



# County of Fresno

Hall of Records, Rm. 301  
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Fresno, California  
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## Legislation Details (With Text)

**File #:** 19-1585

**On agenda:** 12/10/2019

**Final action:** 12/10/2019

**Enactment date:**

**Enactment #:** Ordinance No. 19-023

**Title:** Conduct second hearing on and adopt an Ordinance amending the Fresno County Ordinance Code, Title 2, Chapter 2.38, Section 2.38.010 relating to the Children and Families Commission of Fresno County; and waive reading of the Ordinance in its entirety

**Attachments:** 1. Agenda Item, 2. Ordinance No. 19-023, 3. Additional Information

Date	Ver.	Action By	Action	Result
12/10/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

**DATE:** December 10, 2019

**TO:** Board of Supervisors

**SUBMITTED BY:** Jean M. Rousseau, County Administrative Officer

**SUBJECT:** Second Hearing of Proposed Amendment to the Fresno County Ordinance Code Amending Title 2, Chapter 2.38 - Children and Families Commission

### RECOMMENDED ACTION(S):

**Conduct second hearing on and adopt an Ordinance amending the Fresno County Ordinance Code, Title 2, Chapter 2.38, Section 2.38.010 relating to the Children and Families Commission of Fresno County; and waive reading of the Ordinance in its entirety.**

Approval of the recommended action will delete subsection §2.38.010(D) from the Fresno County Ordinance code as it significantly reduces the pool of potential candidates eligible to serve on the First 5 Commission. Deletion of this subsection will expand membership eligibility for future First 5 Commission candidates by aligning member eligibility requirements set forth in the California Children and Families First Act of 1998. The recommended amendment will also delete obsolete language in subsection §2.38.010(A). This item is countywide.

### ALTERNATIVE ACTION(S):

Your Board could choose to not amend the ordinance as written, and maintain the current eligibility requirements for the Children and Families Commission of Fresno County.

### FISCAL IMPACT:

There is no fiscal impact associated with the recommended action. The recommended amendment to the Ordinance will delete language in Ordinance Code section §2.38.010 to expand membership eligibility for future First 5 Commission candidates. The recommended amendment will also delete obsolete language in subsection §2.38.010(A).

### DISCUSSION:

On November 19, 2019, your Board conducted the first hearing, waived the reading of the proposed Ordinance in its entirety and set the second hearing for adoption of the proposed Ordinance for December 10, 2019. The recommended action will change the ordinance by deleting Ordinance Code subsection §2.38.010 (D) in its entirety and deleting obsolete language in subsection §2.38.010(A).

On November 3, 1998, California voters passed Proposition 10 known as the California Children and Families First Act of 1998 (Act). The Act provides for a surtax on tobacco products to fund anti-smoking and early childhood development programs, and establishes the Health and Safety Code for administration of the State Commission and local commissions to administer the funds. On December 8, 1998, the Fresno County Board of Supervisors created the Children and Families Commission of Fresno County (First 5) to meet the requirements of the Act.

On August 19, 2014, the Board took action to amend Fresno County Ordinance Code by adding subsection §2.38.010(D) as an additional layer of qualifications for potential First 5 Commissioners pursuant to State of California Health and Safety Code Section §130140(a)(1)(B). This subsection significantly reduces the pool of potential candidates eligible to serve on the First 5 Commission as it prohibits a Commission Board member, or certain of their family members, from being employed by, consult for or contract with an organization that receives funding from the Commission.

On September 10, 2019, your Board adopted the responses to the 2018-19 Fresno County Grand Jury Final Report No. 2 regarding First 5 Fresno County. The adopted responses stated that the County would review the language in Ordinance Code section §2.38.010 for potential expansion of membership eligibility for future First 5 Commission candidates.

After consultation with First 5, it is recommended Fresno County Ordinance Code section §2.38.010(D) be deleted to allow for an expansion of membership eligibility for future First 5 Commission candidates. The recommended amendment will also delete obsolete language in subsection §2.38.010(A) that relates to the effective date of the reduction in number of Commission Board members from 9 to 7, and which members/seats would be removed, effective September 19, 2014. The recommended deletions to the Ordinance will not affect the County's compliance with all of the requirements set forth in the Act.

OTHER REVIEWING AGENCIES:

First 5 Fresno County

REFERENCE MATERIAL:

BAI #5, November 19, 2019  
BAI #32, September 10, 2019  
BAI #53, August 19, 2014  
BAI #5, December 8, 1998

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance

CAO ANALYST:

Yussel Zalapa