



Memo

To: Commissioners, First 5 Ventura County

From: Jennifer Johnson, Director of Operations (On behalf of the Administration/Finance Committee)

Date: January 21, 2016

Re: Recommendation to Amend Commission Bylaws

Background

The Commission's bylaws were last updated in June 2003. As an update was currently needed to incorporate provisions for notice requirements for unscheduled vacancies, staff conducted a comprehensive review of the bylaws to identify any other areas that needed to be update and/or clarified.

Proposed changes are tracked on the attached document. Highlights of these changes include:

- Incorporates new policies mandated by amendments to the Health & Safety Code.
- Establishes notice requirements for unscheduled vacancies.
- Eliminates Article VI on Advisory Groups as information is in existing section on Committees.
- Clarifies the approval of Committee meeting schedules.
- Updates the "Notice and Agenda" provision for Commission meetings in accordance with the Brown Act and to allow for electronic delivery of the agenda/materials.

Recommendation

The recommendation is to amend Commission bylaws including establishing notice requirements for unscheduled vacancies, and updating language regarding Commission committees and advisory groups.



BYLAWS

Article I

Authority

The Children & Families First Commission of Ventura County was created by Ventura County Board of Supervisors Ordinance No 4182 pursuant to California Health and Safety Code section ~~13110~~ 130100 et seq. ("Children and Families First Act of 1998", hereafter "the Act") and currently operates pursuant to the Act and Ventura County Ordinances ~~No. 4270~~.

Purpose and Mission

The purpose and mission of the Children & Families First Commission of Ventura County, known as First 5 Ventura County, hereinafter referred to as "F5VC" or "Commission" is to promote, support, and improve the early development of children from the prenatal stage to five years of age.

Article II

Duties

The duties of the ~~Children & Families First Commission of Ventura County ("Commission")~~ Commission shall include the following:

- (1.) Adopt an adequate and complete County Strategic Plan for the support and improvement of early childhood development within the County, consistent with the requirements of the Act and any state regulations or guidelines hereinafter enacted to implement the Act.
- (2.) At least annually, carry out a periodic review of the County Strategic Plan and revise the plan as may be necessary or appropriate. The Commission shall conduct at least one public hearing on its periodic review of the plan before any revisions to the plan are adopted.
- (3.) Measure outcomes through the use of applicable, reliable indicators and review the information on a periodic basis as part of the public review of the County Strategic Plan.
- ~~(3-)~~(4.) Submit its adopted County Strategic Plan, and any subsequent revisions thereto, to the State Children and Families First Commission ("State Commission").

- ~~(4.)~~(5.) Prepare and adopt an annual audit and report pursuant to section 130150 of the Health and Safety Code. The commission shall conduct at least one public hearing prior to adopting any annual audit and report.
- ~~(5.)~~(6.) Conduct at least one public hearing on each annual report by the State Commission prepared pursuant to subdivision (b) of section 130150 of the Health and Safety Code.
- ~~(6.)~~(7.) Establish one or more advisory committees to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purpose of the Act.
- ~~(7.)~~(8.) Apply 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 countywide program of early childhood development.
- ~~(8.)~~(9.) Enter into such contracts as necessary or appropriate to carry out the provisions and purposes of the Act, or the County's ordinance.

Article III

- A. Appointment: The Commission is composed of nine members appointed by the Board of Supervisors for the terms specified below. The members shall include:
 - (1.) One member of the Board of Supervisors;
 - (2.) Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be selected 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;
 - (3.) A representative recommended by the Child Care Planning Council;
 - (4.) The remaining five members shall be selected from among members of the ~~Ventura County Children, Family and~~ Community Commission for Ventura County nominated, one each, by the members of the Board of Supervisors, who are either described in (2) above or are: (a) recipients of project services included in the plan; (b) educators specializing in early childhood development; (c) representatives of a local child care resource or referral agency or child care coordinating group; (d) representatives of a local organization for prevention or early intervention for families at risk; (e) representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; (f) representatives of local school districts; or (g) representatives of local medical, pediatric, or obstetric associations or societies.

