City of San Leandro

Meeting Date: December 13, 2021

Staff Report

File Number: 21-720 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.F.

TO: City Council

FROM: Fran Robustelli
City Manager

BY: Brian Simons
Library Services Director

FINANCE REVIEW: Susan Hsieh
Finance Director

TITLE: Staff Report for a City of San Leandro City Council Resolution Authorizing the City Manager to Execute a Memorandum Of Understanding with First 5 Alameda County and San Leandro Public Library to receive $4,800 for early childhood services rendered to the community and $15,185 worth of storytime kits for the Library to distribute to the community.

SUMMARY AND RECOMMENDATIONS

Staff recommends the City Council adopt a resolution to agree to the terms set forth in the Memorandum of Understanding (MOU) between First 5 of Alameda County (First 5) and the San Leandro Public Library (Library) for the dates of November 1, 2021 - June 30, 2022, whereby the Library would receive $4,800 for early childhood literacy services rendered to the community. First 5 would also give the Library 168 storytime book kits, valued at $15,185, that the Library would distribute to the community. Staff further recommends the City Council authorize the City Manager to execute all documents and appropriate the funds.

BACKGROUND

a. First 5 is an innovative public entity created by passage of the California Children and Families First Act (Proposition 10) in 1998 which added fifty cents per pack of cigarettes to help fund early childhood care, development, and education for children 0-5 (see attachment titled *Proposition 10 Statutes*). To achieve First 5's goals of developing a comprehensive system of early intervention services for children birth to 5 years of age and families in Alameda County, they partner with agencies who engage in the business of providing services that increase the quality of early childhood development and education. The Library is one such agency they partner with.

b. History: The Library has worked in partnership with First 5 since 2013. In 2013, the Library received a two-year neighborhood partnership grant from First 5. This grant was renewed for an additional two years. Following that initial 4-year neighborhood partnership grant, the Library has worked with First 5 around kindergarten readiness, receiving funding, materials, and equipment through MOUs annually.

c. Current Programs: Under this MOU ending June 30, 2022, the Library would receive 168 Family, Friend, and Neighbor Storytime Kits in a mix of English, Spanish, and Chinese languages to be distributed at the Main and Manor facilities. In addition to the materials, Library staff receives training from First 5 in early childhood development education best practices. After receiving the training, the Library staff members put that training into action for the community by doing two presentations in the priority neighborhoods identified and paid for by First 5. Lastly, the Library receives funding to enhance its materials collections at Main and Manor for the 0-5-year-old audience. The result of these activities will be to increase kindergarten readiness opportunities for children not in licensed childcare and increased access for children 0-5 years old to developmental services.

d. Funding: First 5 administers funding to all qualified library partners throughout Alameda County.

   First 5 money is earmarked and to be solely used for children's services to support ongoing kindergarten readiness efforts based on each annual MOU. All expenditures are tracked by the Senior Librarian that oversees Youth Services and reported to First 5. First 5 issues payment upon receipt of invoices, expense report, and results-based accountability report from the Library.

   Funding through the MOU must be spent according to the guidelines within the MOU (see ATTACHMENTS titled *MOU First 5 Alameda County and San Leandro Public Library November 1, 2021 - June 30, 2022).*

   If approved, the funding through the MOU will enhance City Council approved Fiscal Year 2021-22 Library operating budget.

Fiscal Impacts

This Special Grants Fund program will cost $4,800, which will require an increase to the Fiscal Year 2021-22 adopted budget for the Library. First 5 will reimburse the City for the MOU obligation totaling $4,800. This grant requires no matching funds from the City.

Budget Authority

All expenditures will be captured in account 150-68-016 and off-setting revenues will be deposited into account 150-3617.

Previous Actions

- None

ATTACHMENT(S)

- *MOU First 5 Alameda County and San Leandro Public Library November 1, 2021 - June 30, 2022*
- *Proposition 10 Statutes*

PREPARED BY: Brian Simons, Library Director, Library Department

MEMORANDUM OF UNDERSTANDING

FIRST 5 ALAMEDA COUNTY

AND

SAN LEANDRO PUBLIC LIBRARY

November 1, 2021 – JUNE 30, 2022

MOU# PI-ECE-2122-664

This Memorandum of Understanding (MOU), dated as of November 1, 2021, is entered into by and between **First 5 Alameda County (First 5)** and **San Leandro Public Library (SLPL)**, with reference to the following facts and circumstances:

RECITALS

A. The California Children and Families First Act of 1998 (Proposition 10) created a program in the state for the purposes of promoting, supporting, and improving the early development of children from the prenatal stage to five years of age. The intent of this act is to enable counties to create and implement an integrated, comprehensive and collaborative system of information and services to enhance optimal early childhood development.

B. First 5 approved a Strategic Plan for a comprehensive system of early intervention services for children birth to 5 years of age and families in Alameda County. A key component of the First 5 Strategic Plan is the Quality Early Childhood Education Strategy, which builds the capacity of providers and childcare sites through professional development to increase the quality of early childhood education programs. (2017-2022 Strategic Plan, page 24).

C. First 5 is desirous of securing the provision of certain services and deliverables outside the scope of First 5's ordinary business in furtherance of its Strategic Plan. SLPL is independently engaged in the business of providing services similar to those described in this MOU and is willing and able to perform duties and render services and deliverables, without supervision; and

D. The purpose of this MOU is to provide Quality Counts Pathway resources for Family, Friend and Neighbor (FFN) caregivers by leveraging SLPL's current Storytimes. Payments under the terms of this MOU shall not exceed the total amount of **$19,985.00** (SLPL: $4,800.00; Designated vendor for SLPL materials: $15,185.00) consistent with the terms and conditions contained in this MOU.

ACCORDINGLY, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, First 5 and SLPL agree as follows:

I. PROGRAM DESCRIPTION

First 5 desires to leverage Library institutions who have previously participated in promising practices quality improvement activities through the Neighborhood Partnership Project to serve as library branches in Quality Counts. Library branches provide opportunities to reach FFN caregivers with quality improvement activities through enhanced Storytimes/playtimes. The goals of the Quality Counts library branches are to:

A. Increase Kindergarten Readiness opportunities for children not in licensed child care through expanded engagement of parents/caregivers in home activities;

B. Increase children's access to developmental services;

C. Increase the use of best practices for early care and education at library institutions; and

D. Continue support of libraries to provide programming aimed at youngest patrons, birth to 5 years old.

II. ROLES AND RESPONSIBILITIES

To achieve these goals, SLPL is committed to doing the following:

A. Order 168 FFN Storytime kits with books in patron's home language, English or Spanish, by January 30, 2022. First 5 will provide books in Chinese.

B. Distribute 168 FFN Storytime kits with books in patron's home language, English, Spanish, or Chinese, at the Main Branch and the Manor Branch before February 28, 2022. Document each distribution

C. Utilize variety of contents from kits in online Storytimes in English, Spanish and Chinese through June 30, 2022

D. Provide a link online to Home Activity Survey for three (3) Storytimes (One link each for English, Spanish and Chinese Storytimes) by March 30, 2022

E. Present Storytime activities and resources at two (2) priority community sites

F. Attendance by two (2) SLPL staff at four (4) First 5 Online Library Learning Communities

G. Meet with First 5 Alameda County Help Me Grow liaison to develop plan to integrate Help Me Grow information and link in online Storytimes in English, Spanish and Chinese

H. Utilize up to one (1) training or technical assistance (TA) session for SLPL, as scheduled in partnership with First 5

I. Purchase equipment and materials to enhance the children's area and/or Storytime activities at the Main Library and Manor Branch by June 30, 2022

J. Disseminate project results to identified SLPL stakeholders by June 30, 2022

K. Achieve performance targets outlined in Attachment 2.0: Results Based Accountability (RBA) Plan by April 30, 2022, and report achievements in First 5 database, HIGH5.

L. Complete Contractor Demographic Survey(s) as requested by First 5. May be required to collect and report on specific measures as identified in the First 5 2017-2022 Strategic Plan.

M. Adhere to the following reporting and payment schedule:

Requirement Due		**Due Date**
1.	For the period November 1, 2021 – March 31, 2022 • 1st Invoice • 1st Expense Report • 1st Results Based Accountability (RBA) Report	April 30, 2022
2.	For the period April 1, 2022 – June 30, 2022 • 2nd (Final) Invoice • 2nd (Final) Expense Report • 2nd (Final) Results Based Accountability (RBA) Report	July 15, 2022

N. SLPL will submit invoices based upon deliverables completed and the firm fixed price outlined in Attachment 1: Budget. Additional supporting documentation for expenses may be requested per First 5's policies and other applicable requirements (federal laws, state regulations, and/or OMB Uniform Guidance standards).

a. Invoices are subject to review and approval by First 5 staff before payment is issued. Payment is contingent on receipt and approval of all required documentation. First 5 reserves the right to withhold payment until required reporting documentation is received. Total payments to SLPL during the term will not exceed $4,800.00.

To achieve these goals, First 5 is committed to doing the following:

A. Provide access to 168 FFN Storytime Kits with books in English or Spanish via a First 5 designated online vendor by December 10, 2021. Total Budget for Storytime Kits not to exceed $15,185.00.

a. First 5 will order and distribute books in Chinese directly to SLPL

B. Issue payment to F5 designated vendor upon SLPL's completion of Storytime Kit and book orders

C. Provide links to Home Activity Surveys in English, Spanish and Chinese by February 28, 2022

D. Translate and compile completed Home Activity Surveys completed by SLPL patrons and share results in infographic form with SLPL by June 2, 2022

E. Provide four (4) 2-hour First 5 Online Library Learning Communities over course of the agreement.

F. Provide a meeting with Help Me Grow liaison to develop plan for integrating Help Me Grow in online Storytimes and provide links for families in English, Spanish and Chinese

G. Provide up to one (1) remote consultation or training developed in coordination with SLPL over course of the agreement.

H. Issue payment to SLPL upon receipt and approval of Invoice, Expense Report, and Results Based Accountability Report.

III. LIMITATION ON LIABILITY; INDEMNIFICATION

A. First 5. **First 5** shall defend, indemnify, and hold harmless SLPL, its City Council, boards, commissions, officials, employees and volunteers (SLPL Indemnitees), from and against any and all loss, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorneys' fees (Claims), arising from or in any manner connected to First 5's negligent act or omission, whether alleged or actual, regarding performance of services or in the course of performing services rendered pursuant to this MOU. If Claims are filed against SLPL Indemnitees which allege negligence on behalf of First 5, First 5 shall have no right of reimbursement against SLPL Indemnitees for the costs of defense even if negligence is not found on the part of First 5. However, First 5 shall not be obligated to indemnify SLPL Indemnitees from Claims arising from the sole negligence or willful misconduct of SLPL Indemnitees.

B. SLPL. **SLPL** shall defend, indemnify, and hold harmless First 5, its individual members, officers, agents, employees and volunteers (First 5 Indemnitees), from and against any and all Claims, arising from or in any manner connected to SLPL's negligent act or omission, whether alleged or actual, regarding performance of services or in the course of performing services rendered pursuant to this MOU. If Claims are filed against First 5 Indemnitees which allege negligence on behalf of SLPL, SLPL shall have no right of reimbursement against First 5 Indemnitees for the costs of defense even if negligence is not found on the part of SLPL. However, SLPL shall not be obligated to indemnify First 5 Indemnitees from Claims arising from the sole negligence or willful misconduct of First 5 Indemnitees.

III. INSURANCE REQUIREMENTS

A. As a condition of this MOU, SLPL must maintain adequate General Liability Insurance (Minimum Limit $1,000,000) and Workers' Compensation (Statutory Limits) throughout the term of this agreement. SLPL agrees to maintain certificates of insurance and provide copies to First 5 upon request.

IV. GENERAL TERMS

Period of Operation and Termination

This agreement will take effect upon signing of both parties to the agreement and shall remain in effect until terminated. Each party shall have the right to terminate the agreement upon 30 days prior written notice to the other party.

Alteration of Terms

It is mutually agreed that this agreement may be modified or amended upon the written consent of the parties hereto.

Governing Laws and Regulations

It is agreed that, if any of the provisions of this MOU are affected by changes in Federal or State laws or regulations, this MOU may be renegotiated and amended accordingly, subject to the provisions outline in the preceding two (2) paragraphs.

Contact Persons and Notice

SLPL agrees to assign Kelly Keefer or a designee to serve as liaison to First 5 on all matters relating to this MOU. First 5 agrees to assign Gabriela Rojas, Provider Support Manager, or a designee to serve as liaison to SLPL on all matters relating to this MOU.

For any action related to this MOU, notices shall be sent to the following addresses:

To First 5: Gabriela Rojas
Provider Support Manager
First 5 Alameda County
1115 Atlantic Avenue
Alameda, CA 94501

To SLPL: Kelly Keefer
Senior Librarian, Youth Services
San Leandro Public Library
300 Estudillo Avenue
San Leandro, CA 94577

Counterparts

This MOU may be executed in any number of counterparts (including by fax, pdf, or other electronic means), each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

V. TERM OF AGREEMENT

This MOU will be effective as of November 1, 2021 through June 30, 2022 and is subject to review at the end of the agreement year June 30, 2022.

