



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: First 5 Children and Families Commission of Santa Barbara County
Department No.: 990
For Agenda Of: September 6, 2011
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Select_From Pat Wheatley, Executive Director
First 5 Children and Families Commission of Santa Barbara County
Contact Info: Pat Wheatley, 805-884-8085
SUBJECT: A Joint Resolution of the First 5 Santa Barbara Children and Families Commission and the Board of Supervisors supporting efforts to declare Assembly Bill 99 unlawful and unconstitutional.

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Approve the Joint Resolution of the First 5 Santa Barbara County Children & Families Commission and the Board of Supervisors of the County of Santa Barbara supporting efforts to declare Assembly Bill 99 unlawful and unconstitutional.

Background:

The California Children and Families Act of 1998 was enacted by Proposition 10, and voted on by California voters. The voters provided that the statute created by the initiative could only be amended by voters themselves or by the Legislature by a two-thirds vote of both houses, and only if the proposed change was consistent with the purpose and intent of the initiative. Prior attempts to expropriate First 5 Trust Fund moneys were rejected by voters, the most recent being Proposition 1D in 2009 when two thirds of voters state-wide rejected Proposition 1D.

Under the Act, tobacco tax revenues raised may not be used to supplant state or local General Fund monies for any purpose, and funds may only be used to fund entirely new programs and to supplement existing levels of service, and may not be used to fund existing levels of service.

Assembly Bill 99 was signed into law by Governor Jerry Brown on March 24, 2011. This law is inconsistent with and amends the California Children and Families Act of 1998 by diverting \$1 billion

from the tax revenues received by First 5 California and local county commissions and supplants General Fund money with Proposition 10 trust funds and will use the trust funds to pay for the State's pre-existing Medi-Cal service obligations.

Through this action, \$866,000 of Santa Barbara County First 5 reserves will be diverted away from early childhood development services being provided to local children through the provision of health, education, and family strengthening services. This action is directly impacting the intent of the law and impacting the ability of local administration and oversight to address the needs of our county's youngest children.

Presently several county commission have filed suit against this action. The attached resolution will document the support of the First 5 Commission and the Board of Supervisors in the litigation opposing the enactment of Assembly Bill 99.

Performance Measure:

None

Fiscal and Facilities Impacts:

An 886,000 decrease in First 5 Santa Barbara County reserves.

Special Instructions:

Send a minute order of the Board's action to the First 5 Commission of Santa Barbara County
Attention: Sara Soto Gonzalez

Attachments:

Copy of Joint Resolution

Authored by:

Pat Wheatley, Executive Director

cc: