

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: Thomas M. Miller, Placer County Executive Officer
By: Mark Giacomini, Senior Management Analyst

DATE: January 26, 2010

SUBJECT: Introduction of an Ordinance Amendment to Children and Family Commission Section of the Placer County Code

Action Requested

Introduction of an Ordinance Amendment to Chapter 2 of the Placer County Code, Article 2.132 Children and Family Commission, modifying Sections 2.132.030, 2.132.060, 2.132.080 D and 2.132.090 A and D, to reflect current practices regarding membership of the First 5 Placer Children and Families Commission.

Background

Placer County established the First 5 Placer Children and Families Commission in pursuant to the California Children and Families Act. The Commission is codified in the Placer County Code, Chapter 2, Article 2.132 Children and Family Commission. The purpose of the First 5 Placer Children and Families Commission is to develop, adopt, promote and implement a strategic plan for local early childhood development programs consistent with the goals and objectives of the California Children and Families Program of 1998, as set forth in the California Health and Safety Code.

On June 11, 2009, the First 5 Commission amended its Bylaws to reflect current practices regarding membership and to allow for an alternate to the Board of Supervisors seat. Specifically, the Bylaw change to Article II, paragraph A4, stipulates that one of the Commission's nine members must work or reside in the Tahoe region and represent the concerns of that area. The addition of paragraph A5 within Article II provides the Board of Supervisor member with the ability to appoint an alternate to the Commission who would serve as the Board's representative.

The First 5 Placer Commission Bylaw changes require an Ordinance Amendment to Placer County Code Chapter 2, Article 2.132 in order to become effective. The amendment includes technical changes to the County Code in Section 2.132.030, to add the more commonly known names of the California Children and Families Commission and the First 5 Placer County Children and Families Commission, and the correction of a typographical error to the referenced Health and Safety Code number in Section 2.132.060. In sections 2.132.080 and 2.132.090 the content has been changed to reflect current practices of the First 5 Commission regarding

membership selection and terms of office. In Section 2.132.080 Membership of the Commission, paragraph D has been added specifying that one of the members is to work or reside in Tahoe region and represent the concerns of that region. Section 2.132.090.A. adds the option of the use of an alternate by the Board of Supervisor's commission member, and section 2.132.090.D. changes the election and service years of the Chairperson from annually to a two year term.

According to Article X of the First 5 Placer Children and Families Bylaws, changes that require a revision to the County Ordinance will not go into effect until changes to the Ordinance become effective. Therefore the Commission is requesting that the Placer County Board of Supervisors approve the Ordinance amendment modifying Sections 2.132.030, 2.132.060, 2.132.080 D, 2.132.090 A and D, Chapter 2 of the Placer County Code Article 2.132 Children and Family Commission.

Fiscal Impact

There is no fiscal impact with this action.

Attachment: Ordinance Amendment
First 5 Placer Children & Families Commission Request Letter
First 5 Placer Children & Families Commission Amended Bylaws

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

An ordinance amending Placer County Code Chapter 2, Article 2.132, Children and Family Commission, modifying Sections 2.132.030, 2.132.060, 2.132.080 D, 2.132.090 A and D

Ord. No.: _____

FIRST READING: _____

SECOND READING: _____

The following **Ordinance** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

Ann Holman

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

That Chapter 2, Sections 2.132.030, 2.132.060, 2.132.080 D, 2.132.090 A and D for Children and Family Commission are amended as follows:

2.132.030 Definitions.

“California Children and Families Commission” (**commonly known as, First 5 California**) means the state commission established in accordance with Health and Safety Code Section 130110.

“Commission” means the **First 5 Placer County** Children and Families Commission (**commonly known as, First 5 Placer**) established in accordance with Health and Safety Code Section 130140 and this article.

“County strategic plan” means the plan adopted by the Placer County children and families commission established pursuant to the Program and in accordance with Health and Safety Code Section 130140.

“Program” means the California Children and Families Program of 1998.

“Trust fund” means the children and families trust fund account established with the Placer County treasurer for the purpose of receiving and managing Program funds in accordance with Health and Safety Code Section 130105(d)(2)(A). (Ord. 4980-B (part), 1999: prior code § 49.20)

2.132.060 Purpose of commission.

The purpose of the commission is to develop, adopt, promote and implement a county strategic plan for local early childhood development programs consistent with the goals and objectives of the California Children and Families Program of 1998 as set forth in Division 108 of the Health and Safety Code, commencing with Section ~~1030~~100. (Ord. 4980-B (part), 1999: prior code § 49.50)

2.132.080 Membership of the commission.

The commission shall consist of nine members appointed by the board of supervisors.