First 5 Alameda County

____ ____________________

Kristin Spanos Date
Chief Executive Officer

San Leandro Public Library

____ ____________________

Brian Simons Date
Library Director

ATTACHMENT 1

BUDGET

Contractor: San Leandro Public Library (SLPL)
Contract Term: November 1, 2021 – June 30, 2022

Item #	Activity	# Units	Price per Unit	Total
1.	FFN Storytime Kit and Books Distribution: Main Branch	1 Distribution	$ 200.00	$ 200.00
2.	FFN Storytime Kit and Books Distribution: Manor Branch	1 Distribution	$ 200.00	$ 200.00
3.	Two (2) SLPL Staff attend First 5 Library Online Learning Communities	4 Learning Communities	$ 100.00	$ 400.00
4.	Present at two (2) community sites in priority neighborhoods	2 presentations	$ 1,000.00	$ 2,000.00
5.	Materials for children's enhancements at up to two (2) Library branches	2 Branches	$ 1,000.00	$ 2,000.00
Subtotal Direct Payment to SLPL				**$4,800.00**
5.	FFN Storytime Kits (directly ordered via First 5 designated online vendor)	168	$90.39	$15,185.00
Subtotal Payment to F5 Vendor for Materials Ordered by SLPL				**$15,185.00**
TOTAL BUDGET				**$ 19,985.00**

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ATTACHMENT 2.0 RESULTS BASED ACCOUNTABILITY (RBA) PLAN
Contractor: San Leandro Public Library
Contract Term: November 1, 2021 - June 30, 2022

First 5 Strategy: Quality Early Care and Education
Program: Informal Care

Program Specific Result 1 Increased capacity of librarians to utilize early care and education best practices			
Funded Activity 1.A Participate in staff training ▪ Two (2) staff each attend four (4) First 5 Library Learning Communities on early care and education (ECE) informed practices ▪ One (1) additional training or TA session for librarians hosted for San Leandro Public Library (SLPL) focused on children birth to 5 years old and families	***Performance Measure 1.A.1*** # of staff who participate in First 5 Library Learning Communities during the reporting period	***Data Tool*** ECE provider professional development (PD) unduplicated count report in HIGH5 ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022
	Performance Measure 1.A.2 Was Library-hosted training or TA session focused on children birth to 5 years old and families held? Yes or No	SLPL Records ☐ *Individual level data to be submitted to First 5*	▪ April 30, 2022

Program Specific Result 1 Increased capacity of librarians to utilize early care and education best practices			
Funded Activity 1.A continued	***Performance Measure 1.A.3*** # out of # of trained Library staff in the reporting period who report that they received what they need to improve practice (rolls up to performance measure)	***Data Tool*** Informal Care Training evaluation survey ☒ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022

Program Specific Result 2 Increased kindergarten readiness opportunities for children not in licensed child care through expanded engagement of parents/caregivers in home activities			
Funded Activity 2.A Order and distribute 168 Family, Friend, and Neighbor Storytime kits (FFN Storytime Kits) and books in English, Spanish, and Chinese at two branches: Main and Manor ▪ Utilize contents in FFN Storytime Kits during Storytimes in English, Spanish and Chinese ▪ Post links to online Home Activity Survey (HAS) at three (3) online Storytimes once each in English, Spanish and Chinese	***Performance Measure 2.A.1*** # of unduplicated parents/caregivers with children birth to 5 years who receive FFN Storytime Kit	***Data Tool*** SLPL records ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022
	Performance Measure 2.A.2 # out of # of parent/caregivers attending Storytimes who report they use the FFN Storytime kit	Home Activity Survey or SLPL records ☒ *Individual level data to be submitted to First 5*	▪ April 30, 2022
	Performance Measure 2.A.3 # of unduplicated children birth to 5 years attending Storytimes	SLPL records ☒ *Individual level data to be submitted to First 5*	▪ April 30, 2022

Program Specific Result 2 Increased kindergarten readiness opportunities for children not in licensed child care through expanded engagement of parents/caregivers in home activities			
Funded Activity 2.A continued	***Performance Measure 2.A.4*** # out of # of parents/caregivers with Storytime kits who engage in reading with child for five minutes or more for five or more days per week	***Data Tool*** Home Activity Survey ☒ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022
	Performance Measure 2.A.5 # out of # of parents/caregivers with Storytime kits who engage with child in pretend play for 10 minutes or more per week	Home Activity Survey ☒ *Individual level data to be submitted to First 5*	▪ April 30, 2022

Program Specific Result 3 Increased access for children birth to 5 years to developmental services			
Funded Activity 3.A Integrate Help Me Grow into SLPL online Storytimes ▪ Meet with Help Me Grow staff to plan integration of Help Me Grow in online Storytimes ▪ Conduct Help Me Grow promotional activities at three (3) online library Storytimes, once each at English, Spanish and Chinese Storytime	***Performance Measure 3.A.1*** Did SLPL meet with Help Me Grow staff to plan Help Me Grow integration in online Storytimes? Yes or No	***Data Tool*** SLPL Records ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022
	Performance Measure 3.A.2 Was Help Me Grow material or link posted at three (3) Storytimes? Yes or No	SLPL Records ☐ *Individual level data to be submitted to First 5*	▪ April 30, 2022

Program Specific Result 4 Maintain library institutional support for early childhood programming			
Funded Activity 4.A Disseminate project results to identified SLPL stakeholders ▪ Distribute Early Childhood Programming results infographic (developed by First 5) to stakeholders.	***Performance Measure 4.A.1*** # of stakeholders who received the infographic.	***Data Tool*** SLPL records ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ July 15, 2022

Program Specific Result 5 Tracking of unduplicated number of clients served and client demographics			
Funded Activity 5.A Track and report unduplicated number of clients (children by age, parents/caregivers, and providers) served for the year	***Performance Measure 5.A.1*** Submitted # of clients served for the year (children birth to two, children three to five, parents/caregivers, providers) to First 5? Yes or No	***Data Tool*** Home Activity Survey/ HIGH5 Client Served Reporting Module ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30,2022
Funded Activity 5.B Track and report race/ethnicity, primary language, gender, zip code of unduplicated children and parents/caregivers and providers served for the year	***Performance Measure 5.B.1*** Submitted Race/ethnicity, primary language, gender of adults, residential zip code of children and parents/ caregivers, and provider gender and workplace zip code to First 5? Yes or No	***Data Tool*** Home Activity Survey/ HIGH5 Client Served Reporting Module ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022

Supporting Documents

- Home Activity Survey
- HIGH5 Client Served Reporting Module
- Description of Help Me Grow activities implemented in online Storytimes
- Posting dates of Help Me Grow material or link
- Description of materials purchased for Library enhancements
- Description of how infographic was distributed and to whom

Additional Guidelines

- Accountability plans are subject to negotiation and approval by First 5. Modifications, including additional reporting measures and/or supporting documents, may be required.

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PROPOSITION 10 STATUTES
Includes Amendments to the California Children and Families Act
CALIFORNIA CODES
As of March 24, 2011

HEALTH AND SAFETY CODE
SECTION 130100-130155

130100. Creation of Program; Intent of Act; Administration; Citation of Division. There is hereby created a program in the state for the purposes of promoting, supporting, and improving the early development of children from the prenatal stage to five years of age.

These purposes shall be accomplished through the establishment, institution, and coordination of appropriate standards, resources, and integrated and comprehensive programs emphasizing community awareness, education, nurturing, child care, social services, health care, and research.

(a) It is the intent of this act to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development and to ensure that children are ready to enter school. This system should function as a network that promotes accessibility to all information and services from any entry point into the system.

It is further the intent of this act to emphasize local decision making, to provide for greater local flexibility in designing delivery systems, and to eliminate duplicate administrative systems.

(b) The programs authorized by this act shall be administered by the California Children and Families Commission and by county children and families commissions. In administering this act, the state and county commissions shall use outcome-based accountability to determine future expenditures.

(c) This division shall be known and may be cited as the "California Children and Families Act of 1998."

130105. California Children and Families Trust Fund. The California Children and Families Trust Fund is hereby created in the State Treasury.

(a) The California Children and Families Trust Fund shall consist of moneys collected pursuant to the taxes imposed by Section 30131.2 of the Revenue and Taxation Code.

(b) All costs to implement this act shall be paid from moneys deposited in the California Children and Families Trust Fund.

(c) The State Board of Equalization shall determine within one year of the passage of this act the effect that additional taxes imposed on cigarettes and tobacco products by this act has on the consumption of cigarettes and tobacco products in this state. To the extent that a decrease in consumption is determined by the State Board of Equalization to be the direct result of additional taxes imposed by this act, the State Board of Equalization shall determine the fiscal effect the decrease in consumption has on the funding of any Proposition 99 (the Tobacco Tax and Health Protection Act of 1988) state health-related education or research programs in effect as of November 1, 1998, and the Breast Cancer Fund programs that are funded by excise taxes on cigarettes and tobacco products. Funds shall be transferred from the California Children and Families Trust Fund to those affected programs as necessary to offset the revenue decrease directly resulting from the imposition of additional taxes by this act. These reimbursements shall occur, and at any times, as determined necessary to further the intent of this subdivision.

(d) Moneys shall be allocated and appropriated from the California Children and Families Trust Fund as follows:

(1) Twenty percent shall be allocated and appropriated to separate accounts of the state commission for expenditure according to the following formula:

(A) Six percent shall be deposited in a Mass Media Communications Account for expenditures for communications to the general public utilizing television, radio, newspapers, and other mass media on subjects relating to and furthering the goals and purposes of this act, including, but not limited to, methods of nurturing and parenting that encourage proper childhood development, the informed selection of child care, information regarding health and social services, the prevention and cessation of tobacco, alcohol, and drug use by pregnant women, the detrimental effects of secondhand smoke on early childhood development, and to ensure that children are ready to enter school. Any funds not needed in this account may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(B) Five percent shall be deposited in an Education Account for expenditures to ensure that children are ready to enter school and for programs relating to education, including, but not limited to, the development of educational materials, professional and parental education and training, and technical support for county commissions in the areas described in subparagraph (A) of paragraph (1) of subdivision (b) of Section 130125. Any funds not needed in this account may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(C) Three percent shall be deposited in a Child Care Account for expenditures to ensure that children are ready to enter school and for programs relating to child care, including, but not limited to, the education and training of child care providers, the development of educational materials and guidelines for child care workers, and other areas described in subparagraph (B) of paragraph (1) of subdivision (b) of Section 130125. Any funds not needed in this account may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(D) Three percent shall be deposited in a Research and Development Account for expenditures to ensure that children are ready to enter school and for the research and development of best practices and standards for all programs and services relating to early childhood development established pursuant to this act, and for the assessment and quality evaluation of those programs and services. Any funds not needed in this account may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(E) One percent shall be deposited in an Administration Account for expenditures for the administrative functions of the state commission. Any funds not needed for the administrative functions of the state commission may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(F) Two percent shall be deposited in an Unallocated Account for expenditure by the state commission for any of the purposes of this act described in Section 130100 provided that none of these moneys shall be expended for the administrative functions of the state commission.

(G) In the event that, for whatever reason, the expenditure of any moneys allocated and appropriated for the purposes specified in subparagraphs (A) to (F), inclusive, is enjoined by a final judgment of a court of competent jurisdiction, then those moneys shall be available for expenditure by the state commission for mass media communication emphasizing the need to eliminate smoking and other tobacco use by pregnant women, the need to eliminate smoking and other tobacco use by persons under 18 years of age, and the need to eliminate exposure to secondhand smoke.

(H) Any moneys allocated and appropriated to any of the accounts described in subparagraphs (A) to (F), inclusive, that are not encumbered or expended within any applicable period prescribed by law shall (together with the accrued interest on the amount) revert to and remain in the same account for the next fiscal period.

(2) Eighty percent shall be allocated and appropriated to county commissions in accordance with Section 130140.

(A) The moneys allocated and appropriated to county commissions shall be deposited in each local Children and Families Trust Fund administered by each county commission, and shall be expended only for the purposes authorized by this act and in accordance with the county strategic plan approved by each county commission.

(B) Any moneys allocated and appropriated to any of the county commissions that are not encumbered or expended within any applicable period prescribed by law shall (together with the accrued interest on the amount) revert to and remain in the same local Children and Families Trust Fund for the next fiscal period under the same conditions as set forth in subparagraph (A).

(e) All grants, gifts, or bequests of money made to or for the benefit of the state commission from public or private sources to be used for early childhood development programs shall be deposited in the California Children and Families Trust Fund and expended for the specific purpose for which the grant, gift, or bequest was made. The amount of any such grant, gift, or bequest shall not be considered in computing the amount allocated and appropriated to the state commission pursuant to paragraph (1) of subdivision (d).

(f) All grants, gifts, or bequests of money made to or for the benefit of any county commission from public or private sources to be used for early childhood development programs shall be deposited in the local Children and Families Trust Fund and expended for the specific purpose for which the grant, gift, or bequest was made. The amount of any such grant, gift, or bequest shall not be considered in computing the amount allocated and appropriated to the county commissions pursuant to paragraph (2) of subdivision (d).

130110. California Children and Families Commission Established; Voting and Ex Officio Nonvoting Members. (a) There is hereby established a California Children and Families Commission, which may also be known as First 5 California, composed of seven voting members and two ex officio members.

