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January 27, 1988

Transportation and
Community Development Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: CHILD CARE ORDINANCE UPDATE

When the Child Care Ordinance Task Force met the first week in January, several expressed concern about the adequacy of our proposed survey; although the survey would give us the practical information needed for the successful implementation of the Child Care Ordinance, there was concern that our proposed survey might not withstand a court challenge. It was strongly stated by representatives from SHRA, the County Planning Department, and the City Attorney's Office, that we should base our Child Care Ordinance on a needs assessment establishing nexus, to conform to the recent Nollan decision. (SHRA noted that they had spent \$25,000 for a similar study for their Housing Trust Fund.) Therefore, several other cities were contacted as to how their ordinances were meeting the nexus requirements.

Two of the current model Child Care Ordinances are from San Francisco and Concord. However, both cities were uncomfortable about their ordinances, for they were written before the nexus requirement, and might not stand up in court if they were challenged; both cities strongly urged us to do a nexus study. The City of Berkeley is in the process of writing a Child Care Ordinance, and will be doing a study to establish nexus; however, they see it as a very complex issue, which will influence a delay of about a year before their ordinance is written and implemented. The City of Fremont will be taking their proposed Child Care Ordinance before their Council on February 4th; they had hired Berkeley Planning Associates to do their nexus study, and their City Attorney feels fairly comfortable with it. The City of San Ramon adopted their Child Care Ordinance on January 12, 1988, to be effective February 10th; they used existing information and added a caveat to the effect of, if better information is presented to them which indicates a change should be made, they will change the ordinance. Information has been exchanged with other cities and will be summarized in a more complete report.

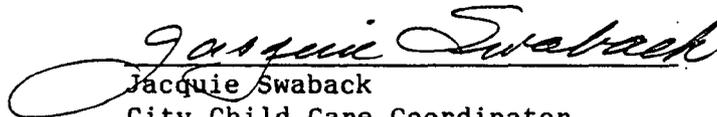
The proposed Sacramento Child Care Ordinance is different than those of San Francisco and Concord, the previous national models, for two reasons. First, in an attempt to be more legally sound, we should probably do a study to establish nexus. Secondly, like Fremont and San Ramon, we will probably want to write a more comprehensive ordinance; to comprehensively meet the need and to financially share the costs, we may also want to include new and existing office/commercial developments, residential areas, schools, businesses, and money from the City and other funding sources--or at least explore those areas.

Currently we are studying the "Commercial and Industrial Development and Very Low Income Housing Nexus Analysis" report which Keyser Marston Associates Inc. did for SHRA to see which material could also be used for our Child Care Nexus Study; we will also be receiving and analyzing the ordinances from Fremont and San Ramon, as well as the Child Care Nexus Studies from Berkeley Planning Associates. We will then be in a better position to evaluate what we need for Sacramento, and if Keyser Marston or Berkeley Planning Associates might build on their previous studies to more quickly do a study for Sacramento to establish a nexus for our city.

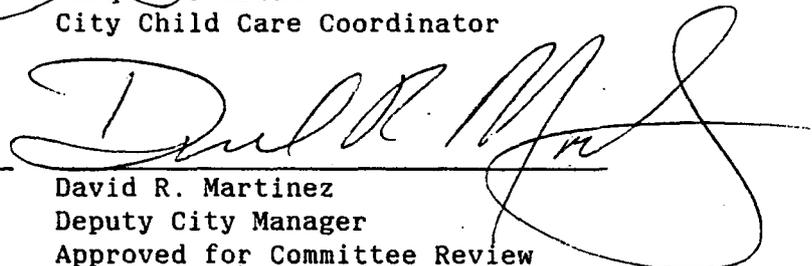
We understand that Council wants a workable Child Care Ordinance as soon as possible. Therefore, we would like to return to the February 16th T&CD meeting to recommend (1) the scope of our proposed nexus study, (2) how that study could best be done, and (3) any additional issues, like the possible joint funding of a county-wide study with the County of Sacramento.

Should you have any questions regarding the above, they can be addressed at the committee meeting.

Respectfully submitted,


Jacquie Swaback
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David R. Martinez
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Approved for Committee Review