

First 5 agencies sue to block \$1 billion in Jerry Brown's budget

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A trio of First 5 agencies said Tuesday they have filed suit to block the state from taking \$1 billion from the statewide network of childhood development programs, marking the first legal challenge to Gov. **Jerry Brown's** budget.

The three county commissions -- Fresno, Merced and Madera -- said the shift of funds without voter approval sets a "dangerous precedent." They said the move contradicts the "original intent" of [Proposition 10](#), the 1998 voter-approved measure to tax tobacco products to fund health and educational development programs for children under 5 years old.

"The Legislature is disregarding the will of the voters and taking local funds from counties to fill holes in the state budget," First 5 Merced County Commission Chair **Jerry O'Banion**, a county supervisor, said in a statement.

The governor and lawmakers agreed last month to take \$1 billion from First 5 programs, including \$950 million from county commission reserves and \$50 million from the state.

Budget proposals face legal challenges each year, particularly in deficit times when lawmakers find new ways to cut programs. Former Gov. **Arnold Schwarzenegger** frequently complained about courts blocking his budget proposals, decisions that added to deficits in subsequent years.

Brown had originally proposed asking voters to take the \$1 billion in addition to half of future First 5 tobacco tax revenues. But the Legislature dropped the plan to take future funds and believed it did not need voter approval to sweep the \$1 billion, which the state is using to pay for Medi-Cal for children up to 5 years old.

Under Proposition 10, the Legislature can change First 5 with a two-thirds vote of the Legislature so long as the amendment furthers the intent of the initiative. The county commissions dispute that the budget proposal does that.

The commissions filed [suit](#) Tuesday in Fresno Superior Court. **Zoua Vang**, spokeswoman for First 5 Fresno County, said the three county commissions are sharing legal costs but are asking for reimbursement from the state should they prevail.

Posted by [Kevin Yamamura](#)