(b) The voting members shall be selected, pursuant to Section 130115, from persons with knowledge, experience, and expertise in early child development, child care, education, social services, public health, the prevention and treatment of tobacco and other substance abuse, behavioral health, and medicine (including, but not limited to, representatives of statewide medical and pediatric associations or societies), upon consultation with public and private sector associations, organizations, and conferences composed of professionals in these fields.

(c) The Secretary of the California Health and Human Services Agency and the Secretary for Education, or their designees, shall serve as ex officio nonvoting members of the state commission.

130115. Appointment of Commission Members by Governor; Terms. The Governor shall appoint three members of the state commission, one of whom shall be designated as chairperson. One of the Governor's appointees shall be either a county health officer or a county health executive. The Speaker of the Assembly and the Senate Rules Committee shall each appoint two members of the state commission. Of the members first appointed by the Governor, one shall serve for a term of four years, and two for a term of two years. Of the members appointed by the Speaker of the Assembly and the Senate Rules Committee, one appointed by the Speaker of the Assembly and the Senate Rules Committee shall serve for a period of four years with the other appointees to serve for a period of three years. Thereafter, all appointments shall be for four-year terms. No appointee shall serve as a member of the state commission for more than two four-year terms.

130120. Hiring of Executive Director; Staff; Compensation; Authority of Director. The state commission shall, within three months after a majority of its voting members have been appointed, hire an executive director. The state commission shall thereafter hire such other staff as necessary or appropriate. The executive director and staff shall be compensated as determined by the state commission, consistent with moneys available for appropriation in the Administration Account. All professional staff employees of the state commission shall be exempt from civil service. The executive director shall act under the authority of, and in accordance with the direction of, the state commission.

130125. Powers and Duties of Commission. The powers and duties of the state commission shall include, but are not limited to, the following:

(a) Providing for statewide dissemination of public information and educational materials to members of the general public and to professionals for the purpose of developing appropriate awareness and knowledge regarding the promotion, support, and improvement of early childhood development.

(b) Adopting guidelines for an integrated and comprehensive statewide program of promoting, supporting, and improving early childhood development that enhances the intellectual, social, emotional, and physical development of children in California.

(1) The state commission's guidelines shall, at a minimum, address the following matters:

(A) Parental education and support services in all areas required for, and relevant to, informed and healthy parenting. Examples of parental education shall include, but are not limited to, prenatal and postnatal infant and maternal nutrition, education and training in newborn and infant care and nurturing for optimal early childhood development, parenting and other necessary skills, child abuse prevention, and avoidance of tobacco, drugs, and alcohol during pregnancy. Examples of parental support services shall include, but are not limited to, family support centers offering an integrated system of services required for the development and maintenance of self-sufficiency, domestic violence prevention and treatment, tobacco and other substance abuse control and treatment, voluntary intervention for families at risk, and any other prevention and family services and counseling critical to successful early childhood development.

(B) The availability and provision of high quality, accessible, and affordable child care, both in-home and at child care facilities, that emphasizes education, training and qualifications of care providers, increased availability and access to child care facilities, resource and referral services, technical assistance for caregivers, and financial and other assistance to ensure appropriate child care for all households.

(C) The provision of child health care services that emphasize prevention, diagnostic screenings, and treatment not covered by other programs; and the provision of prenatal and postnatal maternal health care services that emphasize prevention, immunizations, nutrition, treatment of tobacco and other substance abuse, general health screenings, and treatment services not covered by other programs.

(2) The state commission shall conduct at least one public hearing on its proposed guidelines before they are adopted.

(3) The state commission shall, on at least an annual basis, periodically review its adopted guidelines and revise them as may be necessary or appropriate.

(c) Defining the results to be achieved by the adopted guidelines, and collecting and analyzing data to measure progress toward attaining these results.

(d) Providing for independent research, including the evaluation of any relevant programs, to identify the best standards and practices for optimal early childhood development, and establishing and monitoring demonstration projects.

(e) Soliciting input regarding program policy and direction from individuals and entities with experience in early childhood development, facilitating the exchange of information between these individuals and entities, and assisting in the coordination of the services of public and private agencies to deal more effectively with early childhood development.

(f) Providing technical assistance to county commissions in adopting and implementing county strategic plans for early childhood development.

(g) Reviewing and considering the annual audits and reports transmitted by the county commissions and, following a public hearing, adopting a written report that consolidates, summarizes, analyzes, and comments on those annual audits and reports.

(h) Applying for gifts, grants, donations, or contributions of money, property, facilities, or services from any person, corporation, foundation, or other entity, or from the state or any agency or political subdivision thereof, or from the federal government or any agency or instrumentality thereof, in furtherance of a statewide program of early childhood development.

(i) Entering into any contracts and allocating funds to county commissions as necessary or appropriate to carry out the provisions and purposes of this act.

(j) Making recommendations to the Governor and the Legislature for changes in state laws, regulations, and services necessary or appropriate to carry out an integrated and comprehensive program of early childhood development in an effective and cost-efficient manner.

130130. Conduct of Business by State Commission. Procedures for the conduct of business by the state commission not specified in this act shall be contained in bylaws adopted by the state commission. A majority of the voting members of the state commission shall constitute a quorum. All decisions of the state commission, including the hiring of the executive director, shall be by a majority of four votes.

130135. Compensation of Commission Members. Voting members of the state commission shall not be compensated for their services, except that they shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the state commission.

130140. Provisions Governing Receipt of Moneys. Any county or counties developing, adopting, promoting, and implementing local early childhood development programs consistent with the goals and objectives of this act shall receive moneys pursuant to paragraph (2) of subdivision (d) of Section 130105 in accordance with the following provisions:

(a) For the period between January 1, 1999 and June 30, 2000, county commissions shall receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the entire number of births recorded in California (for the same period), provided that each of the following requirements has first been satisfied:

(1) The county's board of supervisors has adopted an ordinance containing the following minimum provisions:

(A) The establishment of a county children and families commission. The county commission shall be appointed by the board of supervisors and shall consist of at least five but not more than nine members.

(i) Two members of the county commission shall be from among the county health officer and persons responsible for management of the following county functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services.

(ii) One member of the county commission shall be a member of the board of supervisors.

(iii) The remaining members of the county commission shall be from among the persons described in clause (i) and persons from 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;

and representatives of local medical, pediatric, or obstetric associations or societies.

(B) The manner of appointment, selection, or removal of members of the county commission, the duration and number of terms county commission members shall serve, and any other matters that the board of supervisors deems necessary or convenient for the conduct of the county commission's activities, provided that members of the county commission shall not be compensated for their services, 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 county commission.

(C) The requirement that the county commission adopt an adequate and complete county 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, this act and any guidelines adopted by the state commission pursuant to subdivision (b) of Section 130125 that are in effect at the time the plan is adopted.

(ii) The county strategic plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; 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. No county strategic plan shall be deemed adequate or complete until and unless the plan describes 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 county commission shall, on at least an annual basis, be required to periodically review its county strategic plan and to revise the plan as may be necessary or appropriate.

(iv) The county commission shall measure the outcomes of county 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 county strategic plan.

(D) The requirement that the county commission conduct at least one public hearing on its proposed county strategic plan before the plan is adopted.

(E) The requirement that the county commission conduct at least one public hearing on its periodic review of the county strategic plan before any revisions to the plan are adopted.

(F) The requirement that the county commission submit its adopted county strategic plan, and any subsequent revisions thereto, to the state commission.

(G) The requirement that the county commission prepare and adopt an annual audit and report pursuant to Section 130150. The county commission shall conduct at least one public hearing prior to adopting any annual audit and report.

(H) The requirement that the county commission conduct at least one public hearing on each annual report by the state commission prepared pursuant to subdivision (b) of Section 130150.

(I) Two or more counties may form a joint county commission, adopt a joint county strategic plan, or implement joint programs, services, or projects.

(2) The county's board of supervisors has established a county commission and has appointed a majority of its members.

(3) The county has established a local Children and Families Trust Fund pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(b) Notwithstanding any provision of this act to the contrary, no moneys made available to county commissions under subdivision (a) shall be expended to provide, sponsor, or facilitate any programs, services, or projects for early childhood development until and unless the county commission has first adopted an adequate and complete county strategic plan that contains the provisions required by clause (ii) of subparagraph (C) of paragraph (1) of subdivision (a).

(c) In the event that any county elects not to participate in the California Children and Families Program, the moneys remaining in the California Children and Families Trust Fund shall be reallocated and reappropriated to participating counties in the following fiscal year.

(d) For the fiscal year commencing on July 1, 2000, and for each fiscal year thereafter, county commissions shall receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the number of births recorded in all of the counties participating in the California Children and Families Program (for the same period), provided that each of the following requirements has first been satisfied:

(1) The county commission has, after the required public hearings, adopted an adequate and complete county strategic plan conforming to the requirements of subparagraph (C) of paragraph (1) of subdivision (a), and has submitted the plan to the state commission.

(2) The county commission has conducted the required public hearings, and has prepared and submitted all audits and reports required pursuant to Section 130150.

(3) The county commission has conducted the required public hearings on the state commission annual reports prepared pursuant to subdivision (b) of Section 130150.

(4) The county commission, in a public hearing, has adopted policies that are consistent with the following state laws:

(A) With regard to conflict of interest of the commission members, the county commission's policies shall be consistent with Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government code, and Chapter 7 (commencing with Section 87100) of Title 9 of the Government Code.

(B) With regard to contracting and procurement, the county commission's policies shall be consistent with Article 7 (commencing with Section 54201) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, Chapter 2 (commencing with Section 2000) of Part 1 of Division 2 of the Public Contract Code, Section 3410 of the Public Contracts Code, and Chapter 3.5 (commencing with Section 22150) of Part 3 of Division 2 of the Public Contract Code.

(5) The county commission, in a public hearing, has adopted a limit on the percentage of the county commission's operating budget that may be spent on administrative functions, pursuant to guidelines issued by the state commission that define administrative functions.

(6) The county commission has adopted, in a public hearing, policies and processes establishing the salaries and benefits of employees of the county commission. Salaries and benefits shall conform with established county commission or county government policies.

(e) In the event that any county elects not to continue participation in the California Children and Families Program, any unencumbered and unexpended moneys remaining in the local Children and Families Trust Fund shall be returned to the California Children and Families Trust Fund for reallocation and reappropriation to participating counties in the following fiscal year.

(f) For purposes of this section, "relevant county" means the county in which the mother of the child whose birth is being recorded resides.

130140.1 County Commission. (a) In the event a county elects to participate in the California Children and Families Program, and satisfies the requirements set forth in Section 130140, the county may establish a county commission that is either of the following:

(1) A legal public entity separate from the county.

(2) An agency of the county with independent authority over the strategic plan described in Section 130140 and the local trust fund established pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(b) In the event a county elects to establish a county commission as specified in paragraph (1) of subdivision (a), the following conditions shall apply:

(1) The county commission shall be considered a legal public entity separate from the county, and shall file a statement as required by Section 53051 of the Government Code.

(2) The powers, duties, and responsibilities of the county commission shall include, but shall not be limited to, the following:

(A) The power to employ personnel and contract for personal services required to meet its obligations.

(B) The power to enter into any contracts necessary or appropriate to carry out the provisions of this division.

(C) The power to acquire, possess, and dispose of real or personal property, as necessary or appropriate to carry out the provisions and purposes of this division.

(D) The power to sue or be sued.

(3) The county commission shall be deemed to be a public agency that is a unit of local government for purposes of all grant programs and other funding and loan guarantee programs.

(4) Any obligations of the county commission, statutory, contractual, or otherwise, shall be obligations solely of the commission.

(5) All claims or actions for money or damages against a county commission shall be governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided by other statutes or regulations that expressly apply to county commissions.

(6) The county commission, its members, and its employees are protected by the immunities applicable to public entities and public

employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code, except as provided by other statutes or regulations that apply expressly to the county commissions.

(7) If a county board of supervisors elects not to continue the county's participation in the California Children and Families Program, the board shall adopt an ordinance terminating the county commission.

(A) In terminating its county commission, the board of supervisors shall allow, to the extent possible, an appropriate transition period to allow for the county commission's then-existing obligations to be satisfied.

(B) In event of termination, any unencumbered and unexpended moneys remaining in the local Children and Families Trust Fund shall be distributed pursuant to subdivision (e) of Section 130140.

(C) Prior to the termination of the county commission, the board of supervisors shall notify the state Children and Families Commission of its intent to terminate the county commission.

(D) The liabilities of the county commission shall not become obligations of the county upon either the termination of the county commission or the liquidation or disposition of the county commission's remaining assets.

(c) If a county elects to establish a county commission as provided in paragraph (2) of subdivision (a), the county commission shall be deemed to be an agency of the county with independent authority over the strategic plan described in Section 130140 and the local Children and Families Trust Fund established pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(d) Any county commission established prior to the effective date of this section that substantially complies with the provisions of either subdivision (b) or (c) shall be deemed to be in compliance with this section.

(e) (1) Individually identifiable physical or mental health information, substance abuse information, child care or education information, personnel or employment information, financial information, criminal justice information, or demographic information, regarding a child or a child's parent, legal guardian, or other family member, that is provided to a county commission by a parent, legal guardian, family member, health care provider, health plan, public health authority, school, law enforcement agency, social services agency, probation agency, or any other source, shall be considered confidential, and may be disclosed only to a person, agency, or entity that receives funding from the county commission, by way of a grant award or contract or as a service provider for the provision of early childhood services, and only to the extent necessary to the provision of services, unless further disclosure is authorized by a written consent of the parent or legal guardian, or where disclosure is required by state or federal law.