B. Term and Removal:

- (1.) The member of the Commission appointed pursuant to Section A.(1) shall serve during the incumbency of the office, unless earlier removed, with or without cause, by the Board of Supervisors.
- (2.) Members of the Commission appointed pursuant to Section A.(2) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.
- (3.) The Member of the Commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.
- (4.) Members of the Commission appointed pursuant to section A.(4) shall serve a term coterminous with that of the member of the Board of Supervisors who nominated said member or until the appointment of a successor, unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors.
- (5.) A Commissioner may resign effective on giving written notice to the Executive Director of the Commission, unless the notice specifies a later date for his/her resignation to become effective. Upon receipt of such notice, the Executive Director shall notify the Chairperson of the Commission and the Clerk of the Board of Supervisors. The Chair of the Commission shall enter the notice in the proceedings of the Commission. The acceptance of a resignation shall not be necessary to make it effective. Notice will be given to the Clerk of the Board of Supervisors within ten (10) days after the Commission Chair or Executive Director receives notice of a Commission member's resignation or other reason for the vacancy. Under Government Code section 54974, the Clerk must then post a special vacancy notice no earlier than 20 days before or not later than 20 days after the vacancy occurs, and the Board of Supervisors must wait at least 10 working days after the posting of the special vacancy notice before appointing a replacement.
- (6.) Any vacancy on the Commission shall be filled by the Board of Supervisors.
- (7.) Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Board of Supervisors.
- (8.) Commissioners must attend the regular meetings of the Commission and of committees to which they are appointed. If the Commissioner is unable to attend a meeting, he/she must notify the Executive Director (or his/her designee) or the Chairperson of the reason for the absence. Except in the

case of an emergency, if a Commissioner fails to attend a meeting without first notifying the Executive Director or Chairperson, the absence will be considered unexcused. Two unexcused absences during a six-month period shall be grounds for the Board of Supervisors to consider removing the Commissioner.

- C. Policies & Conflict of Interest: The Commission shall adopt and may amend a Conflict of Interest code for the Commission as required by applicable law. The Commission shall also adopt policies as required by the Act and those that are consistent with State laws as required by Health and Safety Code Section 130140.

Article IV

Officers

- A. Designation: The officers of the Commission shall be a Chairperson, Vice Chairperson and such officers as the Commission may designate.
- B. Election: Officers of the Commission shall be chosen annually by an election to be held in October, unless an earlier election is necessary because of a vacancy, and seated in January of the following year.
- C. Term: The term of office for officers of the Commission is one year from the date of election or until removal or resignation.
- D. Duties: The Chairperson of the Commission shall preside over all business and meetings of the Commission. In the absence of the Chairperson, the Vice Chairperson shall conduct routine business matters and meetings. In the absence of both the Chairperson and Vice Chairperson, the Chairperson shall designate a member to conduct the business of the Commission.

Article V

Committees

- A. Appointment: The Commission may create standing and ad hoc committees. Only Commissioners may chair the committees but all committees must be composed of less than a quorum of voting Commissioners. The Commission Chairperson shall at least annually make Commissioner appointments to all committees. Appointments shall be based as much as possible upon the preferences indicated by each Commissioner. Appointments of non-Commissioner members will be made by the Chair(s) of the Committee, subject to ratification by the Commission.
- B. Committee Membership: Generally, Committee membership should be composed of at a minimum 2 Commissioners and 5 community members.
- C. Term and Removal:
 - (1.) Any vacancy on a Committee shall be filled in the same manner as specified for appointments.

- (2.) Appointments to all standing committees ~~and advisory committees~~ for community members will be for a two-year term.
 - (3.) Any Committee member may be removed, at any time, with or without cause, by a majority vote of the members of the Commission.
 - (4.) Committee members must attend the regular meetings of the committees to which they are appointed. If the Committee member is unable to attend a meeting, he/she must notify the Executive Director (or his/her designee) or the Chairperson of the Committee of the reason for the absence. Except in the case of an emergency, if a Committee member fails to attend a meeting without first notifying the Executive Director or the Committee Chairperson, the absence will be considered unexcused. Two unexcused absences during a ~~six~~twelve-month period shall be grounds for the Commission to consider removing the Committee member.
- D. Meetings: Regular meetings of standing committees shall be held at times and places determined by the ~~Commission~~Chair(s) of the committee or the Executive Director. Special meetings may be held at any time and place as designated by the Chairperson or the Commission staff. A majority of the appointed members of a committee shall constitute a quorum.
- E. Notice and Agenda: All standing committees shall comply with the notice and agenda requirements otherwise applicable to the Commission in these bylaws, except for ad hoc committees composed solely of less than a quorum of the members of the Commission which are not standing subcommittees of the Commission with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Commission.
- F. Minutes: The minutes of each meeting of the standing committees shall be kept and an accurate record of each action taken by the committee shall be recorded. Upon approval by the committee, the minutes shall be ~~forwarded~~ available to the Commissioners and staff.
- G. Open and Public: Meetings of the committees will be open and public, consistent with the provisions of the Ralph M. Brown Act.