A. Two members of the commission shall be selected from among the county health officer and those persons responsible for management of county functions pertaining to children’s services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services.

B. One member of the commission shall be chosen by the board of supervisors from among its members.

C. The remaining members of the commission shall be selected from among the persons described in subsection A of this section and persons from the following categories pursuant to Health and Safety Code Section 130140(a)(1)(A): 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; and representatives of local medical, pediatric, or obstetric associations or societies. (Ord. 5289-B § 2, 2004: Ord. 4980-B (part), 1999: prior code § 49.70)

D. One of the members shall work or reside in the Tahoe region and represent the concerns of that region, as well as satisfying one of the criteria under A, B, or C above.

2.132.090 Terms of office for members, removal and vacancy in office.

A. The commission shall adopt bylaws, which set forth the manner of appointment, selection or removal of the commission members **and any alternates**, the duration and number of terms members shall serve, and any other matters that the board of supervisors deems necessary or convenient for the conduct of the commission's activities.

B. Commissioners serve at the will and pleasure of the board of supervisors, and may be removed from the commission prior to the expiration of the term established by subsection A of this section by a majority vote of the board of supervisors.

C. An office shall become vacant if a Commission member resigns, becomes incapacitated, expires, is removed pursuant to subsection B of this section, discontinues to function in the area or office from which appointed, or fails to attend three consecutive meetings of the commission. The board of supervisors may choose to waive the vacancy in favor of the incumbent member of the commission, or choose to make interim appointments to fill unexpired terms occurring during the term of members of the commission. The board of supervisors shall endeavor to fill all vacancies within ninety (90) days.

D. The members of the commission shall elect a chairperson **bi**-annually who shall serve for a ~~one~~ **two**-year term. (Ord. 4980-B (part), 1999: prior code § 49.80)



Catherine Goins, Chair
Bob McDonald, Vice Chair
Dr. Richard Burton, Commissioner
Dayle Edgerton RN, Commissioner
Sylvia Ambriz, Commissioner

Kim Haswell, Commissioner
Jim Holmes, Commissioner
Dr. Sandra Naylor-Goodwin, Commissioner
Dr. Elaine Rowen Reynoso, Commissioner

www.first5placer.org

The Tobacco Tax Program

June 22, 2009

MB

RECEIVED

JUN 24 2009

CLERK OF THE
BOARD OF SUPERVISORS

Ann Holman
Clerk of the Board
Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

Dear Ann,

In compliance with section 2.132.120(D) of the Placer County administrative code, I am forwarding to you the 2009 Review and Revision of the 2007-2010 First 5 Placer Children and Families Commission's Strategic Plan. The revisions were approved in a public meeting of our Community Resource Committee on April 1, 2009, a public hearing was held on May 28, 2009, after which the Commission adopted the revised plan.

Also, at its meeting on June 11, the First 5 Placer Children and Families Commission amended its bylaws to reflect current practice regarding membership of the Commission and allowing for an alternate to the Board of Supervisor's position. These required changes to the Placer County code. Therefore, I am forwarding to you the Bylaws as amended and proposed changes to the Placer County Administrative Code. If you would like to have the proposed changes to the Code in an electronic format, let me know! I'll be happy to forward them on.

If you have any questions or require additional information, please do not hesitate to contact me. My phone number is 745-1304 and my cell is 863-8274.

Sincerely,

A handwritten signature in cursive script that reads "Janice LeRoux".

Janice LeRoux, Executive Director
First 5 Placer Children and Families Commission

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**FIRST 5 PLACER
CHILDREN & FAMILIES COMMISSION**

BYLAWS

Approved September 9, 2004

Amended June 11, 2009

The following are the bylaws under which the First 5 - Placer Children and Families Commission shall function.

ARTICLE 1 - PURPOSE AND DUTIES

The County of Placer established this Commission pursuant to the California Children and Families Act. The Commission is codified in the Placer County Code, Chapter ~~40-2~~, Article 2.132 See, also, the California Children and Families Program, California Health and Safety Code, Division 108, Sections 130100-130155; California Revenue and Tax Code, Division 2, Part 13, Chapter 2, Article 3, Sections 30131 et seq.