(2) Confidential information identified in accordance with this section shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

130145. Advisory Committees. The state commission and each county commission shall establish one or more advisory committees to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purposes of this act. Each advisory committee shall meet and shall make recommendations and reports as deemed necessary or appropriate.

130150. Audit and Report. (a) On or before October 15 of each year, each county commission shall conduct an audit of, and issue a written report on the implementation and performance of, its functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward, and the achievement of, program goals and objectives, and information on the programs funded and populations served for all programs.

On or before November 1 of each year, each county commission shall submit its audit and report to the state commission for inclusion in the state commission's consolidated report required in subdivision (b). Each commission shall submit its report in a format prescribed by the state commission if the state commission approves that format in a public meeting prior to the fiscal year during which it is to be used by the county commissions. The state commission shall develop the format in consultation with the county commissions.

(b) The state commission shall, on or before January 31 of each year, do both of the following:

(1) Conduct an audit and prepare a written report on the implementation and performance of the state commission functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended and the progress toward, and the achievement of, program goals and objectives.

(2) Prepare a written report that consolidates, summarizes, analyzes, and comments on the annual audits and reports submitted by all of the county commissions and the Controller for the preceding fiscal year. The written

report shall include a listing, by category, of the aggregate expenditures on program areas funded by the state and county commissions pursuant to the purposes of this act, according to a format prescribed by the state commission. This report by the state commission shall be transmitted to the Governor, the Legislature, and each county commission.

(3) In the event a county commission does not submit the information prescribed in subdivision (a), the state commission may withhold funds that would other wise have been allocated to the county commission from the California Children and Families Trust Fund pursuant to Section 130140 until the county commission submits the data as required by subdivision (a).

(c) The state commission shall make copies of each of its annual audits and reports available to members of the general public on request and at no cost. The state commission shall furnish each county commission with copies of those documents in a number sufficient for local distribution by the county commission to members of the general public on request and at no cost.

(d) Each county commission shall make copies of its annual audits and reports available to members of the general public on request and at no cost.

130151. Guidelines for Expanded Annual Audits from Controller; Scope; Simultaneous Submission; Public Hearing; Determination; Summary Report; Presentation to State Commission. (a) In addition to the requirements in Section 130150, the Controller shall issue guidelines for expanded annual audits of each county commission required pursuant to subdivision (b) of Section 130150 and associated quality control functions, subject to funding by the state commission.

(b) The scope of the audits shall address a review of county commission policies and practices with respect to the following elements:

(1) Contracting and procurement policies, to determine whether they are in place pursuant to paragraph (4) of subdivision (d) of Section 130140, whether state and county commissions are operating in accordance with these policies, and whether these policies contain provisions to ensure that the grants and contracts are consistent with the state or county commission's strategic plan.

(2) Administrative costs, to ensure that the county commission's definitions comply with the state commission's guidelines and that the county commission has a process in place to monitor these costs.

(3) Policies and procedures, established pursuant to paragraph (4) of subdivision (d) of Section 130140, designed to assure compliance by the

state commission and county commissions with all applicable state and local conflict-of-interest statutes and regulations.

(4) Policies and practices designed to assure that county commissions are adhering to county commission ordinances established pursuant to paragraph (1) of subdivision (a) of Section 130140.

(5) Long-range financial plans, to determine whether state and county commissions have these plans and that the plans have been formally adopted by the commission in a public hearing.

(6) Financial condition of the commission.

(7) Amount commissions spend on program evaluation and the documented results of these expenditures.

(8) Salaries and benefit policies, to determine whether the county commission's employee salaries and benefits comply with the policies that the county commission adopted pursuant to paragraph (6) of subdivision (d) of Section 130140.

(c) The auditor for the state commission or the county commission shall submit each audit report, upon completion, simultaneously to both the Controller and to the state commission or applicable county commission.

(d) The state commission and each respective county commission shall schedule a public hearing within two months of receipt of the audit to discuss findings within the report and any response to the findings. Within two weeks of the public hearing, the state or county commission shall submit to the Controller a response to the audit findings.

(e) Within six months of the state or county commission's response pursuant to subdivision (d), the Controller shall determine whether a county commission has successfully corrected its practices in response to the findings contained in the audit report. The Controller may, after that determination, recommend to the state commission to withhold the allocation of money that the county commission would otherwise receive from the California Children and Families Trust Fund until the Controller determines that the county commission has a viable plan and the ability to correct the practices identified in the audit.

(f) The Controller shall prepare a summary report of the final audits and submit the report to the state commission by November 1 of each year for inclusion in the annual report required pursuant to subdivision (b) of Section 130150.

(g) On or before April 30, 2006, the Controller shall present to the state commission in a public meeting the final audit guidelines and implementation plan. When developing the guidelines, the Controller shall consider the reasonableness of the projected costs and administrative burden of the required audit functions.

130155. Definitions. The following definitions apply for purposes of this act:

(a) "Act" means the California Children and Families Act of 1998.

(b) "County commission" means each county children and families commission established in accordance with Section 130140.

(c) "County strategic plan" means the plan adopted by each county children and families commission and submitted to the California Children and Families Commission pursuant to Section 130140.

(d) "State commission" means the California Children and Families Commission established in accordance with Section 130110.

130156. Establishment of Children and Families Health and Human Services Fund. The Children and Families Health and Human Services Fund is hereby established in the State Treasury. The Children and Families Health and Human Services Fund shall be used, upon appropriation by the Legislature, to provide health and human services, including, but not limited to, direct health care services, to children from birth through five years of age.

130157. Funds to be Transferred and Deposited into Children and Families Health and Human Services Fund. Notwithstanding paragraph (1) of subdivision (d) of Section 130105, for the 2011-12 fiscal year, fifty million dollars ($50,000,000) from the accounts described in subparagraphs (A) to (F), inclusive, of paragraph (1) of subdivision (d) of Section 130105, including reserve funds, upon approval of the state commission, shall be transferred to and deposited in the Children and Families Health and Human Services Fund to support state health and human services programs for children from birth through five years of age. The state commission shall ensure that these funds are available for the purposes described in this section. To the extent it is necessary or appropriate for the state commission to disencumber existing obligations to meet the requirements of this section, the state commission, including, but not limited to, its representatives, officers, directors, and employees, including its attorneys and other persons, is hereby released from any and all liability, rights, claims, demands, and actions, known and unknown, which any party may have, arising in connection with the disencumbering of funds or obligations in accordance with this section. For purposes of this section, "state health and human services programs" includes, but is not limited to, direct health care services.

130158. Funds from County Children and Families Trust Fund to be Transferred and Deposited into Children and Families Health and Human Services Fund; County Commission Exemptions; County Commissions Duties and Responsibilities. (a) Notwithstanding paragraph (2) of subdivision (d) of Section 130105, for the 2011-12 fiscal year, nine hundred fifty million dollars ($950,000,000) from the combined balances of all the county Children and Families Trust Funds, including reserve funds, as provided for in subparagraphs (A) and (B) of paragraph (2) of subdivision (d) of Section 130105, shall be transferred to and deposited in the Children and Families Health and Human Services Fund, to support state health and human services programs for children from birth through five years of age.

(b) For purposes of this section, "state health and human services programs" includes, but is not limited to, direct health care services and "county commission" includes, but is not limited to, county commissions, account holders for local children and families trust funds, and county government fiscal agents.

(c) The share of the amount specified in subdivision (a) required of each county commission shall be determined in the following manner and subject to the following conditions:

(1) A county commission that received less than six hundred thousand dollars ($600,000) in California Children and Families Trust Fund revenues in the 2009-10 fiscal year is exempt from this section and is not required to deposit funds in the Children and Families Health and Human Services Fund as part of the budget solution described in subdivision (a).

(2) By June 30, 2012, each county commission not exempted by paragraph (1) shall remit for deposit into the Children and Families Health and Human Services Fund, 50 percent of its county commission funding, which includes total reserved, total unreserved-designated, and total unreserved-undesignated local children and families trust funds as of June 30, 2010. No funds other than revenues received pursuant to the California Children and Families Act of 1998 shall be remitted for deposit into the Children and Families Health and Human Services Fund.

(3) Notwithstanding paragraph (2), county commission payments for deposit into the Children and Families Health and Human Services Fund shall not cause any county commission's fund balance to fall below the

amount received by the county commission from the California Children and Families Trust Fund in the 2009-10 fiscal year.

(4) Full payments to the Children and Families Health and Human Services Fund shall be made by county commissions within the 2011-12 fiscal year. Notwithstanding any other provision of law, no 2012-13 allocation to a county commission shall occur prior to the full payment being made.

(5) Notwithstanding paragraphs (1) to (4), inclusive, the total combined remittances from county commissions in the 2011-12 fiscal year shall equal nine hundred fifty million dollars ($950,000,000). To the extent paragraphs (1) to (4), inclusive, result in more than nine hundred fifty million dollars ($950,000,000) being provided by county commissions in total, the difference shall be proportionally returned to all contributing county commissions.

(d) Pursuant to subdivision (c), each county commission, as defined in subdivision (b), shall ensure that the funds for transfer and deposit to the Children and Families Health and Human Services Fund are not encumbered and are available for the purposes described in this section. To the extent that it is necessary or appropriate for a county commission to disencumber existing obligations to meet the requirements of this section, the county commission, including, but not limited to, its representatives, officers, directors, and employees, including its attorneys and other persons, is hereby released from any and all liability, rights, claims, demands, and actions, known and unknown, which any party may have, arising in connection with the disencumbering of funds, or obligations in accordance with this section.

(e) After a county commission's share of the nine hundred fifty million dollars ($950,000,000) specified in subdivision (a) has been determined pursuant to subdivision (c), that county commission, or appropriate agent or entity, shall remit those funds to the Controller for deposit into the Children and Families Health and Human Services Fund. The entire share of funds for each county commission shall be remitted within the 2011-12 fiscal year, and may be done, in equal amounts, on a monthly basis.

CALIFORNIA CODES
REVENUE AND TAXATION CODE
SECTION 30131-30131.6

30131. Creation and Purpose of Fund. Notwithstanding Section 30122, the California Children and Families Trust Fund is hereby created in the State Treasury for the exclusive purpose of funding those provisions of the California Children and Families Act of 1998 that are set forth in Division 108 (commencing with Section 130100) of the Health and Safety Code**.**

30131.1 Definitions. The following definitions apply for purposes of this article:

(a) "Cigarette" has the same meaning as in Section 30003, as it read on January 1, 1997.

(b) "Tobacco products" includes, but is not limited to, all forms of cigars, smoking tobacco, chewing tobacco, snuff, and any other articles or products made of, or containing at least 50 percent, tobacco, but does not include cigarettes.

30131.2 Amount of Surtax; Additional Tax; What Wholesale Cost Does Not Include. (a) In addition to the taxes imposed upon the distribution of cigarettes by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121) and any other taxes in this chapter, there shall be imposed an additional surtax upon every distributor of cigarettes at the rate of twenty-five mills ($0.025) for each cigarette distributed.

(b) In addition to the taxes imposed upon the distribution of tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121), and any other taxes in this chapter, there shall be imposed an additional tax upon every distributor of tobacco products, based on the wholesale cost of these products, at a tax rate, as determined annually by the State Board of Equalization, which is equivalent to the rate of tax imposed on cigarettes by subdivision (a).

(c) The wholesale cost used to calculate the amount of tax due under subdivision (b) does not include the wholesale cost of tobacco products that were returned by a customer during the same reporting period in which the tobacco products were distributed, when the distributor refunds the entire amount the customer paid for the tobacco products either in cash or credit. For purposes of this subdivision, refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs is refunded or credited to the customer. The amount withheld for rehandling and restocking costs may be a percentage of the sales price determined by the average cost of rehandling and restocking returned merchandise during the previous accounting cycle.

30131.3 Deposit of Moneys. Except for payments of refunds made pursuant to Article 1 (commencing with Section 30361) of Chapter **6**, reimbursement of the State Board of Equalization for expenses incurred in the administration and collection of the taxes imposed by Section 30131.2, and transfers of funds in accordance with subdivision (c) of Section 130105 of the Health and Safety Code, all moneys raised pursuant to the taxes imposed by Section 30131.2 shall be deposited in the California Children and Families Trust Fund and are continuously appropriated for the exclusive purpose of the California Children and Families Program established by Division 108 (commencing with Section 130100) of the Health and Safety Code.

30131.4 Appropriations and Expenditures. (a) All moneys raised pursuant to taxes imposed by Section 30131.2 shall be appropriated and expended only for the purposes expressed in the California Children and Families Act, and shall be used only to supplement existing levels of service and not to fund existing levels of service. No moneys in the California Children and Families Trust Fund shall be used to supplant state or local General Fund money for any purpose.

(b) Notwithstanding any other provision of law and the designation of the California Children and Families Trust Fund as a trust fund, the Controller may use the money raised pursuant to Section 30131.2 for the California Children and Families Trust Fund and all accounts created pursuant to subdivision (d) of Section 130105 of the Health and Safety Code for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. Any such loan shall be repaid from the General Fund with interest computed at 110 percent of the Pooled Money Investment Account rate, with the interest commencing to accrue on the date the loan is made from the fund or account. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which this fund or those accounts were created.

