Legislative Department
Office of City Clerk
Memorandum

Date: June 11, 2014

To: Council President Burgess and Members of the City Council

From: Monica Martinez Simmons, City Clerk MS

Subject: *Clerk File Number 313832; Report of the City Clerk on the Certificate of Sufficiency for Initiative Measure No. 107, concerning support and standards of early learning and child care*

Please be advised that on June 4, 2014, the King County Department of Elections delivered to the Seattle City Clerk a Certificate of Sufficiency for Initiative Measure No. 107, concerning support and standards of early learning and child care.

King County Department of Elections found the signatures submitted under Initiative Measure No. 107 to be sufficient under the provisions of the Revised Code of Washington, Seattle Municipal Code 1.10.110 and 35A.01.040. The Certificate of Sufficiency has been filed under Clerk File No. 313832, and the Initiative Petition is filed under Clerk File No. 313661.

Pursuant to Article IV(1)(B) of the Seattle City Charter, the City Clerk is required to transmit the verification of sufficiency, together with her report thereon to the City Council at a regular meeting not more than twenty (20) days after the City Clerk has received verification of the sufficiency of such petition signatures, and such transmission shall be the introduction of the Initiative bill or measure to the City Council. This Report will be included on the City Council's June 16, 2014, Full Council Agenda.

Please do not hesitate to contact me should you have questions regarding this matter at 684-8361.

Attachments (2)
Certificate of Sufficiency
Initiative Petition No. 107

Cc: Mayor Edward Murray
Peter Holmes, City Attorney
Wayne Barnett, SEEC

King County
Department of Elections

CERTIFICATE OF SUFFICIENCY

THIS IS TO CERTIFY that the petition, originally submitted on May 14, 2014 to the King County Elections Department, regarding the City of Seattle Proposed Initiative Measure Number 107, has been examined and the signatures thereon carefully compared with the registration records of the King County Elections Department, and as a result of such examination, found the signatures to be sufficient under the provisions of the Revised Code of Washington 35A.01.040.

Dated this 4th day of June 2014

Julie Wise for

Sherril Huff, Director

YES for EARLY SUCCESS

Early Care for ALL Seattle Kids

Please Return Your Initiative or Contact Us At:
Yes for Early Success
PO Box 30005, Seattle, WA 98113
206.322.3010 | yes4earlysuccess@gmail.com | www.yesforearlysuccess.com

INITIATIVE 107

INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL. To the City Council of The City of Seattle:

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. 107. entitled:

THE CITY OF SEATTLE INITIATIVE MEASURE NUMBER 107 CONCERNS SUPPORT AND STANDARDS FOR EARLY LEARNING AND CHILD CARE.

If enacted, the measure would establish a $15 minimum wage for childcare workers (phased in over three years for employers with under 250 employees); seek to reduce childcare costs to 10% or less of family income; prohibit violent felons from providing professional childcare; require enhanced training and certification through a training institute; create a workforce board and establish a fund to help providers meet standards; and hire an organization to facilitate communication between the City and childcare workers.

Should this measure be enacted into law?

Yes

No

A full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated.

WARNING: "Ordinance 94289 provides as follows: "Section 1. It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle." The provisions of this ordinance shall be printed as a warning on every petition for a City initiative, referendum, or Charter amendment. "Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars ($500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

(* Only Registered Seattle Voters Can Sign This Petition *)

Petitioner's Signature	Petitioner's Printed Name	Residence Address Street and Number	Date Signed
1			
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AN ACT Relating to early learning and child care

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SEATTLE:

PART I

INTENT.

NEW SECTION: **Sec. 101.**

It is the intent of the People of Seattle to increase the quality, affordability, and safety of the City's early education and child care system through: (a) establishing a $15 minimum wage for child care teachers and staff, with support for small businesses; (b) establishing city policy that families should pay no more than ten percent of family income on child care; (c) prohibiting violent felons from being child care teachers and staff, even in a non-licensed facility; (d) requiring enhanced training for child care teachers and staff, to be provided through a training partnership between the City and workers, and (e) giving child care teachers and staff a formal role in establishing work force standards for their profession.

PART II

ESTABLISHING A $15 MINIMUM WAGE FOR CHILD CARE TEACHERS AND STAFF, WITH SUPPORT FOR SMALL BUSINESS.

NEW SECTION: **Sec. 201.**

A. All child care teachers and staff in the City of Seattle shall be entitled to a minimum wage of not less than fifteen dollars ($15.00) per hour worked within the geographic boundaries in the City.

B. Beginning on January 1, 2015, the minimum wage for child care teachers and staff shall be an hourly rate of $15.00. Beginning on January 1, 2016, and each year thereafter, this minimum wage shall increase by an amount corresponding to the prior year's increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the greater Seattle-Tacoma-Bremerton metropolitan area.

