACTIVITIES**

At their January 18, 2018 meeting, the First 5 Alameda County Commission formed a Subcommittee to discuss the impact that the passage of the Alameda County and City of Oakland Early Education initiatives would have on the agency should the measures pass during the June 2018 election. The Subcommittee was convened to provide policy direction to staff on the oversight, governance and financial provisions with First 5 as the proposed administrator of the initiative funding. The Subcommittee has since met twice, on January 22, 2018 and February 5, 2018 to discuss the role of the Subcommittee, subsequent edits to agency bylaws and has reviewed drafts of the Alameda County Ordinance and program plan.

#### **1. F5AC BYLAWS RECOMMENDATIONS**

First 5 Alameda County legal counsel James Harrison, of Remcho, Johansen & Purcell, LLP reviewed the current agency bylaws and has suggested recommendations to Article VIII: Committees, Section 1: Subcommittees of the Commission and Section 2: Advisory Committees clarifying the intent, authority and formation of such bodies. Suggested edits are identified as track changes in the attached bylaws document and the final proposed language copied here:

**ARTICLE VIII. COMMITTEES**

**Section 1. SUBCOMMITTEES OF THE COMMISSION**

The Commission may establish standing or ad hoc subcommittees by formal action of the Commission and shall appoint members of the Commission to serve on the subcommittee, as the Commission deems necessary. The Commission may designate a subcommittee as advisory only or the Commission may delegate decision-making authority to the subcommittee. The Commission shall designate one member of each subcommittee to serve as chairperson.

**Section 2. ADVISORY COMMITTEES**

The Commission may establish standing or ad hoc committees composed of members of the Commission and/or members of the community. These committees shall act in an advisory capacity to the Commission. The Commission shall designate one member of the committee to serve as chairperson.

**APPOINTMENT OF COMMITTEE CHAIR**

Consistent with the agency bylaws, the Subcommittee identified Vice Chair Herzfeld to serve as the Committee Chair.

**REQUESTED ACTION**

To approve the proposed changes to the agency Bylaws and appoint a Chair for the Subcommittee.

Submitted by:

Reviewed by:

\_\_\_\_\_  
Christine Hom  
Finance Officer

\_\_\_\_\_  
Kristin Spanos  
Chief Executive Officer

## CHILD CARE AND EARLY EDUCATION INITIATIVES SUBCOMMITTEE CHARGE

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### Role of the Subcommittee

- Provide policy direction to staff on the oversight, governance and financial provisions of the initiatives
- Provide policy direction to facilitate the integration of the initiatives into First 5, enhancing the existing local early childhood system of care
- Present updates to the Commission

### Authority

- Items in need of Commission approval will be brought to the full Commission at a regular meeting for a vote
  - A vote by the Committee may be taken on time sensitive matters when a quorum is present to ensure efficiencies and responsive direction to staff and partners
    - Will strive for consensus; when not possible majority vote prevails
  - If a vote is taken by the Subcommittee, the Commission will be notified

### Subcommittee Membership

- Commission appoints a chair
  - Chair facilitates monthly meetings, if Chair determines meeting is necessary to provide direction to staff
  - Chair provides verbal updates at Commission meetings
- Commission membership is agreed to by the Commission
- Renee Herzfeld, Wilma Chan and/or Alternate, Lori Cox, Cecilia Echeverría, Scott Coffin, Kimi Watkins-Tartt

### Meeting Logistics

- Frequency: First Monday of every month (as needed)
  - Adhoc meetings may be scheduled as needed
- Time: 5:30 PM-7:30 PM
- Duration: Subcommittee meetings will occur until deemed unnecessary by the Commission and First 5 staff
- Meeting minutes will be taken at each meeting and e-mailed to the Commission the second Monday of each month



## ARTICLE I. AUTHORITY

The First 5 Alameda County Commission (the Commission or County Commission) is established in accordance with California Health and Safety Code Section 130140.

## ARTICLE II. PURPOSE AND INTENT

### SECTION 1. PURPOSE

The First 5 Alameda County Commission is created for the purposes of promoting, supporting, and improving the early development of children from the prenatal stage to five years of age. These purposes shall be accomplished through the establishment, institution, and coordination of appropriate standards, resources, and integrated and comprehensive programs emphasizing community awareness, education, nurturing, child care, social services, health care, and research. The Commission's primary purpose is to adopt and implement the County's strategic plan.

### SECTION 2. INTENT

The Commission's intent is to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development. It is further the intent to integrate the Commission's planning and programs with existing service delivery systems for children from prenatal to age five and their families including but not limited to the Alameda County Social Services and Health Care Services Agencies, the Interagency Children's Policy Council, the Child Care Planning Council, and community based providers.

## ARTICLE III. POWERS AND DUTIES

The powers and duties of the First 5 Alameda County Commission shall include, but are not limited to, the following:

- A. Perform any and all duties imposed on them collectively or individually by law or by these Bylaws;
- B. Prescribe the duties and fix the compensation, if any, of all officers, agents and employees of the commission;



- C. Supervise all officers, agents, employees, and advisory committees of the Commission to assure that their duties are performed properly;
- D. Meet at such times and places as required by these Bylaws;
- E. Approve the annual strategic plan for the support and improvement of early childhood development within the county, after conducting at least one public hearing on the proposed county strategic plan;
- F. On at least an annual basis, review the county strategic plan and revise as necessary and appropriate after conducting a public hearing to consider proposed revisions;
- G. Submit the county strategic plan and any revisions to it to the State Commission;
- H. Approve an annual budget;
- I. Prepare and adopt an annual audit and report pursuant to Health and Safety Code Section 130150 (b) and conduct public hearings;
- J. Elect the Officers of the Commission;
- K. Apply for gifts, grants, donations, or contributions of money, property, facilities, or services from any person, corporation, foundation, or other entity, or from the state or any agency or political subdivision thereof, or from the federal government or any agency instrumentality thereof, in furtherance of a program of early childhood development;
- L. Enter into such contracts as necessary or appropriate to carry out the provisions and purposes of the Children and Families First Act;
- M. Conduct at least one public hearing on each annual report prepared by the State Commission pursuant to Health and Safety Code Section 130150 (b);
- N. Consider the State Commission's findings and research and apply them to the county strategic plan as deemed appropriate;
- O. Solicit technical assistance from the State Commission as deemed necessary and appropriate;
- P. Provide input to the State Commission regarding guidelines and other matters as the Commission deems necessary and appropriate;
- Q. Make recommendations to the Board of Supervisors or the County Administrator for changes in ordinances or services necessary or appropriate to carry out an integrated and comprehensive program which is consistent with the strategic plan.

**ARTICLE IV. OFFICES**

**SECTION 1. PRINCIPAL OFFICE**

The principal office of the commission is located in Alameda County, State of California.

**SECTION 2. CHANGE OF ADDRESS**

The designation of the commission's principal office may be changed by amendment of these Bylaws. The Commission may change the principal office from one location to another within the named county by noting the changed address and effective date below, and such changes of address shall not be deemed, nor require, an amendment of these Bylaws:

1850 Fairway Drive, San Leandro, CA 94577	Dated: January 1, 1999
1100 San Leandro Blvd., Suite 120 San Leandro, CA 94577	Dated: May 5, 2003
1115 Atlantic Avenue, Alameda, CA 94501	Dated: April 19, 2013

**ARTICLE V. MEMBERSHIP OF COUNTY COMMISSION**

**SECTION 1. APPOINTMENT OF COMMISSIONERS**

The County Commission shall be appointed by the Alameda County Board of Supervisors and shall consist of at least five but not more than nine members.

- A. Two members of the County Commission shall be from among the county health officer and persons responsible for management of the following county functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services.
- B. One member of the County Commission shall be a member of the board of supervisors.
- C. The remaining members of the County Commission shall be from among the persons described in clause (i) and persons from the following categories: recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, or a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies.

**SECTION 2. ALTERNATE MEMBERS**

Each of the three Alameda County Commission members appointed by the Board of Supervisors shall designate one alternate Commission member in writing to the Commission Chair for each of the following membership categories below:

- A. For each Alameda County Commission member appointed pursuant to subsection (A) of Section 1, the alternate nominee shall be proposed by each involved member.
- B. For the Alameda County Commission member appointed pursuant to subsection (B) of Section 1, the alternate nominee shall be proposed by the involved member

Alternate members are encouraged to attend Commission meetings when the designated county representative is not present to participate and vote on their behalf. Alternate members may not serve as elected officers, but may serve on ad hoc or standing committees of the Commission.

**SECTION 2. TERMS OF OFFICE**

Members of the County Commission shall serve for either a two-year term or a four-year term. Thereafter all appointments shall be for four-year terms. No appointee shall serve as a member of the County Commission for more than twelve consecutive years, unless the County Board of Supervisors waives this provision upon a majority vote of its members.

Alternate members, appointed to fill the three county Alternate positions shall serve at the discretion of the appointed County Commissioner and only so long as they are employed by the County of Alameda.

**SECTION 3. REMOVAL AND FUTURE APPOINTMENTS**

Any commissioner or alternate can be removed by the County Board of Supervisors at any time. The Board of Supervisors will then appoint a replacement commissioner to take the removed Commissioner's place and serve out the remainder of the Commissioner's term. The Commission may recommend to the Board of Supervisors that a Commissioner be removed due to his or her non-attendance at meetings or for other just cause.

Whenever a vacancy occurs due to resignation, removal, or expiration of a commissioner's term, the Board of Supervisors will appoint the replacement or in the case of term expiration, the Board of Supervisors may reappoint the Commissioner to another term or the Commissioner shall serve until the appointment of a successor.

**SECTION 4. COMPENSATION**

Members of the County Commission shall not be compensated for their services, except they shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the County Commission.

**ARTICLE VI. OFFICERS****SECTION 1. DESIGNATION OF OFFICERS**

The officers of the Commission shall be a Chair and a Vice Chair. The Chair and Vice-Chair shall perform the duties of their respective offices, and such other duties as may be approved by the Commission.

**SECTION 2. ELECTION AND TERM OF OFFICE**

Officers shall be elected by the Commission and each officer shall hold office for one year, or until he or she resigns or is removed or is otherwise disqualified to serve, or until his or her successor shall be elected and qualified, whichever occurs first.

**SECTION 3. DUTIES**

The Chair shall preside at all meetings. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.

**SECTION 4. REMOVAL AND RESIGNATION**

Any officer may be removed as officer, either with or without cause, by the Commission, at any time. Any officer may resign at any time by giving written notice to the Commission. Any such resignation shall take effect at the date of receipt of such notice or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**SECTION 5. EXECUTIVE DIRECTOR/CHIEF EXECUTIVE OFFICER**

The Commission shall hire an Executive Director/Chief Executive Officer who shall act under the authority of, and in accordance with the direction of, the County Commission. The Executive Director/Chief Executive Officer, with the approval of the County Commission, will be authorized to hire such other staff as necessary or appropriate.