30131.5 Annual Determination of Amount of Tax Based on Wholesale Cost. The annual determination required of the State Board of Equalization pursuant to subdivision (b) of Section 30131.2 shall be made based on the wholesale cost of tobacco products as of March 1, and shall be effective during the state's next fiscal year.

30131.6 Date of Imposition of Tax. The taxes imposed by Section 30131.2 shall be imposed on every cigarette and on tobacco products in the possession or under the control of every dealer and distributor on and after 12:01 a.m. on January 1, 1999, pursuant to rules and regulations promulgated by the State Board of Equalization.

City of San Leandro

Meeting Date: December 13, 2021

Resolution - Council

File Number: 21-721

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Fran Robustelli
City Manager

BY: Brian Simons
Library Services Director

FINANCE REVIEW: Susan Hsieh
Finance Director

TITLE: RESOLUTION of the City of San Leandro City Council to Approve and Authorize the City Manager to Execute All Documents Related to the Memorandum of Understanding with First 5 Alameda County, receiving $4,800 and storytime kits valued at $15,185 for FY 2021-2022 and to Appropriate These Funds for Early Childhood Development Efforts as Outlined in the MOU

WHEREAS, First 5 Alameda County was established as the county extension of the California Children and Families Commission made possible by passage of the California Children and Families First Act (Proposition 10) in 1998 (see Attachment titled *Proposition 10 Statutes*) and established to promote, support, and improve the early development of children from the prenatal stage to five years of age; and

WHEREAS, a partnership between First 5 Alameda County and the San Leandro Public Library was established in 2013 through a neighborhood partnership grant; and

WHEREAS, the San Leandro Public Library has continued to partner with First 5 Alameda County on kindergarten readiness annually through grant agreements or memorandums of understanding; and

WHEREAS, First 5 Alameda County funding can be used to support early childhood development efforts for ages birth through 5 years of age to include library staff training, programming, and materials; and

WHEREAS, the San Leandro Public Library receives funding to provide early childhood services to the community and reporting results to First 5; and

WHEREAS, the San Leandro Public Library is provided $4,800 for training to provide the early childhood development kindergarten readiness services to the community and early childhood developmentally appropriate storytime kits in English, Spanish, and Chinese languages at a value of $15,185.

NOW, THEREFORE, the City Council of the City of San Leandro hereby RESOLVES as follows:

1. That the City Council approves, and the City Manager is authorized to execute all documents related to the Memorandum of Understanding between First 5 Alameda County and San Leandro Public Library through June 30, 2022 for continued partnership to provide early childhood development for kindergarten readiness totaling $4,800 and storytime kits valued at $15,185; and

2. That an appropriation totaling $4,800 into account 150-68-016-5890 and grant revenues totaling $4,800 into account 150-3617 be approved; and

3. That an original executed agreement shall be attached to and made a part of this resolution.

MEMORANDUM OF UNDERSTANDING

FIRST 5 ALAMEDA COUNTY

AND

SAN LEANDRO PUBLIC LIBRARY

November 1, 2021 – JUNE 30, 2022

MOU# PI-ECE-2122-664

This Memorandum of Understanding (MOU), dated as of November 1, 2021, is entered into by and between **First 5 Alameda County (First 5)** and **San Leandro Public Library (SLPL)**, with reference to the following facts and circumstances:

RECITALS

A. The California Children and Families First Act of 1998 (Proposition 10) created a program in the state for the purposes of promoting, supporting, and improving the early development of children from the prenatal stage to five years of age. The intent of this act is to enable counties to create and implement an integrated, comprehensive and collaborative system of information and services to enhance optimal early childhood development.

B. First 5 approved a Strategic Plan for a comprehensive system of early intervention services for children birth to 5 years of age and families in Alameda County. A key component of the First 5 Strategic Plan is the Quality Early Childhood Education Strategy, which builds the capacity of providers and childcare sites through professional development to increase the quality of early childhood education programs. (2017-2022 Strategic Plan, page 24).

C. First 5 is desirous of securing the provision of certain services and deliverables outside the scope of First 5's ordinary business in furtherance of its Strategic Plan. SLPL is independently engaged in the business of providing services similar to those described in this MOU and is willing and able to perform duties and render services and deliverables, without supervision; and

D. The purpose of this MOU is to provide Quality Counts Pathway resources for Family, Friend and Neighbor (FFN) caregivers by leveraging SLPL's current Storytimes. Payments under the terms of this MOU shall not exceed the total amount of **$19,985.00** (SLPL: $4,800.00; Designated vendor for SLPL materials: $15,185.00) consistent with the terms and conditions contained in this MOU.

ACCORDINGLY, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, First 5 and SLPL agree as follows:

I. PROGRAM DESCRIPTION

First 5 desires to leverage Library institutions who have previously participated in promising practices quality improvement activities through the Neighborhood Partnership Project to serve as library branches in Quality Counts. Library branches provide opportunities to reach FFN caregivers with quality improvement activities through enhanced Storytimes/playtimes. The goals of the Quality Counts library branches are to:

A. Increase Kindergarten Readiness opportunities for children not in licensed child care through expanded engagement of parents/caregivers in home activities;

B. Increase children's access to developmental services;

C. Increase the use of best practices for early care and education at library institutions; and

D. Continue support of libraries to provide programming aimed at youngest patrons, birth to 5 years old.

II. ROLES AND RESPONSIBILITIES

To achieve these goals, SLPL is committed to doing the following:

A. Order 168 FFN Storytime kits with books in patron's home language, English or Spanish, by January 30, 2022. First 5 will provide books in Chinese.

B. Distribute 168 FFN Storytime kits with books in patron's home language, English, Spanish, or Chinese, at the Main Branch and the Manor Branch before February 28, 2022. Document each distribution

C. Utilize variety of contents from kits in online Storytimes in English, Spanish and Chinese through June 30, 2022

D. Provide a link online to Home Activity Survey for three (3) Storytimes (One link each for English, Spanish and Chinese Storytimes) by March 30, 2022

E. Present Storytime activities and resources at two (2) priority community sites

F. Attendance by two (2) SLPL staff at four (4) First 5 Online Library Learning Communities

G. Meet with First 5 Alameda County Help Me Grow liaison to develop plan to integrate Help Me Grow information and link in online Storytimes in English, Spanish and Chinese

H. Utilize up to one (1) training or technical assistance (TA) session for SLPL, as scheduled in partnership with First 5

I. Purchase equipment and materials to enhance the children's area and/or Storytime activities at the Main Library and Manor Branch by June 30, 2022

J. Disseminate project results to identified SLPL stakeholders by June 30, 2022

K. Achieve performance targets outlined in Attachment 2.0: Results Based Accountability (RBA) Plan by April 30, 2022, and report achievements in First 5 database, HIGH5.

L. Complete Contractor Demographic Survey(s) as requested by First 5. May be required to collect and report on specific measures as identified in the First 5 2017-2022 Strategic Plan.

M. Adhere to the following reporting and payment schedule:

Requirement Due		**Due Date**
1.	For the period November 1, 2021 – March 31, 2022 • 1st Invoice • 1st Expense Report • 1st Results Based Accountability (RBA) Report	April 30, 2022
2.	For the period April 1, 2022 – June 30, 2022 • 2nd (Final) Invoice • 2nd (Final) Expense Report • 2nd (Final) Results Based Accountability (RBA) Report	July 15, 2022

N. SLPL will submit invoices based upon deliverables completed and the firm fixed price outlined in Attachment 1: Budget. Additional supporting documentation for expenses may be requested per First 5's policies and other applicable requirements (federal laws, state regulations, and/or OMB Uniform Guidance standards).

   a. Invoices are subject to review and approval by First 5 staff before payment is issued. Payment is contingent on receipt and approval of all required documentation. First 5 reserves the right to withhold payment until required reporting documentation is received. Total payments to SLPL during the term will not exceed $4,800.00.

To achieve these goals, First 5 is committed to doing the following:

A. Provide access to 168 FFN Storytime Kits with books in English or Spanish via a First 5 designated online vendor by December 10, 2021. Total Budget for Storytime Kits not to exceed $15,185.00.

   a. First 5 will order and distribute books in Chinese directly to SLPL

B. Issue payment to F5 designated vendor upon SLPL's completion of Storytime Kit and book orders

C. Provide links to Home Activity Surveys in English, Spanish and Chinese by February 28, 2022

D. Translate and compile completed Home Activity Surveys completed by SLPL patrons and share results in infographic form with SLPL by June 2, 2022

E. Provide four (4) 2-hour First 5 Online Library Learning Communities over course of the agreement.

F. Provide a meeting with Help Me Grow liaison to develop plan for integrating Help Me Grow in online Storytimes and provide links for families in English, Spanish and Chinese

G. Provide up to one (1) remote consultation or training developed in coordination with SLPL over course of the agreement.

H. Issue payment to SLPL upon receipt and approval of Invoice, Expense Report, and Results Based Accountability Report.

III. LIMITATION ON LIABILITY; INDEMNIFICATION

A. First 5. **First 5** shall defend, indemnify, and hold harmless SLPL, its City Council, boards, commissions, officials, employees and volunteers (SLPL Indemnitees), from and against any and all loss, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorneys' fees (Claims), arising from or in any manner connected to First 5's negligent act or omission, whether alleged or actual, regarding performance of services or in the course of performing services rendered pursuant to this MOU. If Claims are filed against SLPL Indemnitees which allege negligence on behalf of First 5, First 5 shall have no right of reimbursement against SLPL Indemnitees for the costs of defense even if negligence is not found on the part of First 5. However, First 5 shall not be obligated to indemnify SLPL Indemnitees from Claims arising from the sole negligence or willful misconduct of SLPL Indemnitees.

B. SLPL. **SLPL** shall defend, indemnify, and hold harmless First 5, its individual members, officers, agents, employees and volunteers (First 5 Indemnitees), from and against any and all Claims, arising from or in any manner connected to SLPL's negligent act or omission, whether alleged or actual, regarding performance of services or in the course of performing services rendered pursuant to this MOU. If Claims are filed against First 5 Indemnitees which allege negligence on behalf of SLPL, SLPL shall have no right of reimbursement against First 5 Indemnitees for the costs of defense even if negligence is not found on the part of SLPL. However, SLPL shall not be obligated to indemnify First 5 Indemnitees from Claims arising from the sole negligence or willful misconduct of First 5 Indemnitees.

III. Insurance Requirements

A. As a condition of this MOU, SLPL must maintain adequate General Liability Insurance (Minimum Limit $1,000,000) and Workers' Compensation (Statutory Limits) throughout the term of this agreement. SLPL agrees to maintain certificates of insurance and provide copies to First 5 upon request.

IV. General Terms

Period of Operation and Termination

This agreement will take effect upon signing of both parties to the agreement and shall remain in effect until terminated. Each party shall have the right to terminate the agreement upon 30 days prior written notice to the other party.

Alteration of Terms

It is mutually agreed that this agreement may be modified or amended upon the written consent of the parties hereto.

Governing Laws and Regulations

It is agreed that, if any of the provisions of this MOU are affected by changes in Federal or State laws or regulations, this MOU may be renegotiated and amended accordingly, subject to the provisions outline in the preceding two (2) paragraphs.

Contact Persons and Notice

SLPL agrees to assign Kelly Keefer or a designee to serve as liaison to First 5 on all matters relating to this MOU. First 5 agrees to assign Gabriela Rojas, Provider Support Manager, or a designee to serve as liaison to SLPL on all matters relating to this MOU.

For any action related to this MOU, notices shall be sent to the following addresses:

To First 5:	Gabriela Rojas Provider Support Manager First 5 Alameda County 1115 Atlantic Avenue Alameda, CA 94501
To SLPL:	Kelly Keefer Senior Librarian, Youth Services San Leandro Public Library 300 Estudillo Avenue San Leandro, CA 94577

Counterparts

This MOU may be executed in any number of counterparts (including by fax, pdf, or other electronic means), each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

V. TERM OF AGREEMENT

This MOU will be effective as of November 1, 2021 through June 30, 2022 and is subject to review at the end of the agreement year June 30, 2022.

