

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: 6/29/05
Department Name: First 5 Child& Fam Commission
Department No.: 990
Agenda Date: 7/12/05
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Rita Madden,
Chair, First5 Santa Barbara Children and Families Commission

STAFF CONTACT: Pat Wheatley, Executive Director
884-8085

SUBJECT: Amendment of Term Limits Applicable to Community Members on the First 5
Commission

Recommendation(s):

That the Board of Supervisors:

- a. Set the first reading on July 26, 2005, for the introduction and adoption of the attached urgency ordinance, which amends Santa Barbara County Code Chapter 41, section 41-5(E), by repealing the term limits for Community Members of the First 5 Commission.
- b. On July 26, 2005, adopt the attached resolution, which amends Article 6, section (E)5 of the Bylaws of the First 5 Commission, by deleting the term limits for Community Members of the First 5 Commission.
- c. Direct staff of the First 5 Commission to report back to the Board by April 30, 2006 with a long-term recommendation regarding term limits for Community Members.

Alignment with Board Strategic Plan:

The First 5 Commission Program is aligned with Strategic Goal 7, community that fosters the well-being of families and children.

Executive Summary and Discussion:

The First 5 Santa Barbara County Children and Families Commission was formed pursuant to a voter initiative, Proposition 10, also known as the "California Children and Families First Act of 1998". (See, California Constitution Article XIII A, Section 7; Health and Safety Code Sections 130100 et. seq.; and Revenue and Taxation Code Sections 30131 et.seq.). The purpose of the First 5 Commission is to further the

intent of the California Children and Families First Act through the creation of local programs to promote, support and improve the early development of children from the prenatal stage to five years of age.

Health and Safety Code Section 130140 delegates to the Board, the authority to establish a commission, to determine the number of commissioners, to appoint the commissioners, and to set the duration and number of terms the commissioners may serve. The Board established the Commission with nine regular members and four alternates. The regular member composition consists of one member of the Board of Supervisors, three County Members and five Community Members. (Santa Barbara County Code Chapter 41 Section 41-4). The representative of the Board of Supervisors and the County Members are appointed on an annual basis, and have no term limits. The Community Members, however, serve two-year terms and are limited to serving two consecutive terms. Chapter 41 Section 41-5(E) of the County Code provides that:

“There shall be no limit as to the number of terms a Commission member may serve, except that a Community member may serve no more than two consecutive terms.”

Five Community Members, Bill Cirone, Hugo Lara, Rita Madden, Patty Moore (alternate) and Mary K. Ray have served on the Commission since at least 2000 and have thus served more than two consecutive terms. The limit of two consecutive terms was inadvertently overlooked when the Board appointed these Community Members to the Commission after their second terms. In light of the term limits, these Community Members will need to resign from the Commission, unless the Board agrees to amend or abolish the term limits.

The First 5 Commission addressed this matter at its June 20, 2005 meeting. The Commission acknowledged that term limits allow for broader community involvement, but concluded that it would be detrimental to the Commission if the five Community Members were forced to resign at this time. The Commission is updating its strategic plan and strongly believes that it needs the experience and knowledge of the current Community Members, to develop the best plan possible. Therefore, the Commission recommends repealing the term limits, at least for the short-term. If the Board agrees to repeal the term limits, the Commission will appoint a sub-committee to evaluate whether term limits should be reinstated after the Commission's strategic planning process has been completed. The Commission would report back to the Board with its long-term recommendation by April 30, 2006.

The Commission's bylaws Article 6, Section (E)5 contain the identical language regarding term limits for Community Members, as found in the Chapter 41, Section 41-5(E) of the County Code. Therefore, the Commission also recommends that the Board adopt the attached resolution deleting the term limit language from the bylaws.

Mandates and Service Levels: N/A

Fiscal and Facilities Impacts: N/A

Special Instructions:

It is recommended that the attached ordinance be adopted as an urgency ordinance and that it should take effect immediately upon adoption, without the need for a second reading pursuant to Government Code Section 25131. An urgency ordinance must be adopted with a 4/5th vote of the Board. Government Code Section 25123(d). Please send executed copies of the ordinance and resolution to the First 5 Commission.

ORDINANCE NO. ____

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
AMENDING CHAPTER 41 SECTION 41-5(E) OF THE
SANTA BARBARA COUNTY CODE,
THE CHILDREN AND FAMILIES ORDINANCE.**

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. Chapter 41 Section 41-5(E) of the Santa Barbara County Code, the Children and Families First Ordinance, is hereby amended to read as follows:

41- 5(E). Term of Service

“There shall be no limit as to the number of terms a Commission member may serve.”

SECTION 2. Urgency Clause. The Board of Supervisors declares that it is necessary for the public peace, health or safety for this ordinance to go into effect immediately because of the urgent need to clarify the membership of the Commission. in order to forestall the disruption of the work of the Commission.

SECTION 3. Publication and Effective Date. This ordinance shall take effect immediately under Government Code Section 25123(d). Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this ____ day of _____, 2005, by the following vote: (Adoption requires a 4/5th vote)

AYES:
NOES:
ABSENT:
ABSTAIN:

[SIGNATURES ON FOLLOWING PAGE]

ATTEST: MICHAEL F. BROWN
Clerk of the Board

COUNTY OF SANTA BARBARA

By _____
Deputy

By _____
Chair, Board of Supervisors

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS, CPA
Auditor-Controller

By _____

By _____

BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

A RESOLUTION TO AMEND ARTICLE
6, SECTION (E)5 OF THE BYLAWS OF
THE FIRST 5 SANTA BARBARA
COUNTY CHILDREN AND FAMILIES
COMMISSION

Resolution No. _____

WHEREAS, Chapter 41 Section 41-5(E) of the Santa Barbara County Code, and Article 6, Section (E)5 of the First 5 Santa Barbara County Children and Families Commission Bylaws provide that Community Members of the Commission shall serve no more than two consecutive terms.

WHEREAS, the Board of Supervisors has taken action to repeal the term limits for Community Members of the Commission, by amending Chapter 41 Section 41-5(E) of the County Code; and

WHEREAS, in order to maintain consistency between the County Code and the Commission's Bylaws, the Board of Supervisors intend to delete the term limit language found in the Commission's Bylaws

NOW, THEREFORE, the Board of Supervisors does resolve as follows:
Article 6, Section (E)5 of the Bylaws of the First 5 Santa Barbara County Children and Families Commission is amended to read as follows:

“There shall be no limit as to the number of terms a Commission member may serve.”

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2005, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:
STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

Approved as to Form:
ROBERT W. GEIS, CPA
Auditor -Controller

By _____