~~Article VI~~

~~Advisory Groups~~

~~A. Purpose: The Commission may establish Advisory Groups and committees of Advisory Groups. The Advisory Group provides review and recommendations on policies and programs considered by the Commission, and to the extent deemed appropriate by the Commission, shall participate in the Commission's consideration of policies and programs prior to their adoption.~~

~~B. Composition: Advisory Group categories shall be decided by the Commission.~~

~~C. Selection: Members to an Advisory Group shall be appointed by a majority vote of the Commission.~~

~~D. Term: Advisory Group members shall serve one (1) year terms, at the pleasure of the Commission and may be reappointed in the same manner as original appointments.~~

~~E. Open and Public: Meetings of Advisory Groups will be open and public.~~

Article VII

Meetings

A. Regular and Special Meetings: The date, time and place of regular meetings shall be established by resolution of the Commission. Special meetings can be held by call of the Chairperson or three (3) members of the Commission.

B. Open and Public:

(1.) All meetings of the Commission shall be open and public, consistent with the provisions of the Ralph M. Brown Act. Anyone shall be permitted to attend meetings of the Commission, except for closed sessions or as otherwise provided by law.

(2.) Any person may request to be heard on an agenda item before it is acted upon.

(3.) Members of the public shall have the right to address the Commission on items of interest which are within the subject matter jurisdiction of the Commission.

(4.) Prior to the public comment, the Chairperson ~~shall announce the total amount of time available for comment, and where appropriate~~ may set limits on the time to be spent on particular issues and on the amount of time available to each speaker.

C. Quorum:

(1.) A majority of the voting members of the commission shall constitute a quorum, and no act of the Commission shall be valid unless a majority of those members constituting a quorum concur therein.

(2.) Final adoption of the County Strategic Plan and the election or removal of officers requires an affirmative vote of an absolute majority of the members of the Commission.

(3.) Approval of expenditure recommendations in excess of \$50,000 requires an affirmative vote of an absolute majority of the members of the Commission who do not declare a conflict of interest regarding said action.

D. Notice and Agenda:

At least seventy-two (72) hours prior to each regular meeting, notice of and an agenda for the regular meeting shall be mailed or, if requested, emailed to each Commission member, ~~and to each representative of the news media~~ and to ~~each other persons or entities~~ who ~~have~~ submitted a written request to the Commission for notification of meetings. The agenda, ~~and~~ shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public and on the Commission's website. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting, ~~and shall also contain a listing of all written correspondence received by the Commission since preparation of the prior agenda.~~

Notice of a special meeting must be posted at least 24 hours before the special meeting in a location that is freely accessible to the public and on the Commission's website. Written notice shall be delivered at least 24 hours before the special meeting to each Commissioner and to all persons or entities who have requested notification of meetings.

E. Conduct of Business:

Items on the agenda will be considered in the order they appear unless the Chairperson, at his/her discretion, announces a change in the order of consideration. Confidential information shall not be subject to disclosure at meetings of the Commission.

F. Resolutions:

All official acts of the Commission shall be taken either by resolution or a motion, duly made, seconded and adopted by vote of the Commissioners.

G. Minutes:

The Executive Director (or his/her designee) of the Commission shall prepare the minutes of each meeting of the Commission. ~~Tape r~~Recordings of all the Commission's regular meetings and standing committee meetings shall be retained on file for a period of one year.

Article VII†

Execution of Documents

A. Contracts and Instruments:

The Commission may either by motion or by resolution authorize any officer(s), agent(s) or employee(s) to enter into or execute any contract in the name of and on behalf of the Commission. The authority given may be general, where accompanied by appropriate guidelines, or may be confined to specific contracts or instruments. Unless authorized by the Commission, no officer, agent or employee shall have the power or authority to bind the Commission by any contract or to render it liable for any purpose or for any amount.

B. Checks, Drafts, Evidence or Indebtedness:

All checks, drafts or other orders for payment of money on behalf of or payment to the Commission shall be signed or endorsed by such persons as determined by either motion or resolutions of the Commission.

C. Correspondence and/or Communications:

Commission members shall submit, in advance, all correspondence and/or communications on behalf of the Commission and/or its committees to the Commission Chairperson for review and approval.

Article ~~VIII~~X

Amendment of Bylaws

These Bylaws may be amended only by action of the Commission at any meeting of the Commission. Notice of such proposed amendment shall be given in the manner prescribed for notices of regular meetings of the Commission.

I, the undersigned, do hereby certify:

That I am the duly elected and acting Chairperson of the Children and Families First Commission of Ventura County, a local public agency of the State of California; and

That the foregoing Amended Bylaws, comprising 8 pages, constitute the Amended Bylaws of the Commission, as duly adopted by the Commission at a regular meeting, duly called and held on the twenty-first day of January, 2016, at Camarillo, California.

Dated: _____

By _____

BRUCE STENSLIE
CHAIRPERSON OF THE COMMISSION