First 5 Alameda County

_______________________________________ ____________________

Kristin Spanos Date
Chief Executive Officer

San Leandro Public Library

_______________________________________ ____________________

Brian Simons Date
Library Director

ATTACHMENT 1

BUDGET

Contractor: San Leandro Public Library (SLPL)
Contract Term: November 1, 2021 – June 30, 2022

Item #	Activity	# Units	Price per Unit	Total
1.	FFN Storytime Kit and Books Distribution: Main Branch	1 Distribution	$ 200.00	$ 200.00
2.	FFN Storytime Kit and Books Distribution: Manor Branch	1 Distribution	$ 200.00	$ 200.00
3.	Two (2) SLPL Staff attend First 5 Library Online Learning Communities	4 Learning Communities	$ 100.00	$ 400.00
4.	Present at two (2) community sites in priority neighborhoods	2 presentations	$ 1,000.00	$ 2,000.00
5.	Materials for children's enhancements at up to two (2) Library branches	2 Branches	$ 1,000.00	$ 2,000.00
Subtotal Direct Payment to SLPL				**$4,800.00**
5.	FFN Storytime Kits (directly ordered via First 5 designated online vendor)	168	$90.39	$15,185.00
Subtotal Payment to F5 Vendor for Materials Ordered by SLPL				**$15,185.00**
TOTAL BUDGET				**$ 19,985.00**

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FIRST 5 ALAMEDA COUNTY

ATTACHMENT 2.0 RESULTS BASED ACCOUNTABILITY (RBA) PLAN
Contractor: San Leandro Public Library
Contract Term: November 1, 2021 - June 30, 2022

First 5 Strategy: Quality Early Care and Education
Program: Informal Care

Program Specific Result 1 Increased capacity of librarians to utilize early care and education best practices			
Funded Activity 1.A Participate in staff training ▪ Two (2) staff each attend four (4) First 5 Library Learning Communities on early care and education (ECE) informed practices ▪ One (1) additional training or TA session for librarians hosted for San Leandro Public Library (SLPL) focused on children birth to 5 years old and families	***Performance Measure 1.A.1*** # of staff who participate in First 5 Library Learning Communities during the reporting period	***Data Tool*** ECE provider professional development (PD) unduplicated count report in HIGH5 ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022
	Performance Measure 1.A.2 Was Library-hosted training or TA session focused on children birth to 5 years old and families held? Yes or No	SLPL Records ☐ *Individual level data to be submitted to First 5*	▪ April 30, 2022

Program Specific Result 1 Increased capacity of librarians to utilize early care and education best practices			
Funded Activity 1.A continued	***Performance Measure 1.A.3*** # out of # of trained Library staff in the reporting period who report that they received what they need to improve practice (rolls up to performance measure)	***Data Tool*** Informal Care Training evaluation survey ☒ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022

Program Specific Result 2 Increased kindergarten readiness opportunities for children not in licensed child care through expanded engagement of parents/caregivers in home activities			
Funded Activity 2.A Order and distribute 168 Family, Friend, and Neighbor Storytime kits (FFN Storytime Kits) and books in English, Spanish, and Chinese at two branches: Main and Manor ▪ Utilize contents in FFN Storytime Kits during Storytimes in English, Spanish and Chinese ▪ Post links to online Home Activity Survey (HAS) at three (3) online Storytimes once each in English, Spanish and Chinese	***Performance Measure 2.A.1*** # of unduplicated parents/caregivers with children birth to 5 years who receive FFN Storytime Kit	***Data Tool*** SLPL records ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022
	Performance Measure 2.A.2 # out of # of parent/caregivers attending Storytimes who report they use the FFN Storytime kit	Home Activity Survey or SLPL records ☒ *Individual level data to be submitted to First 5*	▪ April 30, 2022
	Performance Measure 2.A.3 # of unduplicated children birth to 5 years attending Storytimes	SLPL records ☒ *Individual level data to be submitted to First 5*	▪ April 30, 2022

Program Specific Result 2 Increased kindergarten readiness opportunities for children not in licensed child care through expanded engagement of parents/caregivers in home activities			
Funded Activity 2.A continued	***Performance Measure 2.A.4*** # out of # of parents/caregivers with Storytime kits who engage in reading with child for five minutes or more for five or more days per week	***Data Tool*** Home Activity Survey ☒ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022
	Performance Measure 2.A.5 # out of # of parents/caregivers with Storytime kits who engage with child in pretend play for 10 minutes or more per week	Home Activity Survey ☒ *Individual level data to be submitted to First 5*	▪ April 30, 2022

Program Specific Result 3 Increased access for children birth to 5 years to developmental services			
Funded Activity 3.A Integrate Help Me Grow into SLPL online Storytimes ▪ Meet with Help Me Grow staff to plan integration of Help Me Grow in online Storytimes ▪ Conduct Help Me Grow promotional activities at three (3) online library Storytimes, once each at English, Spanish and Chinese Storytime	***Performance Measure 3.A.1*** Did SLPL meet with Help Me Grow staff to plan Help Me Grow integration in online Storytimes? Yes or No	***Data Tool*** SLPL Records ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022
	Performance Measure 3.A.2 Was Help Me Grow material or link posted at three (3) Storytimes? Yes or No	SLPL Records ☐ *Individual level data to be submitted to First 5*	▪ April 30, 2022

Program Specific Result 4 Maintain library institutional support for early childhood programming			
Funded Activity 4.A Disseminate project results to identified SLPL stakeholders ▪ Distribute Early Childhood Programming results infographic (developed by First 5) to stakeholders.	***Performance Measure 4.A.1*** # of stakeholders who received the infographic.	***Data Tool*** SLPL records ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ July 15, 2022

Program Specific Result 5 Tracking of unduplicated number of clients served and client demographics			
Funded Activity 5.A Track and report unduplicated number of clients (children by age, parents/caregivers, and providers) served for the year	***Performance Measure 5.A.1*** Submitted # of clients served for the year (children birth to two, children three to five, parents/caregivers, providers) to First 5? Yes or No	***Data Tool*** Home Activity Survey/ HIGH5 Client Served Reporting Module ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30,2022
Funded Activity 5.B Track and report race/ethnicity, primary language, gender, zip code of unduplicated children and parents/caregivers and providers served for the year	***Performance Measure 5.B.1*** Submitted Race/ethnicity, primary language, gender of adults, residential zip code of children and parents/ caregivers, and provider gender and workplace zip code to First 5? Yes or No	***Data Tool*** Home Activity Survey/ HIGH5 Client Served Reporting Module ☐ *Individual level data to be submitted to First 5*	***Periodicity of Reporting*** ▪ April 30, 2022

Supporting Documents

- Home Activity Survey
- HIGH5 Client Served Reporting Module
- Description of Help Me Grow activities implemented in online Storytimes
- Posting dates of Help Me Grow material or link
- Description of materials purchased for Library enhancements
- Description of how infographic was distributed and to whom

Additional Guidelines

- Accountability plans are subject to negotiation and approval by First 5. Modifications, including additional reporting measures and/or supporting documents, may be required.

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PROPOSITION 10 STATUTES
Includes Amendments to the California Children and Families Act
CALIFORNIA CODES
As of March 24, 2011

HEALTH AND SAFETY CODE
SECTION 130100-130155

130100. Creation of Program; Intent of Act; Administration; Citation of Division. There is hereby created a program in the state for the purposes of promoting, supporting, and improving the early development of children from the prenatal stage to five years of age.

These purposes shall be accomplished through the establishment, institution, and coordination of appropriate standards, resources, and integrated and comprehensive programs emphasizing community awareness, education, nurturing, child care, social services, health care, and research.

(a) It is the intent of this act to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development and to ensure that children are ready to enter school. This system should function as a network that promotes accessibility to all information and services from any entry point into the system.

It is further the intent of this act to emphasize local decision making, to provide for greater local flexibility in designing delivery systems, and to eliminate duplicate administrative systems.

(b) The programs authorized by this act shall be administered by the California Children and Families Commission and by county children and families commissions. In administering this act, the state and county commissions shall use outcome-based accountability to determine future expenditures.

(c) This division shall be known and may be cited as the "California Children and Families Act of 1998."

130105. California Children and Families Trust Fund. The California Children and Families Trust Fund is hereby created in the State Treasury.

(a) The California Children and Families Trust Fund shall consist of moneys collected pursuant to the taxes imposed by Section 30131.2 of the Revenue and Taxation Code.

(b) All costs to implement this act shall be paid from moneys deposited in the California Children and Families Trust Fund.

(c) The State Board of Equalization shall determine within one year of the passage of this act the effect that additional taxes imposed on cigarettes and tobacco products by this act has on the consumption of cigarettes and tobacco products in this state. To the extent that a decrease in consumption is determined by the State Board of Equalization to be the direct result of additional taxes imposed by this act, the State Board of Equalization shall determine the fiscal effect the decrease in consumption has on the funding of any Proposition 99 (the Tobacco Tax and Health Protection Act of 1988) state health-related education or research programs in effect as of November 1, 1998, and the Breast Cancer Fund programs that are funded by excise taxes on cigarettes and tobacco products. Funds shall be transferred from the California Children and Families Trust Fund to those affected programs as necessary to offset the revenue decrease directly resulting from the imposition of additional taxes by this act. These reimbursements shall occur, and at any times, as determined necessary to further the intent of this subdivision.

(d) Moneys shall be allocated and appropriated from the California Children and Families Trust Fund as follows:

(1) Twenty percent shall be allocated and appropriated to separate accounts of the state commission for expenditure according to the following formula:

(A) Six percent shall be deposited in a Mass Media Communications Account for expenditures for communications to the general public utilizing television, radio, newspapers, and other mass media on subjects relating to and furthering the goals and purposes of this act, including, but not limited to, methods of nurturing and parenting that encourage proper childhood development, the informed selection of child care, information regarding health and social services, the prevention and cessation of tobacco, alcohol, and drug use by pregnant women, the detrimental effects of secondhand smoke on early childhood development, and to ensure that children are ready to enter school. Any funds not needed in this account may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(B) Five percent shall be deposited in an Education Account for expenditures to ensure that children are ready to enter school and for programs relating to education, including, but not limited to, the development of educational materials, professional and parental education and training, and technical support for county commissions in the areas described in subparagraph (A) of paragraph (1) of subdivision (b) of Section 130125. Any funds not needed in this account may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(C) Three percent shall be deposited in a Child Care Account for expenditures to ensure that children are ready to enter school and for programs relating to child care, including, but not limited to, the education and training of child care providers, the development of educational materials and guidelines for child care workers, and other areas described in subparagraph (B) of paragraph (1) of subdivision (b) of Section 130125. Any funds not needed in this account may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(D) Three percent shall be deposited in a Research and Development Account for expenditures to ensure that children are ready to enter school and for the research and development of best practices and standards for all programs and services relating to early childhood development established pursuant to this act, and for the assessment and quality evaluation of those programs and services. Any funds not needed in this account may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(E) One percent shall be deposited in an Administration Account for expenditures for the administrative functions of the state commission. Any funds not needed for the administrative functions of the state commission may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(F) Two percent shall be deposited in an Unallocated Account for expenditure by the state commission for any of the purposes of this act described in Section 130100 provided that none of these moneys shall be expended for the administrative functions of the state commission.

(G) In the event that, for whatever reason, the expenditure of any moneys allocated and appropriated for the purposes specified in subparagraphs (A) to (F), inclusive, is enjoined by a final judgment of a court of competent jurisdiction, then those moneys shall be available for expenditure by the state commission for mass media communication emphasizing the need to eliminate smoking and other tobacco use by pregnant women, the need to eliminate smoking and other tobacco use by persons under 18 years of age, and the need to eliminate exposure to secondhand smoke.

(H) Any moneys allocated and appropriated to any of the accounts described in subparagraphs (A) to (F), inclusive, that are not encumbered or expended within any applicable period prescribed by law shall (together with the accrued interest on the amount) revert to and remain in the same account for the next fiscal period.

(2) Eighty percent shall be allocated and appropriated to county commissions in accordance with Section 130140.

(A) The moneys allocated and appropriated to county commissions shall be deposited in each local Children and Families Trust Fund administered by each county commission, and shall be expended only for the purposes authorized by this act and in accordance with the county strategic plan approved by each county commission.

(B) Any moneys allocated and appropriated to any of the county commissions that are not encumbered or expended within any applicable period prescribed by law shall (together with the accrued interest on the amount) revert to and remain in the same local Children and Families Trust Fund for the next fiscal period under the same conditions as set forth in subparagraph (A).

(e) All grants, gifts, or bequests of money made to or for the benefit of the state commission from public or private sources to be used for early childhood development programs shall be deposited in the California Children and Families Trust Fund and expended for the specific purpose for which the grant, gift, or bequest was made. The amount of any such grant, gift, or bequest shall not be considered in computing the amount allocated and appropriated to the state commission pursuant to paragraph (1) of subdivision (d).

(f) All grants, gifts, or bequests of money made to or for the benefit of any county commission from public or private sources to be used for early childhood development programs shall be deposited in the local Children and Families Trust Fund and expended for the specific purpose for which the grant, gift, or bequest was made. The amount of any such grant, gift, or bequest shall not be considered in computing the amount allocated and appropriated to the county commissions pursuant to paragraph (2) of subdivision (d).

130110. California Children and Families Commission Established; Voting and Ex Officio Nonvoting Members. (a) There is hereby established a California Children and Families Commission, which may also be known as First 5 California, composed of seven voting members and two ex officio members.

(b) The voting members shall be selected, pursuant to Section 130115, from persons with knowledge, experience, and expertise in early child development, child care, education, social services, public health, the prevention and treatment of tobacco and other substance abuse, behavioral health, and medicine (including, but not limited to, representatives of statewide medical and pediatric associations or societies), upon consultation with public and private sector associations, organizations, and conferences composed of professionals in these fields.

(c) The Secretary of the California Health and Human Services Agency and the Secretary for Education, or their designees, shall serve as ex officio nonvoting members of the state commission.

