

**ORDINANCE NO.**

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**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING ORDINANCE NUMBER 5142 (ESTABLISHING THE SONOMA COUNTY CHILDREN AND FAMILIES FIRST COMMISSION), AS AMENDED BY ORDINANCE NUMBERS 5236, 5807 AND 5881, TO ESTABLISH FIRST 5 SONOMA COUNTY COMMISSION AS AN INDEPENDENT PUBLIC AGENCY**

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

**SECTION I. Establishment and purpose:** Proposition 10, known as the California Children and Families Act (“the Act”) was adopted by the voters of the State of California at the November 1998 general election. The Act imposes a fifty cent per pack surtax on cigarettes and an equivalent tax on tobacco products. Eighty percent of the tax revenues are allocated to each county.

Pursuant to Section 130100 of Division 108 of the Health and Safety Code of the State of California, the Sonoma County California Children and Families First Commission was established by the Board of Supervisors by adopting Ordinance No. 5142. Ordinance No. 5881 changed the name of the Commission to First 5 Sonoma County Commission to align with the state Commission.

The general purpose of the Commission is to promote, support and improve the early development of children from the prenatal stage through five years of age throughout the entire county, through the creation and implementation of an integrated, comprehensive and collaborative system of information and services to enhance early childhood development.

**SECTION II. Legal status:** The purpose of this ordinance is to amend Ordinance No. 5142 by establishing First 5 Sonoma County Commission as a legal public entity separate from the County of Sonoma, subject to conditions as specified pursuant to Section 5, Division 108, Section 130140.1 of the California Health and Safety Code.

As an entity separate from the County of Sonoma, obligations of First 5 Sonoma County shall be the obligations solely of the Commission and shall not directly or indirectly be obligations of the County or any officials, employees or agents of the County. The County shall not be liable for any act or omission of the Commission.

**SECTION III. Commission Membership:** The First 5 Sonoma County Commission shall be appointed by the Sonoma County Board of Supervisors and shall consist of nine (9) members. The membership shall consist of:

*A. Three permanent members:*

- (1) One (1) member of the Board of Supervisors who shall be selected at the beginning of every calendar year by the Chairperson of the Board. Members of the Board of Supervisors may serve on the Commission for multiple years consecutively and are not subject to Commissioner term limits.
- (2) The Director of the Human Services Department or their designee. A designee shall report directly to the Department Director and oversee activities relevant to supporting the optimal development of children, prenatal to five years.

- (3) The Director of the Department of Health Services or their designee. A designee shall report directly to the Department Director and oversee activities relevant to supporting the optimal development of children, prenatal to five years.

**B. *Six at-large members appointed by the Board of Supervisors:***

- (1) Six at-large members will be selected from the following groups with the intent that representatives from as many groups as possible will serve on the Commission. All five supervisorial districts will be represented from among the six at-large members.
  - i. Parent who is a recipient or parent of a child who is a recipient of First 5-funded services, as set forth in the Commission strategic plan;
  - ii. Representatives from the local Child Care Planning Council and/or Child Care Resource & Referral agencies;
  - iii. Educators specializing in early childhood development;
  - iv. Representatives of community-based organizations that are focused on promoting family resiliency and nurturing caregiving/parenting;
  - v. Representatives of community-based organizations that have a goal of promoting and nurturing early childhood development;
  - vi. Representatives of the private sector, local businesses, business associations and chambers of commerce who have demonstrated a strong commitment to family-friendly employee policies;
  - vii. Representatives of local school systems, including the Sonoma County Office of Education;
  - viii. Representatives of local medical, pediatric, or obstetric associations or societies;
  - ix. Representatives of cities and towns that have established policy and/or dedicated resources to promoting the healthy development of children 0-5 and their families.

**SECTION IV. Term of appointment:** Members appointed pursuant to subsection B. above shall have a term of two years and may serve a maximum of three terms.

**SECTION IV. Process for appointment:** The Commission, with the support of the First 5 Sonoma County Executive Director, will recruit potential new Commissioners, interview candidates and present nominations to the Board of Supervisors for appointment to the Commission.

**SECTION VI. Powers and duties:**

The following shall be the duties of the Commission:

- (a) To oversee the implementation of the goals and objectives of the California Children and Families Act.
- (b) To oversee the administration of the monies in the First 5 Sonoma County Trust Fund in accordance with the provisions of the Act, the Commission's strategic plan and the provisions of ordinance.
- (c) To develop, adopt and oversee the implementation of a strategic plan that:
  - (1) Supports the improvement of early childhood development within Sonoma County based upon comprehensive county-wide data and resources.

(2) Is consistent with the purposes of the Act and any guidelines adopted by the State Commission.

(3) Includes at least the following requirements:

- i. Goals and objectives;
- ii. Programs, services, and projects to be provided, sponsored, or facilitated;
- iii. Measurable outcomes of programs, services, and projects using appropriate reliable indicators;
- iv. A description of how programs, services and projects will be integrated into a consumer-oriented, easily accessible system;
- v. A description of how programs, services and projects will be integrated into a comprehensive continuum of services for children throughout the County.

(4) Requires the Commission, on at least an annual basis, to periodically review its strategic plan and revise the plan as may be necessary and appropriate.

(d) To submit the strategic plan, and any subsequent revisions thereto, to the Board of Supervisors for their information. If the Board of Supervisors has comments or concerns regarding the plan, such comments will be referred back to the Commission for consideration.

(e) To submit the approved Commission strategic plan, and any subsequent revisions thereto, to the State Commission.

(f) To prepare and adopt pursuant to § 130150 of the Act, on or before October 31<sup>st</sup> of each year, an audit and report on the implementation and performance of the Commission's functions during the preceding fiscal year, including at a minimum, the manner in which funds were expended, the progress toward, and the achievement of, program goals and objectives, and the measurement of specific outcomes through appropriate reliable indicators.

(g) Also pursuant to § 130150 of the Act, the Commission will conduct at least one public hearing annually on:

- (1) The proposed strategic plan, before the Commission adopts the plan.
- (2) The review of the strategic plan before any revisions to the plan are adopted.
- (3) The annual audit and report before they are adopted.
- (4) Each annual report by the State Commission.

(h) To appoint and oversee an executive director.

#### Compensation.

The members of the Commission shall not be compensated for their service as members of the Commission. The members appointed by the Board of Supervisors shall receive a reasonable per diem pursuant to Commission policy. All Commissioners may be reimbursed for reasonable expenses incurred in discharging their official responsibilities pursuant to policies adopted by the Commission.

#### Budgets.

The Commission shall prepare an annual budget. The Commission shall follow appropriate budgetary and accounting procedures.

The Commission shall develop a process for allocating funds to programs, services and projects that further the goals and objectives of the Act and the Commission's strategic plan. All recommended allocations shall be submitted to the Commission for approval unless specifically delegated to the executive officer.

Conflict of interest.

Pursuant to § 130150 of the Act, the Commission shall adopt a conflict of interest code and submit the code to the County for approval.

**SECTION VII.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**SECTION VIII.** This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

**SECTION IX. Operative date:** This Ordinance shall become operative on July 1, 2019.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 12<sup>th</sup> day of March, 2019, and finally passed and adopted this 19<sup>th</sup> day of March, 2019, on regular roll call of the members of said Board by the following vote:

**Supervisors:**

Gorin: \_\_\_\_\_ Zane: \_\_\_\_\_ Gore: \_\_\_\_\_ Hopkins: \_\_\_\_\_ Rabbitt: \_\_\_\_\_

Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstain: \_\_\_\_\_

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

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Chair, Board of Supervisors  
County of Sonoma

**ATTEST:**

\_\_\_\_\_  
Sheryl Bratton  
Clerk of the Board of Supervisors