## **ARTICLE VII. MEETINGS**

### **SECTION 1. PLACE OF MEETINGS**

Meetings shall be held within Alameda County at a place designated from time to time by the Commissioners.

### **SECTION 2. REGULAR MEETINGS**

Regular meetings of Commissioners shall be held on a regular basis at a time and place to be specified by formal action of the Commission. The Commission shall meet up to six times per year.

### **SECTION 3. SPECIAL MEETINGS**

Special meetings of the County Commission may be called by the Chair, the Vice-Chair, or by any two Commissioners. Such meetings shall be held at the place designated by the person or persons calling the special meeting.

### **SECTION 4. OPEN MEETINGS**

All meetings of the Commission, except those closed sessions permitted by law, shall be open and public. All meetings shall conform to the Ralph M. Brown Act, including requirements for notice of meetings, preparation and distribution of agendas and written materials, teleconferencing, inspection of public records, closed sessions and emergency meetings, maintenance of records, and disruption of a public meeting. Those provisions of law which govern the conduct of meetings of this Commission are hereby incorporated by reference into these Bylaws.

### **SECTION 5. QUORUM FOR MEETINGS**

A quorum shall consist of a majority of the voting members of the First 5 Alameda County Commission.

### **SECTION 6. MAJORITY ACTION AS BOARD ACTION**

Every act or decision done or made by a majority of the commissioners present at a meeting duly held at which a quorum is present is an official, formal action of the Commission.

### **SECTION 7. CONDUCT OF MEETINGS**

Meetings of the Commission shall be presided over by the Chair of the Commission, or in his or her absence, by the Vice-Chair of the Commission or, in the absence of each of these persons, by a Chairperson chosen by a majority of the commissioners present at the meeting.

**ARTICLE VIII. COMMITTEES**

Section 1. SUBCOMMITTEES OF THE COMMISSION

The Commission may establish standing or ad hoc Standing-subcommittees shall be established by formal action of the Commission and shall appoint members of the Commission to serve on the subcommittee, will be appointed by the Commission as the Commission deems necessary. The Commission may designate a subcommittee as advisory only or the Commission may delegate decision-making authority to the subcommittee. The Commission shall designate ~~The Commission may also establish Ad Hoc committees as it deems necessary. One~~ member of each subcommittee will be designated to serve as chairperson.

Section 2. ADVISORY COMMITTEES.

The Commission may establish standing or ad hoc committees composed of members of the Commission and/or members of the community. These committees ~~These committees may consist of persons who are not also members of the Commission and~~ shall act in an advisory capacity to the Commission. The Commission shall designate one member of the committee to serve as chairperson.

**ARTICLE IX. AMENDMENT OF BYLAWS**

**SECTION 1. AMENDMENT**

Except as may otherwise be specified under provisions of law, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted by approval of the Commission at any duly- noticed regular or special meeting.

**ADOPTED:** By a vote of 8 to 0 on August 26, 1998

**AMENDED:** By a vote of 5 to 0 on October 15, 2015

**AMENDED:** By a vote of 8 to 0 on August 18, 2016

**AMENDED:** By a vote of x to x on February 22, 2018



January 4, 2018

Honorable Board of Supervisors  
County of Alameda  
1221 Oak Street, Suite 536  
Oakland, California 94612-4305

Dear Board Members:

**SUBJECT: APPROVE A PROPOSED CHILD CARE AND EARLY EDUCATION  
ORDINANCE TO ADD TO THE BALLOT OF THE ELECTION TO BE  
HELD ON JUNE 5, 2018**

**RECOMMENDATION:**

Adopt the attached Ordinance to implement a one-half percent sales tax to fund child care and early education.

**SUMMARY:**

Limited access to quality, affordable child care and early education is resulting in children not ready for kindergarten, parents unable to find child care they can afford, and early educator pay that is so low that it is difficult for early educators to provide the basics for their own families. The County seeks to address these issues by bringing to the voters a Measure allowing the County to implement a one-half percent sales tax for 30 years to fund expanded access to child care and early education for low-and middle-income families and to raise wages for child care providers and early educators to a minimum of \$15 per hour.

Monies raised by the sales and use tax would go into a special fund and use of tax proceeds or any interest accrued on tax proceeds is restricted and will be used exclusively to provide high quality child care and early education services to benefit low-and middle-income children and families in Alameda County and to improve wages for child care providers and early educators.

The Ordinance requires a 3<sup>rd</sup> party, such as First 5 Alameda County or a similar entity, to implement the program. Your Board shall have the right and discretion to select a different entity or to identify additional entities to implement the program or portions of it. The intent is for the administering agency to have broad authority to implement the programs funded by this Measure with specific terms and conditions established by a Program Plan which your Board will adopt at a later date and a contract between the County and the administering agency.

The Ordinance also requires your Board designate a 3<sup>rd</sup> party, such as the Alameda County Early Care and Education Planning Council or a similar entity, to act as an advisory and planning body

for the fund. Finally, the Ordinance has a non-supplantation provision forbidding the County from using proceeds from the Measure to supplant County investment in direct child care and early education services.