130115. Appointment of Commission Members by Governor; Terms. The Governor shall appoint three members of the state commission, one of whom shall be designated as chairperson. One of the Governor's appointees shall be either a county health officer or a county health executive. The Speaker of the Assembly and the Senate Rules Committee shall each appoint two members of the state commission. Of the members first appointed by the Governor, one shall serve for a term of four years, and two for a term of two years. Of the members appointed by the Speaker of the Assembly and the Senate Rules Committee, one appointed by the Speaker of the Assembly and the Senate Rules Committee shall serve for a period of four years with the other appointees to serve for a period of three years. Thereafter, all appointments shall be for four-year terms. No appointee shall serve as a member of the state commission for more than two four-year terms.

130120. Hiring of Executive Director; Staff; Compensation; Authority of Director. The state commission shall, within three months after a majority of its voting members have been appointed, hire an executive director. The state commission shall thereafter hire such other staff as necessary or appropriate. The executive director and staff shall be compensated as determined by the state commission, consistent with moneys available for appropriation in the Administration Account. All professional staff employees of the state commission shall be exempt from civil service. The executive director shall act under the authority of, and in accordance with the direction of, the state commission.

130125. Powers and Duties of Commission. The powers and duties of the state commission shall include, but are not limited to, the following:

(a) Providing for statewide dissemination of public information and educational materials to members of the general public and to professionals for the purpose of developing appropriate awareness and knowledge regarding the promotion, support, and improvement of early childhood development.

(b) Adopting guidelines for an integrated and comprehensive statewide program of promoting, supporting, and improving early childhood development that enhances the intellectual, social, emotional, and physical development of children in California.

(1) The state commission's guidelines shall, at a minimum, address the following matters:

(A) Parental education and support services in all areas required for, and relevant to, informed and healthy parenting. Examples of parental education shall include, but are not limited to, prenatal and postnatal infant and maternal nutrition, education and training in newborn and infant care and nurturing for optimal early childhood development, parenting and other necessary skills, child abuse prevention, and avoidance of tobacco, drugs, and alcohol during pregnancy. Examples of parental support services shall include, but are not limited to, family support centers offering an integrated system of services required for the development and maintenance of self-sufficiency, domestic violence prevention and treatment, tobacco and other substance abuse control and treatment, voluntary intervention for families at risk, and any other prevention and family services and counseling critical to successful early childhood development.

(B) The availability and provision of high quality, accessible, and affordable child care, both in-home and at child care facilities, that emphasizes education, training and qualifications of care providers, increased availability and access to child care facilities, resource and referral services, technical assistance for caregivers, and financial and other assistance to ensure appropriate child care for all households.

(C) The provision of child health care services that emphasize prevention, diagnostic screenings, and treatment not covered by other programs; and the provision of prenatal and postnatal maternal health care services that emphasize prevention, immunizations, nutrition, treatment of tobacco and other substance abuse, general health screenings, and treatment services not covered by other programs.

(2) The state commission shall conduct at least one public hearing on its proposed guidelines before they are adopted.

(3) The state commission shall, on at least an annual basis, periodically review its adopted guidelines and revise them as may be necessary or appropriate.

(c) Defining the results to be achieved by the adopted guidelines, and collecting and analyzing data to measure progress toward attaining these results.

(d) Providing for independent research, including the evaluation of any relevant programs, to identify the best standards and practices for optimal early childhood development, and establishing and monitoring demonstration projects.

(e) Soliciting input regarding program policy and direction from individuals and entities with experience in early childhood development, facilitating the exchange of information between these individuals and entities, and assisting in the coordination of the services of public and private agencies to deal more effectively with early childhood development.

(f) Providing technical assistance to county commissions in adopting and implementing county strategic plans for early childhood development.

(g) Reviewing and considering the annual audits and reports transmitted by the county commissions and, following a public hearing, adopting a written report that consolidates, summarizes, analyzes, and comments on those annual audits and reports.

(h) Applying for gifts, grants, donations, or contributions of money, property, facilities, or services from any person, corporation, foundation, or other entity, or from the state or any agency or political subdivision thereof, or from the federal government or any agency or instrumentality thereof, in furtherance of a statewide program of early childhood development.

(i) Entering into any contracts and allocating funds to county commissions as necessary or appropriate to carry out the provisions and purposes of this act.

(j) Making recommendations to the Governor and the Legislature for changes in state laws, regulations, and services necessary or appropriate to carry out an integrated and comprehensive program of early childhood development in an effective and cost-efficient manner.

130130. Conduct of Business by State Commission. Procedures for the conduct of business by the state commission not specified in this act shall be contained in bylaws adopted by the state commission. A majority of the voting members of the state commission shall constitute a quorum. All decisions of the state commission, including the hiring of the executive director, shall be by a majority of four votes.

130135. Compensation of Commission Members. Voting members of the state commission shall not be compensated for their services, except that they shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the state commission.

130140. Provisions Governing Receipt of Moneys. Any county or counties developing, adopting, promoting, and implementing local early childhood development programs consistent with the goals and objectives of this act shall receive moneys pursuant to paragraph (2) of subdivision (d) of Section 130105 in accordance with the following provisions:

(a) For the period between January 1, 1999 and June 30, 2000, county commissions shall receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the entire number of births recorded in California (for the same period), provided that each of the following requirements has first been satisfied:

(1) The county's board of supervisors has adopted an ordinance containing the following minimum provisions:

(A) The establishment of a county children and families commission. The county commission shall be appointed by the board of supervisors and shall consist of at least five but not more than nine members.

(i) Two members of the county commission shall be from among the county health officer and persons responsible for management of the following county functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services.

(ii) One member of the county commission shall be a member of the board of supervisors.

(iii) The remaining members of the county commission shall be from among the persons described in clause (i) and persons from 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;

and representatives of local medical, pediatric, or obstetric associations or societies.

(B) The manner of appointment, selection, or removal of members of the county commission, the duration and number of terms county commission members shall serve, and any other matters that the board of supervisors deems necessary or convenient for the conduct of the county commission's activities, provided that members of the county commission shall not be compensated for their services, 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 county commission.

(C) The requirement that the county commission adopt an adequate and complete county 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, this act and any guidelines adopted by the state commission pursuant to subdivision (b) of Section 130125 that are in effect at the time the plan is adopted.

(ii) The county strategic plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; 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. No county strategic plan shall be deemed adequate or complete until and unless the plan describes 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 county commission shall, on at least an annual basis, be required to periodically review its county strategic plan and to revise the plan as may be necessary or appropriate.

(iv) The county commission shall measure the outcomes of county 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 county strategic plan.

(D) The requirement that the county commission conduct at least one public hearing on its proposed county strategic plan before the plan is adopted.

(E) The requirement that the county commission conduct at least one public hearing on its periodic review of the county strategic plan before any revisions to the plan are adopted.

(F) The requirement that the county commission submit its adopted county strategic plan, and any subsequent revisions thereto, to the state commission.

(G) The requirement that the county commission prepare and adopt an annual audit and report pursuant to Section 130150. The county commission shall conduct at least one public hearing prior to adopting any annual audit and report.

(H) The requirement that the county commission conduct at least one public hearing on each annual report by the state commission prepared pursuant to subdivision (b) of Section 130150.

(I) Two or more counties may form a joint county commission, adopt a joint county strategic plan, or implement joint programs, services, or projects.

(2) The county's board of supervisors has established a county commission and has appointed a majority of its members.

(3) The county has established a local Children and Families Trust Fund pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(b) Notwithstanding any provision of this act to the contrary, no moneys made available to county commissions under subdivision (a) shall be expended to provide, sponsor, or facilitate any programs, services, or projects for early childhood development until and unless the county commission has first adopted an adequate and complete county strategic plan that contains the provisions required by clause (ii) of subparagraph (C) of paragraph (1) of subdivision (a).

(c) In the event that any county elects not to participate in the California Children and Families Program, the moneys remaining in the California Children and Families Trust Fund shall be reallocated and reappropriated to participating counties in the following fiscal year.

(d) For the fiscal year commencing on July 1, 2000, and for each fiscal year thereafter, county commissions shall receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the number of births recorded in all of the counties participating in the California Children and Families Program (for the same period), provided that each of the following requirements has first been satisfied:

(1) The county commission has, after the required public hearings, adopted an adequate and complete county strategic plan conforming to the requirements of subparagraph (C) of paragraph (1) of subdivision (a), and has submitted the plan to the state commission.

(2) The county commission has conducted the required public hearings, and has prepared and submitted all audits and reports required pursuant to Section 130150.

(3) The county commission has conducted the required public hearings on the state commission annual reports prepared pursuant to subdivision (b) of Section 130150.

(4) The county commission, in a public hearing, has adopted policies that are consistent with the following state laws:

(A) With regard to conflict of interest of the commission members, the county commission's policies shall be consistent with Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government code, and Chapter 7 (commencing with Section 87100) of Title 9 of the Government Code.

(B) With regard to contracting and procurement, the county commission's policies shall be consistent with Article 7 (commencing with Section 54201) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, Chapter 2 (commencing with Section 2000) of Part 1 of Division 2 of the Public Contract Code, Section 3410 of the Public Contracts Code, and Chapter 3.5 (commencing with Section 22150) of Part 3 of Division 2 of the Public Contract Code.

(5) The county commission, in a public hearing, has adopted a limit on the percentage of the county commission's operating budget that may be spent on administrative functions, pursuant to guidelines issued by the state commission that define administrative functions.

(6) The county commission has adopted, in a public hearing, policies and processes establishing the salaries and benefits of employees of the county commission. Salaries and benefits shall conform with established county commission or county government policies.

(e) In the event that any county elects not to continue participation in the California Children and Families Program, any unencumbered and unexpended moneys remaining in the local Children and Families Trust Fund shall be returned to the California Children and Families Trust Fund for reallocation and reappropriation to participating counties in the following fiscal year.

(f) For purposes of this section, "relevant county" means the county in which the mother of the child whose birth is being recorded resides.

130140.1 County Commission. (a) In the event a county elects to participate in the California Children and Families Program, and satisfies the requirements set forth in Section 130140, the county may establish a county commission that is either of the following:

(1) A legal public entity separate from the county.

(2) An agency of the county with independent authority over the strategic plan described in Section 130140 and the local trust fund established pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(b) In the event a county elects to establish a county commission as specified in paragraph (1) of subdivision (a), the following conditions shall apply:

(1) The county commission shall be considered a legal public entity separate from the county, and shall file a statement as required by Section 53051 of the Government Code.

(2) The powers, duties, and responsibilities of the county commission shall include, but shall not be limited to, the following:

(A) The power to employ personnel and contract for personal services required to meet its obligations.

(B) The power to enter into any contracts necessary or appropriate to carry out the provisions of this division.

(C) The power to acquire, possess, and dispose of real or personal property, as necessary or appropriate to carry out the provisions and purposes of this division.

(D) The power to sue or be sued.

(3) The county commission shall be deemed to be a public agency that is a unit of local government for purposes of all grant programs and other funding and loan guarantee programs.

(4) Any obligations of the county commission, statutory, contractual, or otherwise, shall be obligations solely of the commission.

(5) All claims or actions for money or damages against a county commission shall be governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided by other statutes or regulations that expressly apply to county commissions.

(6) The county commission, its members, and its employees are protected by the immunities applicable to public entities and public

employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code, except as provided by other statutes or regulations that apply expressly to the county commissions.

(7) If a county board of supervisors elects not to continue the county's participation in the California Children and Families Program, the board shall adopt an ordinance terminating the county commission.

(A) In terminating its county commission, the board of supervisors shall allow, to the extent possible, an appropriate transition period to allow for the county commission's then-existing obligations to be satisfied.

(B) In event of termination, any unencumbered and unexpended moneys remaining in the local Children and Families Trust Fund shall be distributed pursuant to subdivision (e) of Section 130140.

(C) Prior to the termination of the county commission, the board of supervisors shall notify the state Children and Families Commission of its intent to terminate the county commission.

(D) The liabilities of the county commission shall not become obligations of the county upon either the termination of the county commission or the liquidation or disposition of the county commission's remaining assets.

(c) If a county elects to establish a county commission as provided in paragraph (2) of subdivision (a), the county commission shall be deemed to be an agency of the county with independent authority over the strategic plan described in Section 130140 and the local Children and Families Trust Fund established pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(d) Any county commission established prior to the effective date of this section that substantially complies with the provisions of either subdivision (b) or (c) shall be deemed to be in compliance with this section.

(e) (1) Individually identifiable physical or mental health information, substance abuse information, child care or education information, personnel or employment information, financial information, criminal justice information, or demographic information, regarding a child or a child's parent, legal guardian, or other family member, that is provided to a county commission by a parent, legal guardian, family member, health care provider, health plan, public health authority, school, law enforcement agency, social services agency, probation agency, or any other source, shall be considered confidential, and may be disclosed only to a person, agency, or entity that receives funding from the county commission, by way of a grant award or contract or as a service provider for the provision of early childhood services, and only to the extent necessary to the provision of services, unless further disclosure is authorized by a written consent of the parent or legal guardian, or where disclosure is required by state or federal law.

(2) Confidential information identified in accordance with this section shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

130145. Advisory Committees. The state commission and each county commission shall establish one or more advisory committees to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purposes of this act. Each advisory committee shall meet and shall make recommendations and reports as deemed necessary or appropriate.

130150. Audit and Report. (a) On or before October 15 of each year, each county commission shall conduct an audit of, and issue a written report on the implementation and performance of, its functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward, and the achievement of, program goals and objectives, and information on the programs funded and populations served for all programs.

