

ORDINANCE NO. 05034

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 2.59 OF THE MONTEREY COUNTY CODE RELATING TO
THE MONTEREY COUNTY CHILDREN AND FAMILIES COMMISSION**

County Counsel Summary

This Ordinance amends Chapter 2.59 (1) to change the Commission's name from the Monterey County California Children and Families Commission to the Monterey County Children and Families Commission, which is also known as First 5 Monterey County; (2) to provide that the Commission is a legal public entity separate from the County of Monterey as authorized by law; and (3) to change the composition of the Commission by deleting the Assistant Director of the Monterey County Health Department as a member and providing that four at-large members shall be nominated by a review committee established by the Commission, with final appointment by the Board of Supervisors.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Chapter 2.59 of the Monterey County Code is amended as follows:

Chapter 2.59

MONTEREY COUNTY CHILDREN AND FAMILIES COMMISSION

Sections:

- 2.59.010 Purpose and intent.**
- 2.59.020 Definitions.**
- 2.59.030 Establishment of County commission.**
- 2.59.040 Establishment of Local Children and Families Trust Funds.**
- 2.59.050 Composition of Monterey County Children and Families Commission.**
- 2.59.060 Term.**
- 2.59.070 Compensation.**
- 2.59.080 Duties.**

2.59.010 Purpose and intent.

This Chapter is adopted under the authority of Section 5, Division 108 of the Health and Safety Code, commencing with Section 130100, and Section 6, Article 3 of the Revenue and Taxation Code commencing with Section 30131, which sections were added with the passage of Proposition 10 on November 3, 1998, known as the "California Children and Families Act of 1998" ("Act"). This Chapter is intended to implement the provision of the Act as it pertains to

the establishment of community based programs with funds made available through the Children and Families Trust Funds.

2.59.020 Definitions.

The "California Children and Families Act", or "Act" means the laws and amendments to the California Constitution adopted on November 3, 1998, as the California Children and Families Initiative, Proposition 10, and any subsequent amendments thereto.

The "Monterey County Children and Families Commission", or "Commission", means a Monterey County commission established pursuant to the California Children and Families Act, and pursuant to this Chapter.

"Regulation" means any regulation or rule adopted to implement the Act.

"California Children and Families Trust Fund" means an account established with the Monterey County Treasurer for the purpose of receiving and managing Act funds.

"Public Hearing" means conducting all aspects of a public meeting in compliance with the Ralph M. Brown Act.

2.59.030 Establishment of County commission.

There is hereby established a Monterey County Commission to be formally known as "Monterey County Children and Families Commission," which may also be known as "First 5 Monterey County." This Commission shall be a legal public entity separate from the County pursuant to Health and Safety Code Section 130140.1 (a) (1).

2.59.040 Establishment of Local Children and Families Trust Funds.

There is hereby established a local Children and Families Trust Fund, to be set up by the Monterey County Auditor-Controller and Monterey County Treasurer to receive deposits of California Children and Families Trust funds. Funds deposited into said fund shall only be expended for the purposes authorized by the Act and only in accordance with a County Strategic Plan approved by the Monterey County Children and Families Commission.

2.59.050 Composition of Monterey County Children and Families Commission.

The Monterey County Children and Families Commission shall be composed of seven members to be appointed by the Monterey County Board of Supervisors consistent with the Act as follows:

One member shall be the Director of the Monterey County Health Department or designee, pursuant to Health and Safety Code Section 130140(a)(1)(A)(i).

~~One member shall be an Assistant Director of the Monterey County Health Department, pursuant to Health and Safety Code Section 130140(a)(1)(A)(i).~~

One member shall be the Director of the Department of Social and Employment Services; ~~Childrens' Services Division~~, pursuant to Health and Safety Code Section 130140(a)(1)(A)(i).

One member shall be a member of the Monterey County Board of Supervisors, pursuant to Health and Safety Code Section 130140(a)(1)(A)(ii).

~~The remaining two members shall be recommended for appointment by the Childrens' Council and shall be among the following categories, pursuant to Health and Safety Code Section 130140(a)(1)(A)(iii).~~ The remaining four at large members shall be nominated by a review committee established by the Commission with final review and appointment by the

Board of Supervisors. These at large nominees shall be selected from the following categories of individuals, pursuant to Health and Safety Code Section 130140(a)(1)(A)(iii):

A. Persons responsible for management of children's' services, public health services, behavioral health services, social services, public health services, social services and tobacco and other substance abuse prevention and treatment services.

B. Recipient of project services included in the County Strategic Plan.

C. Educators specializing in early childhood development.

D. Representatives of a local child care resource or referral agency or a local child care coordinating group.

E. Representatives of a local organization for prevention or early intervention for families at risk.

F. Representatives of community-based organizations that have the goal of promoting nurturing and early childhood development.

G. Representatives of local school districts.

H. Representatives of local medical, pediatric, or obstetric associations or societies.

2.59.060 Term.

Once appointed, the individual members of the Monterey County Children and Families Commission shall serve a three-year term at the ~~will-pleasure of and until removed~~ by the Board of Supervisors. Any individual member may be reappointed at the pleasure of the Board of Supervisors, but not serve more than a maximum of two consecutive terms.

2.59.070 Compensation.

The members of the Monterey County Children and Families Commission shall serve without compensation. Said members, however, shall be entitled to be paid a reasonable per diem and be entitled to reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the Monterey County Children and Families Commission, in accordance with the Monterey County procedures and at rates in effect at the time. Members of the Monterey County Children and Families Commission, however, who are County employees and who are otherwise compensated for the time expended on behalf of the Monterey County Children and Families Commission, shall not be entitled to additional compensation. County employees who are commission members, shall, however, be entitled to be reimbursed for travel and related expenses incurred in the discharge of official Commission business.

2.59.080 Duties.

The Monterey County Children and Families Commission members shall perform those duties as provided for in the California Children and Families Act, and particularly as set forth in Health and Safety Code Section 130140(a)(1)(C) through Section 130140(a)(1)(I), and such other duties which are reasonably necessary to discharge their responsibilities under the Act, including without limitation the following:

A. Adopt an adequate and complete County Strategic Plan for the support and improvement of early childhood development within the County, consistent with Health and Safety Code Section 130140(a)(C), (D), and (E).

B. Hold at least one public hearing on the Commission's proposed strategic plan prior to the adoption of the plan.

C. Review the County Strategic Plan on at least an annual basis, and revise such plan as necessary or appropriate.

D. Hold at least one public hearing on the Commission's periodic reviews of the County Strategic Plan and prior to adoption of any revisions to said plan.

E. Cause the submission of the adopted County Strategic Plan and any revisions to the State Commission.

F. Conduct an annual audit on or before October 15th of each year, conduct at least one public hearing prior to adopting any annual audit and report, and issue a written report to the Board of Supervisors on the implementation and performance of its functions during the preceding fiscal year, including 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. The written report required by this Section shall be transmitted to the State Commission, and the Monterey County Commission shall make copies of its annual audits and reports available to members of the general public on request and at no cost.

G. Establish one or more advisory committees to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purposes of the Act and shall cause such advisory committees to make recommendations and reports as deemed necessary or appropriate. These advisory committees may utilize the assistance of staff and/or professionals, as appropriate, for technical expertise and support.

H. Adopt a budget.

I. Conduct a public hearing on each annual report prepared by the State Commission.

SECTION 2. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this 27th day of June, 2006, by the following vote:

AYES: Supervisors Armenta, Calcagno, Lindley, Smith and Potter

NOES:


ABSENT:


Chair, Monterey County Board of Supervisors

ATTEST:

LEW C. BAUMAN
Clerk of the Board

By 
Deputy

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel