

ARTICLE IIIp FIRST 5 COMMISSION OF SAN DIEGO*

***Editor's note** -- Article IIIp, §§ 84.100--84.111, titled San Diego County Children and Families First Commission, added by Ord. No. 8985 (N.S.), effective 12-8-98, amended by Ord. No. 8991 (N.S.), effective 1-14-99. (Name of commission changed to First 5 Commission of San Diego by Ord. 9510 (N.S.), effective 11-25-02.)

Cross reference(s) -- Definitions, § 20 et seq.; general rules, § 50 et seq.

SEC. 84.100. FIRST 5 COMMISSION OF SAN DIEGO.

In order to comply with the requirements of the California Children and Families First Act of 1998, there is hereby established a First 5 Commission of San Diego. This Commission is formed to promote, support, and improve early childhood development from the prenatal stage to five years of age.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99; amended by Ord. No. 9510 (N.S.), effective 11-28-02)

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 the member of the Board of Supervisors who served as Chair of the Board of Supervisors in the preceding calendar year. In the absence of the preceding Chair of the Board of Supervisors, the Board of Supervisors will appoint a Board member to be the presiding Chair of the Commission. This provision shall become effective January 1, 2021.

(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.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99; amended by Ord. No. 9403 (N.S.), effective 12-6-01; amended by Ord. No. 10023 (N.S.), effective 2-11-10; amended by Ord. No. 10689 (N.S.), effective 12-17-20)

SEC. 84.102. APPOINTMENTS.

Persons appointed to the Commission shall be residents of San Diego County.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99)

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 alternating two-year terms. Any member whose term has expired hereunder shall continue his or her duties until his or her successor has been appointed.

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.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99; amended by Ord. No. 9403 (N.S.), effective 12-6-01; amended by Ord. No. 10959 (N.S.), effective 12-18-25)

SEC. 84.104. VACANCIES.

A vacancy shall occur on 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.

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.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99; amended by Ord. No. 10023 (N.S.), effective 2-11-10)

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 meetings of the Commission shall be open to the public and all persons shall be permitted to attend any meetings of the Commission.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99; amended by Ord. No. 10023 (N.S.), effective 2-11-10)

SEC. 84.106. ESTABLISHMENT OF COMMITTEES.

Committees. The Commission shall establish one or more advisory committees to provide technical and professional expertise and support for any purpose that will be beneficial in accomplishing the purposes of the Children and Families First Act of 1998. Each advisory committee shall make recommendations and reports as deemed necessary and appropriate.

The actions and recommendations of committees shall not be deemed the action of the Commission or its members.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99)

SEC. 84.107. COMPENSATION AND EXPENSES.

Members of the Commission shall serve without compensation except they shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the Commission.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99)

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 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 exercise independent authority over the local Children and Families Trust Fund established pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105 of the Act, including the ability to authorize contracts or grant agreements with other entities, notwithstanding any provision of Administrative Code Section 401 to the contrary, on behalf of the County, as necessary and in accordance with the strategic plan and Commission policies.

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

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99; amended by Ord. No. 9777 (N.S.), effective 6-15-06; amended by Ord. No. 10023 (N.S.), effective 2-11-10; amended by Ord. No. 10959 (N.S.), effective 12-18-25)

SEC. 84.109. REPORTS.

The Commission shall make available to the Board of Supervisors its findings and recommendations and submit an annual report of its activities to the Board of Supervisors prior to the end of each fiscal year.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99)

SEC. 84.110. STAFF ASSISTANCE.

The Director of the Health and Human Services Agency shall provide staff assistance to the Commission.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99)

SEC. 84.111. ORDINANCE CHANGES.

Any proposed change in the provision of this Article shall be submitted to the Commission for review and comment prior to said proposed change being considered by the Board of Supervisors.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99)