The Commission shall create and implement a comprehensive, collaborative, and integrated system of information and services to promote, support, and optimize early childhood development from the prenatal stage to five years of age. -Additionally, the Commission shall work to ensure that early childhood development programs and services for proper nurturing and health care are universally and continuously available for the county's children until at least the beginning of Kindergarten.

To achieve the above comprehensive services the Commission shall:

1. 1. Create and adopt a strategic plan for early childhood development within the county that is consistent with the California Children and Families Program and any applicable guidelines adopted by the California Children and Families State Commission.
2. 2. Periodically review, on an annual or more frequent basis, the county strategic plan and make such revisions thereto as may be necessary or appropriate.
3. 3. Prepare and adopt an annual audit and report pursuant to California Health and Safety Code Section 130150.
4. 4. Conduct at least one public hearing on the initial strategic plan, on any revision thereto, and on each annual audit and report.
5. 5. Administer the funds in the Children and Families Trust Fund consistent with the regulations of the Program and the governing strategic plan.

- A. The Commission shall submit the adopted strategic plan and any subsequent revision thereto to the California Children and Families State Commission and other community organizations the Commission deems appropriate.
- A.
- B. The Commission shall prepare and adopt an annual audit and report pursuant to Health and Safety Code Section 130150. -The Commission shall conduct at least one public hearing prior to adopting the annual audit and report.
- C. The Commission shall conduct at least one public hearing on each annual report by the California Children and Families State Commission prepared pursuant to subdivision (b) of the Health and Safety Code Section 130150.
- D. The Commission shall administer the funds in the Children and Families Trust Fund consistent with the regulations of the Children and Families Act and the adopted strategic plan.

ARTICLE II - MEMBERSHIP

- A. The Commission shall consist of nine members appointed by the Board of Supervisors upon recommendation of the Commission. -The persons appointed by the Board of Supervisors shall meet the following requirements:

1.1) Two members of the Commission shall be appointed from the categories of:

- ~~a~~-a) County Health Officer
- ~~b~~-b) Managers of County children's services;
- ~~c~~-c) Managers of County public health services;
- ~~d~~-d) Managers of County behavioral health services;
- ~~e~~-e) Managers of County social services; and,
- ~~f~~-f) Managers of County tobacco and other substance abuse prevention and treatment services.

2.2) One member of the Commission shall be a member of the Board of Supervisors.

3.3) The remaining members of the Commission shall be appointed from any of the following categories:

- ~~a~~-a) Persons described in the above subsection (1);
- ~~b~~-b) Recipients of project services included in the County Strategic Plan;
- ~~c~~-c) Educators specializing in early childhood development;
- ~~d~~-d) Representatives of local child care resource or referral agencies;
- ~~e~~-e) Representatives of local child care coordinating groups;
- ~~f~~-f) Representatives of local organizations for prevention or early intervention for families at risk;
- ~~g~~-g) Representatives of community-based organizations that have the goal of promoting nurturing and early childhood development;
- ~~h~~-h) Representatives of local school districts; ~~and~~;

- f-i) Representatives of local medical, pediatric, or obstetric, psychology, social work, early education or other professional associations or societies; and
- f-ii) Representatives of the general public who demonstrate an interest in early childhood development.

4) Members One of the members shall work or reside in the Tahoe region and represent the concerns of that area, as well as satisfying one of the criteria under 1, 2 or 3 above.

5) Alternate Commissioner to Board of Supervisor member seat

- a) The Board of Supervisors may appoint an alternate to the commission member who serves as the Board of Supervisor's representative on the Commission.
- b) The alternate Commissioner shall be a member of the Board of Supervisors, chosen for his/her willingness and ability to represent effectively the seated Commissioner from the Board of Supervisors, and to contribute to and support the objectives of the Commission.
- c) The Alternate Commissioner may attend meetings of the Commission and may participate in discussion of Commission business but may not vote, unless the seated member of Board of Supervisors is absent from the meeting.
- d) The Alternate Commissioner may not hold office on the Commission.
- e) The Alternate Commissioner may be appointed by delivery of a notice in writing, signed by the Chairperson of the Board of Supervisors, to the Commission Chairperson or to the Executive Director. Any such appointment shall be in effect immediately and until it is rescinded by the appointing Commissioner or until such time as the appointing Commissioner's term of office ends.

4-6) Members (including the Alternate to the Supervisor member) shall serve without compensation and shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their offices, in accordance with the provisions of the County of Placer Travel Policy.

5-7) All voting members of the Commission shall comply with the First 5 Placer Conflict of Interest Code and applicable conflict of interest laws, including but not limited to the following, to the extent to which they are applicable:

- a-a) The California Political Reform Act of 1974, California Government Code Section ~~8700~~87100 et seq.;
- b-b) The prohibition of the contractual conflicts of interest set forth in California Government Code Section 1090 et seq.;
- c-c) The prohibition of incompatible employment, activity or enterprise for compensation set forth in California Government Code Section ~~4426~~1125 et seq.;
- d-d) The common law rules against conflict of interest.

ARTICLE III - TERMS OF APPOINTMENT

- A. Each Commissioner shall hold office at the will and pleasure of the Board of Supervisors for a term not to exceed two consecutive three-year terms. -No member may serve on the Commission for more than two consecutive three-year terms. Commissioners may be removed from the Commission prior to the expiration of the term by a majority vote of the Board of Supervisors or the Commission.
- B. Beginning in September of 2004 the transition to a three-year term of office shall begin. Any incumbent whose seat expires before January 1, 2009 shall be eligible to sit for an additional three-year term of office.
- C. An office shall become vacant if a commissioner resigns, becomes incapacitated, expires, is removed pursuant to subsection A. of this section, discontinues to function in the area or office from which appointed, or fails to attend three consecutive meetings of the Commission. -The Board of Supervisors may choose to waive the vacancy in favor of the incumbent member of the Commission, or choose to make interim appointments to fill un-expired terms occurring during the term of members of the Commission. -The Commission and the Board of Supervisors will endeavor to fill all vacancies within 90 days.
- D. If no successor has been appointed at the expiration of the term, the Commissioner shall serve until the appointment of the member's successor;

ARTICLE IV - OFFICERS

A Chairperson and Vice Chairperson shall be selected from among Commission members. Officers will serve two-year terms. -Nominations for officers shall be made from the membership and an election of officers will take place at the first meeting of each odd-numbered calendar year.

The Chairperson shall convene and chair Commission meetings.- The Chairperson is empowered to sign contracts and to authorize expenditures that have been approved by the Commission. -The Vice Chair shall serve in the absence of the Chair and shall have the same authority vested in the Chair when serving in the Chair's absence. -A person elected as chairperson shall serve through the end of the term as chairperson even if the person serves beyond his/her elected term. -If serving beyond the elected term, the chairperson shall be a voting member but shall not occupy one of the nine designated positions.

ARTICLE V - MEETINGS

- A. The Commission shall meet at least four times per year. -The Commission may elect to meet more frequently.- All meetings, except those closed sessions permitted by law, shall be open to the public.
- B. No actions shall be taken by the Commission unless a quorum is present. -A quorum shall consist of a simple majority of the number of Commission seats filled.

- C. Minutes of each Commission meeting will be kept and distributed for review by each voting member. -The Commission shall approve the minutes prior to meetings and make them available for public review.
- D. Commission members are responsible for notifying the Chairperson so that a decision can be made to not hold a meeting if a quorum will not be present.
- E. All meetings of the Commission will be conducted in accordance with the provisions of the California Government Code Sections 54950 et seq. (The Ralph M. Brown Act),

ARTICLE VI - CONDUCT OF MEETINGS

The meetings of the Commission will be run by the attached Special Rules. -At the discretion of the Commission Chair, for situations that warrant more formal parliamentary procedure, the Commission will use Robert's Rules of Order (Newly revised, 10th ed) Perseus 2000.

ARTICLE VII - SUBCOMMITTEES

The Commission shall support and seek advice from ~~two~~three standing committees: -The Community Resource Committee, ~~and the Executive/Finance Committee~~, and the Evaluation Committee.

In accordance with the Children and Families Act , additional subcommittees, and/or advisory committees shall be appointed by the Commission as needed to further the goals of the Commission.

ARTICLE VIII - ADMINISTRATION

The Commission shall purchase administrative support as appropriate and necessary to fulfill its purpose.

ARTICLE IX - RECRUITMENT OF NEW COMMISSIONERS

The Commission shall use a process independent from Placer County to advertise, recruit and fill its scheduled and unscheduled vacancies. -The Commission shall advertise for vacant seats.- The Commission will use its Community Resource Committee to review applications and recommend candidates for the Commission to interview. -The Commission shall interview potential candidates at a public meeting and pursuant to the Ralph M. Brown Act their vote shall be verbal and on the record. -Upon completion of the interviews the Commission will make their recommendations to the Board of Supervisors. -Commission staff shall process the recommendation through the County.

The Commission recognizes that the County is obligated to: -1) Keep a list of scheduled vacancies on the Commission, and 2) Notice unscheduled vacancies.- The Commission staff shall work with County staff to ensure that such notices are consistent with the purposes of the Commission and are consistent with the specifics of each particular recruitment. -All notices of vacancy shall be reviewed by the Executive Director of the Commission before they are posted. -County staff shall give the

Executive Director reasonable time to review such notices as mutually determined by Commission and County staff.

ARTICLE X - BYLAWS

Adoption and amendment of these bylaws become effective upon approval of the Commission. These bylaws may be amended, revised or repealed by a majority of the Commission provided that a notice of the amendment or revision is given in writing to each Commissioner at least one (1) week prior to the meeting. Bylaw changes that require revisions to the County Ordinance will not go into effect until changes to the Ordinance become effective.

ATTACHMENT

FIRST 5 – PLACER CHILDREN AND FAMILIES COMMISSION BYLAWS

SPECIAL RULES FOR MEETINGS

Rule 1:- Use of Special Rules

- a.—These Special Rules are to be used at the regular business meetings of the
A. First 5 –Placer Children and Families Commission.
- b.B. Any changes to these rules must be made by a vote of a simple majority of the Commission.
- c.C. Anything within these rules that is inconsistent with the Ralph M. Brown Act shall be null and void.

Rule 2: -Procedural Guidelines to Place Items on the Commission Agenda

- a.A. Consistent with the Brown Act, any person can speak to the Commission during the designated time on the agenda on any items that are not delineated for discussion on that agenda.
- b.B. Written documents to be considered by the Commission at a regular meeting shall be given to the recording secretary of the Commission at least ten (10) business days before that scheduled meeting. -In special circumstances, materials must be given to the recording secretary at least three (3) business days before the meeting, otherwise staff cannot guarantee circulation of the material.
- c.C. Anyone making a presentation to the Commission is responsible for supplying any equipment or other materials necessary for that presentation.
- d.D. At the discretion of the Executive Director of the Commission, a request to place an item on the Commission agenda must be received by the director at least fifteen (15) business days before that scheduled meeting.

Rule 3: -Meeting Procedures

- a.A. Public Hearing Items:- On any item designated a public hearing any member of the public may testify at the designated time on the agenda.- Reasonable time limits may be placed on each speaker based on meeting attendance and other circumstances. -Such limitations shall apply uniformly to all speakers.
- b.B. Non-Public Hearing Items:- When an item is not designated as a public hearing, at the discretion of the Commission Chair, any public input may be accepted on such items.

e.C. _____ Regardless of whether an item is designated a public hearing or not, no one member of the public may speak a second time until everyone in the audience who wishes to speak has done so.

d.D. _____ The Commission Chair or any other person who is conducting a presentation to the Commission is encouraged to structure any discussion to proceed from opening (idea generation) to narrowing (evaluating ideas) to closing (making decisions).

Rule 4:- Decision Making

a.A. _____ After a presentation has been given to the Commission by staff to the Commission or other presenters, and any public comment has been taken, the item shall be discussed by the Commission (If the item is designated as a public hearing the Chair shall announce the closure of the hearing and indicate that the item will now be discussed by the Commission). It shall be at the discretion of the Commission Chair to allow additional public input after the Commission discussion begins on any item.

b.B. _____ If a decision is needed by the Commission on the item an affirmative position will be made by a vote of a simple majority of the Commissioners present (50% + 1). -Abstention votes do not count as an affirmative vote.

e.C. _____ If necessary the Commission can vote to postpone a decision on any item to a subsequent meeting.- The Commission is not required by these bylaws to choose a date certain for that decision to be made.

e.D. _____ If more than one option is being considered by the Commission, the Commission may decide to use a "plurality vote". -Then the option with the highest number of votes would be the approved course of action by the Commission.

Rule 5:- Meeting Adjournment

a.A. _____ The meeting shall be adjourned by a simple majority vote of the Commissioners present.