

ORDINANCE NO. _____ (N.S.)

AN ORDINANCE AMENDING SECTIONS 84.101, 84.103, 84.104, 84.105, AND 84.108 OF THE SAN DIEGO COUNTY CODE, RELATING TO THE FIRST 5 COMMISSION

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that Article IIIIP (commencing with Section 84.101) of the County of San Diego Administrative Code is hereby amended to read as follows. The amendments made by this ordinance are intended to bring the Ordinance into compliance with State legislation and update the language with respect to conflict of interest.

Section 2. Section 84.101 of the San Diego County Code is hereby amended to read as follows:

SEC. 84.101 MEMBERSHIP AND SELECTION

The Commission shall consist of the following members appointed by the Board of Supervisors:

- (a) One member shall be a the member of the Board of Supervisors who served as Chair of the Board of Supervisors in the preceding calendar year ~~nominated by the Chairperson of the Board of Supervisors;~~
- (b) Two at-large members shall serve on the Commission. One at-large member shall be nominated each year by the Chairperson of the Board of Supervisors and shall serve a two year term as provided for in section 84.103. The terms of the at-large members shall be staggered as provided in section 84.103. Each year, the nominating Supervisor shall nominate the at-large member from among the persons described in 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; representatives of local medical, pediatric, or obstetric associations or societies; the county health officer; and persons responsible for management of the following County functions: children's services, public health services, social services, behavioral health services, and tobacco and other substance abuse prevention and treatment services.
- (c) One member shall be the Director of the Health and Human Services Agency; and
- (d) One member shall be nominated by the Director of the Health and Human Services Agency from among the county health officer and persons responsible for management of the following County functions: children's services, public health services, social services, behavioral health services, and tobacco and other substance abuse prevention and treatment services.

(e) Individuals who directly or indirectly receive income from the Commission from or through a contractor to the Commission or who serve as a paid member of a board of directors of a contractor to the Commission may not serve as an at-large member of the Commission. For purposes of this prohibition, income to a spouse or registered domestic partner, or as a subcontractor shall constitute “indirect” income. Individuals who receive direct or indirect services from the Commission or Commission contractors shall not be deemed as having received “direct” or “indirect” income from the Commission. Individuals who are at large members of the Commission may not apply for nor may his or her employer or entity for which they serve as a consultant apply for a Commission contract during the time that the individual serves on the Commission and for one year after his or her term as a Commissioner ends. The prohibitions set forth in this Section 84.101(e), shall only apply to Commission members who are members of the Commission on or after December 31, 2009.

Section 3. Section 84.103 of the San Diego County Code is hereby amended to read as follows:

SEC. 84.103 TERM OF OFFICE

The member who is a member of the Board of Supervisors shall serve a term concurrent with the term of the Chairperson of the Board of Supervisors.

At-large members nominated by members of the Board of Supervisors shall serve two-year terms, and shall not serve for more than two consecutive terms, except that the at large member nominated by District 2 and approved by the Board of Supervisors on December 12, 2000, to serve as a member for the 2000-2001 term shall serve through the 2001-2002 term. Any member whose term has expired hereunder shall continue his or her duties until his or her successor has been appointed. The limitation on consecutive terms set forth in this Section 84.103, shall only apply to Commission member terms commencing on or after December 31, 2009.

The Director of the Health and Human Services Agency shall serve a term which shall run concurrent with the Director's tenure as Director of the Health and Human Services Agency. The member nominated by the Director of the Health and Human Services Agency shall serve a term at the pleasure of the Director.

~~Any member may be re-appointed to serve additional terms.~~

Section 4. Section 84.104 of the San Diego County Code is hereby amended to read as follows:

SEC. 84.104 VACANCIES

A vacancy shall occur upon the happening of any of the following events before the expiration of the term:

- (1) The death of the incumbent.
- (2) The resignation of the incumbent.

- (3) The ceasing of the incumbent to be a resident of San Diego County.
- (4) Unexcused absences from more than one-third of the regularly scheduled meetings in any 12-month period or three consecutive regularly scheduled meetings.

(5) A conflict in violation of Section 84.101.

When a vacancy occurs as the result of unexcused absences as designated in (4) above, both the member and the nominating authority shall be notified of the vacancy by the Commission Chairperson. If a vacancy occurs in mid-term for any reason pursuant to this Section 84.104, the new appointee shall serve for the unexpired term of the member being replaced. In the event of a vacancy, the vacancy shall be filled in accordance with the process set forth in Section 84.101.

Section 5. Section 84.105 of the San Diego County Code is hereby amended to read as follows:

SEC. 84.105 ORGANIZATION

- (a) *Officers.* The Commission shall elect from its membership a Chairperson, Vice Chairperson, and other officers as deemed necessary for the conduct of its business.
- (b) *Rules.* The Commission shall prepare and adopt the necessary rules and regulations for the conduct of its business.
- (c) *Quorum.* A majority of members currently appointed shall constitute a quorum. A majority of members in attendance shall be required to carry any motion or approval.
- (d) *Meetings.* The Commission shall establish a regular meeting schedule and shall give public notice of the time and place of meetings in compliance with the requirements of the Brown Act. Unless otherwise allowed or required by law, ~~All~~ all meetings of the Commission shall be open to the public and all persons shall be permitted to attend any meetings of the Commission.

Section 6. Section 84.108 of the San Diego County Code is hereby amended to read as follows:

SEC. 84.108 DUTIES AND RESPONSIBILITIES

The Commission shall have the following duties and responsibilities:

- (a) To promote, support and improve the early development of children from prenatal stage to five years of age.
- (b) To adopt an adequate and complete strategic plan for the support and improvement of early childhood development within the county.
 - (i) The County strategic plan shall be consistent with, and in furtherance of the purposes of the California Children and Families First Act of 1998 (Act) and any guidelines adopted by the state commission pursuant to subdivision (b) of Section 130125 of the Act that are in effect at the time the plan is adopted.

(ii) The County strategic plan shall minimally include the following: a description of the goals and objectives proposed to be obtained; a description of the programs, services, and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the County Commission using appropriate reliable indicators. The strategic plan shall describe how programs, services, and projects relating to early childhood development within the county will be integrated into a consumer-oriented and easily accessible system.

(iii) The Commission shall minimally review its strategic plan and revise the plan as may be necessary or appropriate on an annual basis.

(iv) The Commission shall measure the outcomes of Commission funded programs through the use of applicable, reliable indicators and review that information on a periodic basis as part of the public review of its strategic plan.

(c) To conduct at least one public hearing on the proposed strategic plan before the plan is adopted.

(d) To conduct at least one public hearing on its periodic review of the strategic plan before revisions are adopted.

(e) To submit the strategic plan and any subsequent revisions thereto, to the Board of Supervisors for ~~approval and adoption.~~ review and comment.

(f) To submit its adopted strategic plan and any subsequent revisions thereto, to the State Commission.

(g) To prepare and adopt an annual audit and report pursuant to Section 130150 of the Act. The Commission shall conduct at least one public hearing prior to adopting any annual audit and report.

(h) To conduct at least one public hearing on each annual report prepared by the State Commission pursuant to subdivision (b) of Section 130150 of the Act.

(i) To conduct such other duties and functions as required by law ~~or assigned by the Board of Supervisors.~~