C. The minimum wage for child care teachers and staff employed by small child care providers shall phase in over a three year period in order to afford such small businesses time to adjust. For a transition period beginning February 1, 2015 and ending December 31, 2015, the minimum wage for child care teachers and staff employed by a small child care provider shall be an hourly rate of $11.00. Beginning January 1, 2016, the minimum wage for such employees shall increase to $12.50. Beginning January 1, 2017, the minimum wage for such employees shall increase to $14.00. Beginning January 1, 2018, the minimum wage for such employees shall be the regular minimum wage established pursuant to Section 201(b) of this Ordinance.

D. Should there be a conflict between the minimum wage adopted in this Ordinance and a minimum wage adopted by the City Council or another initiative, childcare teachers and staff shall be entitled to the highest applicable minimum wage.

E. The minimum wage enacted in this section shall be enforceable through all mechanisms in City or State law for enforcing a City or State minimum wage, as currently existing or as may be enacted. In addition, an employer's failure to pay the minimum wage set by this section constitutes an "unfair employment practice" enforceable through the provisions of SMC chapter 14.04.

PART III

ESTABLISHING CITY POLICY THAT NO FAMILY SHOULD PAY MORE THAN 10% OF INCOME ON CHILD CARE.

NEW SECTION: **Sec. 301.**

A. It shall be the policy of the City of Seattle that early childhood education should be affordable and that no family should have to pay more than ten percent (10%) of gross family income on early education and child care. This policy is intended to increase affordability of child care in conformance with federal and expert recommendations on affordability.

B. The City shall, within twelve months of the effective date of this Ordinance, adopt goals, timelines, and milestones for implementing this affordability standard. In adopting these standards, the City shall consult with stakeholders, who at a minimum must include parents, communities of color, child advocates, low income advocates, and the provider organization.

PART IV

PROHIBITING VIOLENT FELONS FROM PROVIDING PROFESSIONAL CHILD CARE, EVEN IN UNLICENSED FACILITIES.

NEW SECTION: **Sec. 401.**

A. The People hereby declare that it is of paramount importance to protect the safety of all children in care – whether they are cared for in a licensed or unlicensed facility. Children in unlicensed care are placed at unacceptable dangers by a lack of safety regulations. This section extends one of the most basic protections of licensed care to children being cared for in unlicensed facilities.

B. It shall be a gross misdemeanor for any violent felon to provide professional child care services, whether in a licensed or unlicensed facility.

C. For the purpose of this section, "violent felon" means a person convicted of one or more of the following criminal felonies:

(1) Child abuse or neglect, or both;

(2) Spousal abuse;

(3) A crime against a child, including child pornography;

(4) The following crimes involving violence: Rape, sexual assault, homicide, assault in the first degree, assault in the second degree, or assault in the third degree involving domestic violence;

(5) Any other crime that constitutes a disqualification from child care licensure under state law; or

(6) Any federal or out-of-state conviction for an offense equivalent to those enumerated in (1) through (5) of this subsection.

D. For the purpose of this section, to "provide professional child care services" means to receive payment for providing child care for one or more children who are unrelated to the person providing the care.

PART V

REQUIRING ENHANCED TRAINING FOR CHILD CARE TEACHERS AND STAFF, TO BE PROVIDED THROUGH A TRAINING PARTNERSHIP.

NEW SECTION. **Section 501.**

A. Child care teachers and staff must obtain enhanced training and certification through the Professional Development Institute. The enhanced training requirements shall be set by the City Council in consultation with the City of Seattle Early Care and Education Workforce Board.

B. The City, acting through the Mayor, shall cooperate with the provider organization to establish the Professional Development Institute, which shall be a training partnership jointly controlled and operated by the City of Seattle and the provider organization.

C. The Professional Development Institute shall be charged with performing the following functions in the early learning and care system: (1) securing and leveraging resources for workforce development and training; and (2) delivering and/or coordinating delivery of: (a) enhanced training required under this Ordinance or by later enactment; (b) continuing education requirements; (c) new hire orientation, which shall be required for all new child care teachers and staff in child care facilities receiving public support; (d) apprenticeship and mentoring programs; (3) developing and maintaining an early learning and care substitute teachers pool; and (4) verifying that child care teachers and staff have satisfied applicable training and professional development requirements.

D. The Professional Development Institute must ensure the efficient and effective use of city funds by leveraging state, federal and other funding, incentivizing employer participation, and subcontracting with existing professional development providers where appropriate. The City shall fund the Professional Development Institute to provide the services set forth in this section.

E. The Professional Development Institute must verify that child care teachers and staff have met all applicable training and professional development requirements before such teacher or staff member may deliver services in the City's Universal Pre-Kindergarten Program.

NEW SECTION. **Section 502.**

A. The City of Seattle Early Care and Education Workforce Board shall be created to recommend policy and investment priorities regarding workforce development and training for child care teachers and staff and to oversee the Professional Development Institute. The City shall convene and support the Board to serve the functions set forth in this section.

B. The Mayor and the provider organization shall each appoint fifty percent of the members of the Board and may make new appointments at will. In making the appointments, the City and the provider organization shall seek to appoint persons who have a demonstrated commitment to early education and care, who reflect the ethnic, racial, and economic diversity of the City's children, and who reflect the interests of stakeholders, including parents, communities of color, child advocates, and low income communities.

C. The Early Care and Education Workforce Board will recommend and oversee expenditures from the Small Business Early Childhood Resource Fund, which is hereby created to help small child care providers and not for profit child care providers meet and maintain standards set by the Board or otherwise required under law. The City Council shall determine the level of necessary appropriation for this purpose.

NEW SECTION. **Section 503.**

A. Successful implementation of a high quality early education and care system including Universal Pre-Kindergarten will require significant recruitment and training of child care teachers and staff. It is the intent of the voters to give child care teachers and staff a role in shaping and implementing workforce development and training programs and to increase coordination within and among these programs.

B. The City shall hire a single provider organization to facilitate communications between the City and child care teachers and staff, facilitate the expression of child care teachers and staff's interests in workforce development and training programs, and to perform other roles as set forth in this Ordinance. The City shall allow child care teachers and staff to assist in the selection of the provider organization as follows: If an organization demonstrates by written or electronic means that it has support of over 30% of child care teachers and staff, and it is the only organization to demonstrate such support, the City shall select and hire it as the provider organization. If more than one organization makes this showing, the City shall hire the organization that has shown the most support. To qualify as the provider organization, an entity must meet the following criteria or be a project of one or more entities meeting such criteria: (a) has existed for more than five years; (b) has successfully negotiated an agreement with the state or city or government agency on behalf of child care teachers and staff, which has increased wages and benefits; (c) is not dominated by advocates for employer or government interests; and (d) gives child care teachers and staff the rights to be members of the organization and to participate in the democratic control of the organization.

PART VI

DEFINITIONS.

NEW SECTION. **Sec. 601.**

The definitions in this section apply throughout this act unless the context clearly requires otherwise.

A. "Child care teachers and staff" includes all employees of a child care facility in Seattle who work on-site, including on-site supervisors and/or sole proprietors providing family child care.

B. "Child care facility" includes (1) licensed family child care homes, (2) licensed child care centers, (3) school-age programs, and (4) other facilities participating in the Seattle Universal Pre-Kindergarten Program.

C. "City" means the City of Seattle, including its departments and agencies.

D. "Provider organization" means the entity hired by the City under Section 503(B) of this Ordinance to serve the roles set forth in this Ordinance.

E. "Small child care provider" means an entity that employs 250 or fewer full time equivalents, as defined and calculated under the City of Seattle Paid Sick Time and Safe Time Ordinance, and operates a child care facility within the City of Seattle.

F. "Universal Pre-Kindergarten Program" means a City-wide pre-school program funded by the City of Seattle , including any program implementing the City's "preschool for all" initiative.

G. Definitions set forth under section 12A.28.200 of the Seattle Municipal Code apply throughout this chapter unless otherwise stated.

PART VII

MISCELLANEOUS.

NEW SECTION. **Sec. 701.**

A. The provisions of this ordinance may not be waived by agreement between an individual employee and an employer. All of the provisions of this ordinance may be superseded by a collective bargaining agreement entered into pursuant to the National Labor Relations Act, 29 U.S.C. Sec. 151 et. seq, but only if the agreement explicitly states in clear and unambiguous terms that specific provisions of this ordinance are to be superseded.

B. The facilitative processes authorized by this Ordinance do not constitute collective bargaining pursuant to RCW 41.56.030(4) or under the National Labor Relations Act, 29 U.S.C. Sec 151 et seq., nor in any way impact the rights of employers and employees under that Act. This measure must be interpreted to be consistent with the National Labor Relations Act and not to limit or intrude, in any way, upon the rights of employers or employees under federal labor law.

C. Nothing in this act creates or modifies: (a) The parents' or legal guardians' right to choose and terminate the services of any child care provider that provides care for their child or children or (b) the child care facility's right to choose, direct, and terminate the services of any child care teacher or staff.

D. Nothing in this ordinance shall require any individual or child care facility to make any payment to or associate with the provider organization. Nothing in this ordinance shall infringe on any person's rights to communicate with the City on matters of interest through all legal means.

E. The City is directed to engage stakeholders in negotiated rulemaking in implementing this ordinance.

NEW SECTION. **Sec. 702.**

The requirements contained in this act constitute ministerial, mandatory, and nondiscretionary duties, the performance of which can be judicially compelled in an action brought by any party with standing. Should a person be required to bring suit to enforce this ordinance, and the City is found to be in violation, the City shall be responsible for reimbursement of the costs of such enforcement action, including reasonable attorneys' fees and costs.

NEW SECTION. **Sec. 703.**

If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. Should any provision relating to the selection or role of the provider organization be held invalid by a court of law, the City must utilize an alternative selection method if necessary and ensure the fulfillment of all valid functions.

NEW SECTION. **Sec. 704.**

The subject of this initiative is "early learning and child care."

Initiative Sponsor Information:

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