On or before November 1 of each year, each county commission shall submit its audit and report to the state commission for inclusion in the state commission's consolidated report required in subdivision (b). Each commission shall submit its report in a format prescribed by the state commission if the state commission approves that format in a public meeting prior to the fiscal year during which it is to be used by the county commissions. The state commission shall develop the format in consultation with the county commissions.

(b) The state commission shall, on or before January 31 of each year, do both of the following:

(1) Conduct an audit and prepare a written report on the implementation and performance of the state commission functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended and the progress toward, and the achievement of, program goals and objectives.

(2) Prepare a written report that consolidates, summarizes, analyzes, and comments on the annual audits and reports submitted by all of the county commissions and the Controller for the preceding fiscal year. The written

report shall include a listing, by category, of the aggregate expenditures on program areas funded by the state and county commissions pursuant to the purposes of this act, according to a format prescribed by the state commission. This report by the state commission shall be transmitted to the Governor, the Legislature, and each county commission.

(3) In the event a county commission does not submit the information prescribed in subdivision (a), the state commission may withhold funds that would other wise have been allocated to the county commission from the California Children and Families Trust Fund pursuant to Section 130140 until the county commission submits the data as required by subdivision (a).

(c) The state commission shall make copies of each of its annual audits and reports available to members of the general public on request and at no cost. The state commission shall furnish each county commission with copies of those documents in a number sufficient for local distribution by the county commission to members of the general public on request and at no cost.

(d) Each county commission shall make copies of its annual audits and reports available to members of the general public on request and at no cost.

130151. Guidelines for Expanded Annual Audits from Controller; Scope; Simultaneous Submission; Public Hearing; Determination; Summary Report; Presentation to State Commission. (a) In addition to the requirements in Section 130150, the Controller shall issue guidelines for expanded annual audits of each county commission required pursuant to subdivision (b) of Section 130150 and associated quality control functions, subject to funding by the state commission.

(b) The scope of the audits shall address a review of county commission policies and practices with respect to the following elements:

(1) Contracting and procurement policies, to determine whether they are in place pursuant to paragraph (4) of subdivision (d) of Section 130140, whether state and county commissions are operating in accordance with these policies, and whether these policies contain provisions to ensure that the grants and contracts are consistent with the state or county commission's strategic plan.

(2) Administrative costs, to ensure that the county commission's definitions comply with the state commission's guidelines and that the county commission has a process in place to monitor these costs.

(3) Policies and procedures, established pursuant to paragraph (4) of subdivision (d) of Section 130140, designed to assure compliance by the

state commission and county commissions with all applicable state and local conflict-of-interest statutes and regulations.

(4) Policies and practices designed to assure that county commissions are adhering to county commission ordinances established pursuant to paragraph (1) of subdivision (a) of Section 130140.

(5) Long-range financial plans, to determine whether state and county commissions have these plans and that the plans have been formally adopted by the commission in a public hearing.

(6) Financial condition of the commission.

(7) Amount commissions spend on program evaluation and the documented results of these expenditures.

(8) Salaries and benefit policies, to determine whether the county commission's employee salaries and benefits comply with the policies that the county commission adopted pursuant to paragraph (6) of subdivision (d) of Section 130140.

(c) The auditor for the state commission or the county commission shall submit each audit report, upon completion, simultaneously to both the Controller and to the state commission or applicable county commission.

(d) The state commission and each respective county commission shall schedule a public hearing within two months of receipt of the audit to discuss findings within the report and any response to the findings. Within two weeks of the public hearing, the state or county commission shall submit to the Controller a response to the audit findings.

(e) Within six months of the state or county commission's response pursuant to subdivision (d), the Controller shall determine whether a county commission has successfully corrected its practices in response to the findings contained in the audit report. The Controller may, after that determination, recommend to the state commission to withhold the allocation of money that the county commission would otherwise receive from the California Children and Families Trust Fund until the Controller determines that the county commission has a viable plan and the ability to correct the practices identified in the audit.

(f) The Controller shall prepare a summary report of the final audits and submit the report to the state commission by November 1 of each year for inclusion in the annual report required pursuant to subdivision (b) of Section 130150.

(g) On or before April 30, 2006, the Controller shall present to the state commission in a public meeting the final audit guidelines and implementation plan. When developing the guidelines, the Controller shall consider the reasonableness of the projected costs and administrative burden of the required audit functions.

130155. Definitions. The following definitions apply for purposes of this act:

(a) "Act" means the California Children and Families Act of 1998.

(b) "County commission" means each county children and families commission established in accordance with Section 130140.

(c) "County strategic plan" means the plan adopted by each county children and families commission and submitted to the California Children and Families Commission pursuant to Section 130140.

(d) "State commission" means the California Children and Families Commission established in accordance with Section 130110.

130156. Establishment of Children and Families Health and Human Services Fund. The Children and Families Health and Human Services Fund is hereby established in the State Treasury. The Children and Families Health and Human Services Fund shall be used, upon appropriation by the Legislature, to provide health and human services, including, but not limited to, direct health care services, to children from birth through five years of age.

130157. Funds to be Transferred and Deposited into Children and Families Health and Human Services Fund. Notwithstanding paragraph (1) of subdivision (d) of Section 130105, for the 2011-12 fiscal year, fifty million dollars ($50,000,000) from the accounts described in subparagraphs (A) to (F), inclusive, of paragraph (1) of subdivision (d) of Section 130105, including reserve funds, upon approval of the state commission, shall be transferred to and deposited in the Children and Families Health and Human Services Fund to support state health and human services programs for children from birth through five years of age. The state commission shall ensure that these funds are available for the purposes described in this section. To the extent it is necessary or appropriate for the state commission to disencumber existing obligations to meet the requirements of this section, the state commission, including, but not limited to, its representatives, officers, directors, and employees, including its attorneys and other persons, is hereby released from any and all liability, rights, claims, demands, and actions, known and unknown, which any party may have, arising in connection with the disencumbering of funds or obligations in accordance with this section. For purposes of this section, "state health and human services programs" includes, but is not limited to, direct health care services.

130158. Funds from County Children and Families Trust Fund to be Transferred and Deposited into Children and Families Health and Human Services Fund; County Commission Exemptions; County Commissions Duties and Responsibilities. (a) Notwithstanding paragraph (2) of subdivision (d) of Section 130105, for the 2011-12 fiscal year, nine hundred fifty million dollars ($950,000,000) from the combined balances of all the county Children and Families Trust Funds, including reserve funds, as provided for in subparagraphs (A) and (B) of paragraph (2) of subdivision (d) of Section 130105, shall be transferred to and deposited in the Children and Families Health and Human Services Fund, to support state health and human services programs for children from birth through five years of age.

(b) For purposes of this section, "state health and human services programs" includes, but is not limited to, direct health care services and "county commission" includes, but is not limited to, county commissions, account holders for local children and families trust funds, and county government fiscal agents.

(c) The share of the amount specified in subdivision (a) required of each county commission shall be determined in the following manner and subject to the following conditions:

(1) A county commission that received less than six hundred thousand dollars ($600,000) in California Children and Families Trust Fund revenues in the 2009-10 fiscal year is exempt from this section and is not required to deposit funds in the Children and Families Health and Human Services Fund as part of the budget solution described in subdivision (a).

(2) By June 30, 2012, each county commission not exempted by paragraph (1) shall remit for deposit into the Children and Families Health and Human Services Fund, 50 percent of its county commission funding, which includes total reserved, total unreserved-designated, and total unreserved-undesignated local children and families trust funds as of June 30, 2010. No funds other than revenues received pursuant to the California Children and Families Act of 1998 shall be remitted for deposit into the Children and Families Health and Human Services Fund.

(3) Notwithstanding paragraph (2), county commission payments for deposit into the Children and Families Health and Human Services Fund shall not cause any county commission's fund balance to fall below the

amount received by the county commission from the California Children and Families Trust Fund in the 2009-10 fiscal year.

(4) Full payments to the Children and Families Health and Human Services Fund shall be made by county commissions within the 2011-12 fiscal year. Notwithstanding any other provision of law, no 2012-13 allocation to a county commission shall occur prior to the full payment being made.

(5) Notwithstanding paragraphs (1) to (4), inclusive, the total combined remittances from county commissions in the 2011-12 fiscal year shall equal nine hundred fifty million dollars ($950,000,000). To the extent paragraphs (1) to (4), inclusive, result in more than nine hundred fifty million dollars ($950,000,000) being provided by county commissions in total, the difference shall be proportionally returned to all contributing county commissions.

(d) Pursuant to subdivision (c), each county commission, as defined in subdivision (b), shall ensure that the funds for transfer and deposit to the Children and Families Health and Human Services Fund are not encumbered and are available for the purposes described in this section. To the extent that it is necessary or appropriate for a county commission to disencumber existing obligations to meet the requirements of this section, the county commission, including, but not limited to, its representatives, officers, directors, and employees, including its attorneys and other persons, is hereby released from any and all liability, rights, claims, demands, and actions, known and unknown, which any party may have, arising in connection with the disencumbering of funds, or obligations in accordance with this section.

(e) After a county commission's share of the nine hundred fifty million dollars ($950,000,000) specified in subdivision (a) has been determined pursuant to subdivision (c), that county commission, or appropriate agent or entity, shall remit those funds to the Controller for deposit into the Children and Families Health and Human Services Fund. The entire share of funds for each county commission shall be remitted within the 2011-12 fiscal year, and may be done, in equal amounts, on a monthly basis.

CALIFORNIA CODES
REVENUE AND TAXATION CODE
SECTION 30131-30131.6

30131. Creation and Purpose of Fund. Notwithstanding Section 30122, the California Children and Families Trust Fund is hereby created in the State Treasury for the exclusive purpose of funding those provisions of the California Children and Families Act of 1998 that are set forth in Division 108 (commencing with Section 130100) of the Health and Safety Code**.**

30131.1 Definitions. The following definitions apply for purposes of this article:

(a) "Cigarette" has the same meaning as in Section 30003, as it read on January 1, 1997.

(b) "Tobacco products" includes, but is not limited to, all forms of cigars, smoking tobacco, chewing tobacco, snuff, and any other articles or products made of, or containing at least 50 percent, tobacco, but does not include cigarettes.

30131.2 Amount of Surtax; Additional Tax; What Wholesale Cost Does Not Include. (a) In addition to the taxes imposed upon the distribution of cigarettes by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121) and any other taxes in this chapter, there shall be imposed an additional surtax upon every distributor of cigarettes at the rate of twenty-five mills ($0.025) for each cigarette distributed.

(b) In addition to the taxes imposed upon the distribution of tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121), and any other taxes in this chapter, there shall be imposed an additional tax upon every distributor of tobacco products, based on the wholesale cost of these products, at a tax rate, as determined annually by the State Board of Equalization, which is equivalent to the rate of tax imposed on cigarettes by subdivision (a).

(c) The wholesale cost used to calculate the amount of tax due under subdivision (b) does not include the wholesale cost of tobacco products that were returned by a customer during the same reporting period in which the tobacco products were distributed, when the distributor refunds the entire amount the customer paid for the tobacco products either in cash or credit. For purposes of this subdivision, refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs is refunded or credited to the customer. The amount withheld for rehandling and restocking costs may be a percentage of the sales price determined by the average cost of rehandling and restocking returned merchandise during the previous accounting cycle.

30131.3 Deposit of Moneys. Except for payments of refunds made pursuant to Article 1 (commencing with Section 30361) of Chapter **6**, reimbursement of the State Board of Equalization for expenses incurred in the administration and collection of the taxes imposed by Section 30131.2, and transfers of funds in accordance with subdivision (c) of Section 130105 of the Health and Safety Code, all moneys raised pursuant to the taxes imposed by Section 30131.2 shall be deposited in the California Children and Families Trust Fund and are continuously appropriated for the exclusive purpose of the California Children and Families Program established by Division 108 (commencing with Section 130100) of the Health and Safety Code.

30131.4 Appropriations and Expenditures. (a) All moneys raised pursuant to taxes imposed by Section 30131.2 shall be appropriated and expended only for the purposes expressed in the California Children and Families Act, and shall be used only to supplement existing levels of service and not to fund existing levels of service. No moneys in the California Children and Families Trust Fund shall be used to supplant state or local General Fund money for any purpose.

(b) Notwithstanding any other provision of law and the designation of the California Children and Families Trust Fund as a trust fund, the Controller may use the money raised pursuant to Section 30131.2 for the California Children and Families Trust Fund and all accounts created pursuant to subdivision (d) of Section 130105 of the Health and Safety Code for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. Any such loan shall be repaid from the General Fund with interest computed at 110 percent of the Pooled Money Investment Account rate, with the interest commencing to accrue on the date the loan is made from the fund or account. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which this fund or those accounts were created.

30131.5 Annual Determination of Amount of Tax Based on Wholesale Cost. The annual determination required of the State Board of Equalization pursuant to subdivision (b) of Section 30131.2 shall be made based on the wholesale cost of tobacco products as of March 1, and shall be effective during the state's next fiscal year.

30131.6 Date of Imposition of Tax. The taxes imposed by Section 30131.2 shall be imposed on every cigarette and on tobacco products in the possession or under the control of every dealer and distributor on and after 12:01 a.m. on January 1, 1999, pursuant to rules and regulations promulgated by the State Board of Equalization.