If your Board approves the first reading of this Ordinance, the Ordinance will come back to your Board at your next meeting for a second reading along with a Resolution to place the tax Measure on the ballot. If the Measure is approved by 2/3rds of the voters, this tax will go into effect October 1, 2018. The County is estimating this Measure will raise approximately \$140 million annually with that amount changing based on economic activity in the County.

The proposed ballot Measure language is:

#### ALAMEDA COUNTY CHILDCARE AND EARLY EDUCATION MEASURE.

To expand access to childcare and preschool for low- and middle-income families; help homeless and at-risk children, including help preventing child abuse and neglect; attract and retain quality childcare workers; and add spaces for childcare at locations throughout the county, shall the County of Alameda enact a 30-year one-half percent sales tax providing 140 million dollars annually with citizens' oversight, public disclosure of spending, and mandatory annual audits.

#### **DISCUSSION:**

As your Board is aware, child care and early education in the County has become increasingly scarce and expensive, to the point that it is now out of reach for many low and middle income families, including homeless families and vulnerable populations. The General Services Agency's Early Care and Education Program made presentations about the child care and early education crisis issue to your All In Committee at its October 2017 and January 2018 meetings, and to your Board at your September 19, December 12 and January 30 retreats. County staff was instructed to explore the possibility of placing a sales tax Measure on the June 2018 ballot to provide funds to mitigate the quality child care and early education crisis.

From July 27, 2017 through January 11, 2018 a Steering Committee met bi-weekly to review and discuss child care and early education needs and possible programs to be funded from a sales tax Measure. Your Board held eight listening sessions throughout the County to solicit input from the public and stakeholders on both policy and programs related to the proposed Measure. Representatives from labor, community and child care and early education also sponsored six additional listening sessions. An Advisory Panel of 48 key child care and early education stakeholders and content experts met three times to further vet and provide feedback on the proposed program components.

In total, we conducted almost 100 group and one-on-one listening sessions reaching at least 1,000 individuals and collected and logged over 500 feedback forms to inform and improve the proposed plan. We also established a County webpage ([www.acgov.org/ece/crisis](http://www.acgov.org/ece/crisis)) with relevant information and a dedicated phone number and email address to collect additional feedback. The



overwhelming majority of stakeholders voiced support for the Measure, especially its focus on improving child care and early education access, quality and wages.

In addition, a consulting firm conducted two telephone surveys of 600 likely June 2018 voters to provide public opinion research and ballot initiative services to advise on the Measure. Key findings from the polling data showed that 73% of voters would support the Measure.

The proposed Measure will help to mitigate the scarcity and cost of child care and early education within the County, especially for low-and middle-income families and vulnerable populations. It will also sustain and improve the quality of new and existing child care and early education, and improve wages for child care providers and early educators to at least \$15 an hour.

**FINANCING:**

Proceeds raised by this sales and use tax will be deposited into a special fund entitled “child care and early education tax fund.” These funds will be restricted and shall be used exclusively to provide high quality child care and early education services to benefit low and middle income children and families in Alameda County and to improve wages for child care providers and early educators who provide these services.

We are currently estimating this tax will raise approximately \$140 million annually with that amount fluctuating based on economic activity. The non-supplantation provision in the Ordinance requires that proceeds from this tax may not be used to replace the funding level established in the FY 2016-17 County budget for direct services to support child care and early education services unless State, federal, or other non-County sources of such funding have been reduced by the same amount.

Approval of this item is a necessary step to place the tax measure on the ballot for voter approval and will have no impact on net County cost.

Respectfully submitted,



Willie A. Hopkins, Jr.  
Director, General Services Agency

BOS.02.06.18.CHC.Proposed Child Care and Early Education Ordinance

**Attachments**

cc: Susan S. Muranishi, County Administrator  
Steve Manning, Auditor-Controller  
Donna R. Ziegler, County Counsel  
Meryl Klein, Office of the County Administrator  
Pete Coletto, Office of the County Administrator

Kimberly Gasaway, GSA Chief Deputy, Administration  
Farand Kan, Deputy County Counsel  
Andrea Weddle, Chief Assistant County Counsel

ORDINANCE NO. 2018-\_\_

**THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA**

AN ORDINANCE OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, ADDING ARTICLE VI TO CHAPTER 2.08 OF THE ALAMEDA COUNTY ORDINANCE CODE, IMPOSING A TRANSACTIONS AND USE TAX FOR THE PURPOSE OF PROVIDING ADDITIONAL SUPPORT FOR HIGH QUALITY CHILD CARE AND EARLY EDUCATION SERVICES FOR LOW- AND MIDDLE-INCOME CHILDREN AND FAMILIES IN ALAMEDA COUNTY AND TO IMPROVE WAGES FOR CHILD CARE PROVIDERS AND EARLY EDUCATORS WHO PROVIDE THESE SERVICES.

WHEREAS, the children of Alameda County are our future and will provide the leadership, creativity, and productivity to strengthen and sustain the quality of life in our County; and

WHEREAS, research shows that a child's brain develops most dramatically during the first five years of life, and this critical period is a window of opportunity to lay the foundation for all of the years that follow; and

WHEREAS, children need access to quality early educators and child care programs that will give them the very best start in life during this critical period of their development; and

WHEREAS, the County of Alameda ("County") desires to provide the children living in Alameda County with every possible opportunity to be successful in school and beyond; and

WHEREAS, each student in Alameda County deserves to be supported by qualified, caring adults in safe and nurturing environments; and

WHEREAS, in 2016, only 44% of Alameda County children entered kindergarten fully ready for school, according to the most recent School Readiness in Alameda County report; and

WHEREAS, only 31% of Alameda County children with working parents have access to a space in a licensed child care or early education setting, according to the most recent California Child Care Portfolio; and

WHEREAS, child care and early education is more expensive than college, with average, full-time infant care costing more per year than tuition at the University of California Berkeley and almost three times the annual cost of California State East Bay, according to Parents and the High Cost of Child Care 2017 report; and

WHEREAS, the growing homeless population in Alameda County includes hundreds of children and their families who are not able to access quality child care and early education services; and

WHEREAS, 75% of Alameda County child care providers and early educators worry about paying monthly bills, and 54% worry about putting food on the table, as early educators' pay has not kept up with the rising cost of living in the Bay Area, according to a 2016 report from Center for the Study of Child Care Employment; and

WHEREAS, low compensation and limited work supports disproportionately affect low-income women, as early educators are almost exclusively female, with large numbers of older women, women of color, recent immigrants, and first-generation college students and mothers; and

WHEREAS, low compensation of early educators drives turnover and hampers the ability to attract and retain skilled educators, which in turn undermines stable, continuous relationships essential to children; and

WHEREAS, in 2016-17, the state of California only reimbursed providers on average less than 70% of the true cost of providing high-quality preschool for 3- and 4-year-olds, per child per year, according to the 2016 San Francisco Office of Early Care and Education Comprehensive Fiscal Analysis; and

WHEREAS, a study by Nobel Laureate Economist James Heckman shows that investing in high quality early education yields a high return on investment up to 13%, or \$8.2 billion over 10 years for the new local investment proposed in this Ordinance; and

WHEREAS, the Board of Supervisors deems it necessary and essential to approve a 30-year transactions and use tax to provide additional support for high quality child care and early education services to low- and middle-income children and families in Alameda County and to improve wages for participating child care providers and early educators so that they can earn at least \$15 per hour;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

## SECTION I

Chapter 2.08, Article VI (Sections 2.08.300 through 2.08.319) of the Alameda County Ordinance Code is added as follows:

### Article VI – Child Care and Early Education Tax

#### **2.08.300 Title.**

A. This article shall be known as the child care and early education tax ordinance. The tax described in this article shall be referred to as the child care and early education tax (the “tax”).

B. This article shall be applicable throughout the incorporated and unincorporated territory of Alameda County, California (the “county”).

C. The goals of expenditures from the proceeds of the tax shall be:

(1) That Alameda County’s children are prepared to succeed in kindergarten and later life and live in stable, safe and supported families and communities;

(2) That Alameda County is a family-friendly county and to support families as an important part of the county’s population and civic culture;

(3) To focus on the prevention of problems, including the reduction of child abuse and neglect, and on supporting and enhancing the strengths of children and their families;

(4) That providers who serve and educate our County’s children are able to be financially stable, supported in their work, and provide for their own families;

(5) That children and youth with the highest needs receive maximum benefit from the proceeds of the tax and that equity is a guiding principle of the funding process;

(6) That collaboration among public agencies and community-based organizations around shared outcomes among all service providers for children and their families will be strengthened; and

(7) That children are provided with developmentally appropriate, gender-responsive and culturally-competent services.

#### **2.08.301 Restricted uses of the tax.**

A. Proceeds from this tax shall be deposited into the county treasury in a special fund entitled “child care and early education tax fund” (the “fund”).

B. Monies deposited into the fund, together with any interest that accrues thereon, shall be used exclusively to provide high quality child care and early education services to benefit low- and middle-income children and families in Alameda County and to improve

wages for child care providers and early educators who provide these services, as described below in this section.

C. In each year during the term of this article, one-hundred percent (100%) of revenue from this tax shall be allocated by the board of supervisors based on the demonstrated unmet child care and early education needs and the county's commitment to a geographically dispersed network of child care and early education providers, for any of the following purposes:

1. To increase access to affordable, high quality child care and early education services for low and middle income children from birth through 12 years of age, especially for children who are homeless and have other high priority needs;
2. To improve and maintain the quality of new and existing child care and early education services throughout the county; or
3. To improve the wages and benefits of child care providers and early educators who provide these services.

D. Proceeds from this tax may not be used to replace the funding level for direct services established in the fiscal 2016-2017 County of Alameda budget to support child care and early education services, unless the state, federal or other non-county sources of such funding levels have been reduced by the same amount.

E. Proceeds from this tax may not be used for kindergarten through grade 12 (K-12) school day services except for the purpose of expanding transitional kindergarten eligibility to additional four-year old children.

F. This article is not intended to alter any family child care providers' existing independent business owner status, and shall not be construed to classify family child care providers or early educators as county employees.

**2.08.302 Citizen oversight committee.**

A. Upon enactment of this article, the board of supervisors shall establish and appoint a citizen oversight committee.

B. The citizen oversight committee shall annually review the expenditure of the child care and early education tax fund for the prior year and shall report to the board of supervisors on the conformity of such expenditures to the purposes set forth in Section 2.08.301.

**2.08.303 Planning and advisory council.**

The board of supervisors will designate an entity whose members have expertise in early child care and education, such as the Alameda County Early Care and Education Planning Council (California Education Code sections 8499.3 *et seq.*) or a similar entity, to act as the planning and advisory council for the fund.

### **2.08.304 Child care and early education program implementation.**

The Alameda County Children and Families First Commission, known as "First 5 Alameda County," was created as a legal public entity separate from the county in Chapter 2.130 of the Administrative Code. First 5 Alameda County or a similar entity will be identified by the board of supervisors as the entity to implement the program that will be established by the board of supervisors for the expenditure of the tax. The board of supervisors shall have the right and discretion to select a different entity or to identify additional entities to implement the program or portions of it.

### **2.08.305 Operative date.**

"Operative date" means the first day of the first calendar quarter commencing more than one hundred and ten (110) days after adoption of this article.

### **2.08.306 Enactment of retail transaction and use tax.**

A. This article is adopted to achieve the following general purposes:

1. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 and of Sections 7285.5 and 7292.2 of Part 1.7 of Division 2 of the California Revenue and Taxation Code that authorize the county to adopt this article, and such tax shall be operative if a two-thirds majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose;
2. To enact a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the state of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the California Revenue and Taxation Code;
3. To enact a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization and State Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization and Department of Tax and Fee Administration in administering and collecting the California sales and use taxes; and
4. To enact a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon each person subject to taxation under the provisions of this article.

B. The provisions of this article shall be interpreted in order to accomplish the purposes that are set forth in this section.

### **2.08.307 Contract with state.**

Prior to the operative date, the county shall contract with the California State Board of Equalization, the California Department of Tax and Fee Administration, or other appropriate state agency, to perform all functions incident to the administration and operation of this article; provided that, if the county shall not have contracted with the appropriate state agency prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

### **2.08.308 Transactions tax rate.**

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of Alameda County at the rate of one-half of one percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this article.

### **2.08.309 Place of sale.**

A. For purposes of this article, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his or her agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made.

B. In the event a retailer has no permanent place of business in the state of California or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization and State Department of Tax and Fee Administration.

### **2.08.310 Use tax rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the incorporated and unincorporated territory of Alameda County of tangible personal property purchased from any retailer on and after the operative date of this article for storage, use or other consumption in said territory at the rate of one-half of one percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

### **2.08.311 Incorporation of provisions of state law.**

Except as otherwise provided in this article and except insofar as any provisions of this article may be inconsistent with Part 1.6 of Division 2 of the California Revenue and Taxation Code, all of the provisions of Part 1 (commencing at Section 6001) of Division



2 of the California Revenue and Taxation Code are hereby adopted and made a part of this article as though fully set forth herein.

**2.08.312 Limitations on adoption of state law and collection of use taxes.**

The following requirements shall be followed in applying the provisions of Part 1 of Division 2 of the California Revenue and Taxation Code to this article:

A. Wherever the state of California is named or referred to as the taxing agency, the name of this county shall be substituted therefor. However, said substitution shall not be made when:

1. The word "state" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Department of Tax and Fee Administration, State Treasury or the Constitution of the state of California;

2. The result of that substitution would require action to be taken by or against this county or any agency, officer or employee thereof, rather than by or against the State Board of Equalization or State Department of Tax and Fee Administration, in performing functions incident to the administration or operation of this article;

3. In those sections, including but not limited to sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property that would not otherwise be exempt from this tax, while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property that would not be subject to tax by the state of California under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the California Revenue and Taxation Code.

B. The word "county" shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 and in the definition of that phrase in Section 6203 of the California Revenue and Taxation Code.

**2.08.313 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the California Revenue and Taxation Code, an additional transactor's permit shall not be required by this article.

## **2.08.314 Exemptions and exclusions.**

A. In addition to any other exemption or exclusion required by law, there shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the state of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from computation of the amount of transactions tax imposed by this article, gross receipts from:

1. The sale of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States or any foreign government;

2. The sale of property to be used outside the county which is shipped to a point outside the county pursuant to the contract of sale, by delivery to such point by the retailer or his or her agent or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this subsection, delivery to a point outside the county shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the California Vehicle Code, aircraft licensed in compliance with Section 21411 of the California Public Utilities Code and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the California Vehicle Code; by a combination of registration to an out-of-county address and a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by a combination of registration to a place of business out of county and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property, if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this article;

4. The lease of tangible personal property that constitutes a continuing sale of such property for any period of time for which the lessor is obligated to lease the property for an amount that was fixed by a lease executed prior to the operative date of this article; and

5. For the purposes of subsections (B)(3) and (B)(4), the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional

right to terminate the contract or lease upon notice, regardless of whether such right is exercised.

C. There are exempted from computation of the amount of the use tax imposed by this article, gross receipts from the following storage, use or other consumption of tangible personal property:

1. Any sale that has been subject to a transactions tax under any state-administered transactions and use tax ordinance;

2. The sale of other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States or any foreign government. This exemption is in addition to the exemptions set forth in Sections 6366 and 6366.1 of the California Revenue and Taxation Code;

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract that was entered into prior to the operative date of this article;

4. If the possession of or the exercise of any right or power over the tangible personal property shall arise under a lease that constitutes a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease that was executed prior to the operative date of this article;

5. For the purposes of subsections (C)(3) and (C)(4), the storage, use, or other consumption or the possession of or exercise of any right or power over tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, regardless of whether such right is exercised;

6. Except as provided in subsection (C)(7), a retailer engaged in business in Alameda County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into Alameda County or participates within Alameda County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in Alameda County or through any representative, agent, canvasser, solicitor, subsidiary or person in Alameda County under the authority of the retailer; and

7. "A retailer engaged in business in Alameda County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the California Vehicle Code, aircraft licensed in compliance with Section 21411 of the California Public Utilities Code and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the California Vehicle Code. The retailer shall be required to collect

use tax from any purchaser who registers or licenses the vehicle or aircraft at an address in Alameda County.

D. Any person subject to use tax under this article may credit the amount of such tax against any transactions tax paid to a county or district imposing or a retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the California Revenue and Taxation Code with respect to the sale of property or the storage, use or other consumption of which is subject to the use tax.

#### **2.08.315 Amendment of state law.**

After the operative date of this article, all amendments to Part 1 of Division 2 of the California Revenue and Taxation Code relating to sales and use taxes that are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the California Revenue and Taxation Code and all amendments to Part 1.6 and Part 1.7 of Division 2 of the California Revenue and Taxation Code, shall automatically become a part of this article; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by this article.

#### **2.08.316 Enjoining of collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or the county, or against any officer of the state or the county, to prevent or enjoin the collection under this article or Part 1.6 of Division 2 of the California Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

#### **2.08.317 Severability.**

If any provision of this article or the application thereof to any person or circumstance is held invalid, the remainder of the article and the application of such provision to other persons or circumstances shall not be affected thereby.

#### **2.08.318 Savings clause.**

This article shall not be interpreted in any manner that conflicts with the laws or constitutions of the United States or the state of California.

#### **2.08.319 Termination of transactions and use tax.**

This article shall remain in effect only until September 30, 2048 and as of that date it shall be repealed by operation of this section unless a later ordinance is adopted prior to September 30, 2048 that shall have the effect of deleting or extending the termination date set forth herein.

SECTION II

This Ordinance, and all the provisions thereof, shall become effective only upon affirmative passage by a two-thirds majority vote of the eligible voters of this county pursuant to California Constitution, Article XIII A, section 4 and Article XIII C, section 2; California Government Code section 53722; California Revenue & Taxation Code section 7285.5; and California Elections Code section 9140.

Before the expiration of 15 days after its adoption by the Board of Supervisors, this ordinance shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on February \_\_\_\_, 2018, by the following called vote:

AYES:  
NOES:  
EXCUSED:


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President of the Board of Supervisors  
County of Alameda, State of California

ATTEST:  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

Approved as to form:  
DONNA R. ZIEGLER, County Counsel

By:  \_\_\_\_\_  
Name: Faraid Kan  
Title: Deputy County Counsel

**First 5 Alameda County Commission** *Child Care and Early Education Initiative Committee*

February 5, 2018

First 5 Alameda County

**Facilitator’s Agenda**

Topic	Lead	Time	Desired Outcome	Process	Materials
1. Welcome and Call to Order	Renee	4:30 – 4:35	Gather, Focus re-orient to purpose		<a href="#">Agenda</a>
2. Committee Charge: Legal Update	Kristin	4:35 – 4:45	Subcommittee will be up to date on information from counsel re: role of committee	Kristin to walk through updates from counsel re: - Authority of subcommittees - Quorum considerations	<a href="#">Committee Charge Document</a>
<b>Alameda County Initiative</b>					
3. Updates to County Ordinance	Kristin	4:45- 4:55	Subcommittee will be made aware of most current language in county ordinance	Kristin to point out relevant changes – and provide relevant updates	<a href="#">Ordinance Version 10</a>
4. Program Plan	Malia	4:55 – 5:10	Subcommittee members will have a shared understanding of program components in order to contextualize conversations about resources and functions	Malia to walk through program plan at high level a) increase access and b) improve quality wages and working conditions  - Policy considerations - Potential benefits	<a href="#">Program Plan V14</a>
5. Finance	Christine	5:10 – 5:25	Subcommittee members will have broad understanding of finance projections to date for County Initiative	Christine will walk through - Percentages from plan - Due diligence (using projections to ensure adequate resource)	

6. Functional Analyses	Kristin	5:25-5:40	Subcommittee members will understand resource needs and functional impact of initiative on organization	Kristin to walk through functional areas – considerations for discussion	
City of Oakland Initiative Updates					
1. Oversight structure	Kristin	5:40 – 5:55	Subcommittee will have updates on status of City of Oakland Initiative <ul style="list-style-type: none"> <li>- Oversight</li> <li>- Program</li> <li>- Finance</li> </ul>	Kristin to review oversight status Malia to review program plan Christine to review Finance	
2. Wrap up and Adjourn	Kristin and Renee	6:20 – 6:30	Staff will have clear direction on any additional information required by subcommittee Items for communication to full Commission identified <ul style="list-style-type: none"> <li>- Subcommittee charge</li> <li>- Nomination and approval of chair and membership</li> <li>- County ordinance</li> </ul>		



## **Child Care and Early Education Initiatives Committee Charge**

### **Role of the Committee**

- Provide policy direction to staff on the oversight, governance and financial provisions of the initiatives
- Provide policy direction to facilitate the integration of the initiatives into First 5, enhancing the existing local early childhood system of care
- Present updates to the Commission

### **Authority**

- Items in need of Commission approval will be brought to the full Commission at a regular meeting for a vote
  - A vote by the Committee may be taken on time sensitive matters when a quorum is present to ensure efficiencies and responsive direction to staff and partners
    - Will strive for consensus; when not possible majority vote prevails
  - If a vote is taken by the Subcommittee, the Commission will be notified

### **Committee Membership**

- Commission appoints a chair
  - Chair facilitates monthly meetings, if Chair determines meeting is necessary to provide direction to staff
  - Chair provides verbal updates at Commission meetings
- Commission membership is agreed to by the Commission

### **Meeting Logistics**

- Frequency: First Monday of every month (as needed)
  - Adhoc meetings may be scheduled as needed
- Time: 5:30 PM-7:30 PM
- Duration: Committee meetings will occur until deemed unnecessary by the Commission and First 5 staff
- Meeting minutes will be taken at each meeting and e-mailed to the Commission the second Monday of each month





**ECE INITIATIVE SUBCOMMITTEE MINUTES – FEBRUARY 5, 2018 4:30 – 6:30 CONFERENCE ROOM E**

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**Commission Attendees:** Lori Cox, Rene Herzfeld, Kimi Watkins-Tartt, Karina Rivera (alternate), Scott Coffin

**Public:** Ellen Dektar

**Staff:** Kristin Spanos, Christine Hom, Chris Hwang (recorder), Malia Ramler

**Charge of the Committee - Updates**

Recommended changes to by-laws

- Commission may name ad-hoc sub-committees with members appointed by the Commission
- Sub-committees may be advisory or may have decision making authority, if so delegated
- Commission shall name member to serve as chair of subcommittees
- Changes to by-laws will be brought to February 22<sup>nd</sup>, Commission meeting for approval

Recommended changes to charge of the sub-committee

- Subcommittee is ad hoc
- Commission will formally delegate decision making authority to the ECE subcommittee for time sensitive matters, and only when a quorum of the Commission is present
- If a vote is taken, Commission will be notified

**County Ordinance: Updates**

The subcommittee was made aware of the following changes to the County ECE Initiative Ordinance

- 2.08.304 Language referencing First 5 Alameda county modified to include “or a similar entity” in order to preserve BOS ability to appoint successor implementing partner if necessary.
- 2.08.303 Language referencing Alameda County Early Care and Education Planning Council modified to include “or similar entity” in order to preserve BOS ability to appoint successor advisory body if necessary.
- P4, 3D, Addresses prohibition of supplantation – language qualified to specify for *direct* services
- First reading of the ordinance by BOS February 6, 2018 (passed by unanimous vote)
- Second and final reading of the ordinance and vote on plan is February 27, 2018

**Alameda County ECE Ballot Measure Program Plan review**

Plan is refreshed every 5 years and can be updated outside 5-year cycle by majority vote of the Board.

Program Component 1: Increase Access

- Restore centralized eligibility list and develop countywide integrated enrollment system

- 500 scholarships (children aged 0-12) and family navigation for homeless or other high need families
- 2000 new infant toddler scholarships
- 4500 new scholarships distributed regionally and utilized as directed by local priorities
- Resources and technical assistance to add capacity (facilities, workforce etc.)

#### Program Component 2: Improve Quality, Wages, and Working Conditions

- Participating licensed sites must have enrollment of at least 25% of families who are subsidy eligible
- Existing subsidy reimbursement rates supplemented in order to cover costs of quality, including wages of at least \$15 an hour
- Employer requirement to facilitate participation in professional organizations (payroll deductions for dues)
- All participating licensed sites (FCC and Center Based) become part of Quality Counts and reach and maintain 3 star benchmarks by 3 years
- Investments in workforce pipeline
- Investments in facilities
- Increased subsidy and access to supports and training for FFN providers
- Community based school readiness services for children cared for by FFN providers
- Set aside for mental health/social emotional supports such as mental health consultation, early identification and linkage, family navigation
- Competitive innovation fund

#### Other

- 2% set aside for reserve
- 1% set aside for evaluation
- Two named advisory task forces one on wages and one on workforce pipeline. These task forces scheduled to begin meeting in March of 2018 (prior to passage)

#### **Finance**

On half percent sales tax with estimated revenue of \$140 million per year. Duration of tax is 30 years.

- 38% Improving and Sustaining Quality and Increasing Wages
- 59% New Scholarships
- 1% Evaluation, 2% Reserve (buffers against sales tax volatility)

#### Discussion

- Commissioners interested in further breakdown of programmatic and indirect costs. Further detail pending contract negotiations and programmatic planning
- Commissioners recommend further thinking to identify performance measures by which First 5 will be evaluated in contract with County
- Commissioners recommend intentional focus on and adequate resource for communication of results as program planning moves forward and implementation begins

## **Functional Analysis**

Consideration has been given to the need to leverage and expand existing organizational capacities and develop new capacities which will create resource needs in the following functional areas:

- Leadership
- Administrative support
- Communications
- Policy
- Data
- Technology systems
- Finance and contracts
- Human Resources
- ECE Quality Supports – including design and administration of scholarships and enhanced subsidy
- Facilities and land use
- Family navigation
- Workforce development
- Monitoring and compliance

Commission recommends consideration of and adequate resource for integration and transition in “start-up” phase.

## **City of Oakland: The Children’s Initiative of 2018**

### Reviewed draft of City of Oakland ordinance

- Required membership and function of Citizen’s Oversight Committee
- Function of new city staff position “Accountability Officer”
- First 5 may be recommended as implementation partner if County initiative is passed and if First 5 is county implementation partner
- If County initiative does not pass implementation partner will be selected with an RFP process
- Up to 10% administration fee for City of Oakland
- City of Oakland programmatic priority is universal preschool – priority to 3 and 4 year olds with goal of closing disparity in kindergarten readiness

### **Next steps for February 22 Commission meeting**

- Approve updates to Commission Bylaws and Committee charge
- Nominate and approve chair and membership of the Committee
- Subcommittee chair to provide update to full Commission