

# **Stanislaus County Children & Families Commission**



## **Commission By-Laws**

**Adopted: March 25, 2014**

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## **BYLAWS OF THE STANISLAUS COUNTY CHILDREN AND FAMILIES COMMISSION**

In order to provide an efficient and expeditious handling of public business, and of the business of the Stanislaus County Children and Families Commission (Commission), the following bylaws are promulgated. Whenever possible, the rules and procedures shall be construed generally and failure to observe them shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting otherwise held in conformity with the law.

### **I. BACKGROUND OF THE COMMISSION**

The Commission was established on December 8, 1998, pursuant to Ordinance 687 of Stanislaus County (Ordinance 687), incorporated herein by reference, and as may be amended from time to time.

### **II. PURPOSE, INTENT, AND DUTIES OF THE COMMISSION**

The purpose, intent, and duties of the Commission shall be that as set forth by Ordinance 687 and Proposition 10 (which was codified as Sections 130100 through 130155 of the State of California Health and Safety Code), as may be amended from time to time, as follows:

1. 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 children are ready to enter school.
2. Provide greater local flexibility in designing delivery systems and to eliminate duplicate administrative systems.
3. Use outcome-based accountability systems to determine future expenditures.

### **III. MEMBERSHIP AND OFFICERS OF THE COMMISSION**

#### **A. Members of the Commission**

The membership of the Commission shall consist of nine (9) members as established pursuant to Health and Safety Code section 130140 and Ordinance 687, as may be amended from time to time.

- 1 Member of the Commission shall be a member of the Board of Supervisors
- 1 Member of the Commission shall be a County Health Officer
- 2 Members of the Commission shall be two of the following County Department Heads: Health Services Agency Director, Behavioral Health and Recovery Services Director, Community Services Agency Director
- 1 Member shall be a representative of a local school district
- 4 Members shall be Community Representatives

**B. Appointment to the Commission/Term of Appointment**

The Stanislaus County Board of Supervisors shall appoint commission members. Commission members shall serve at the pleasure of the Board. The term of office for each member shall be three (3) years and until the appointment of his/her successor.

**C. Election of Chair and Vice-Chair of the Commission**

The Executive Committee shall serve as a Nominating Committee to develop a slate of candidates for the office of Vice-Chair. At the August regular meeting of the Commission, members of the Commission shall consider the Nominating Committee's candidate(s) and shall elect a Vice-Chair for the Commission, who shall serve a term of September 1<sup>st</sup> through August 31<sup>st</sup>. Following a term as Vice-Chair, the Vice-Chair shall serve a one-year term as Chair of the Commission during the following September 1<sup>st</sup> to August 31<sup>st</sup> period. The purpose of this process is to provide continuity for a two-year period as a Commissioner moves from the office of Vice-Chair to Chair.

In the interests of promoting community involvement, it is the goal of the Commission to alternate the Chair between community representatives and County representatives. It is recognized that unanticipated and unplanned changes in Commission membership may affect the Commission's ability to attain this goal.

Upon a vacancy in the office of Chair, the Vice-Chair shall assume the office of Chair. Upon a vacancy in the office of Vice-Chair, the Commission shall hold a special election upon receiving a recommendation from the Nominating Committee.

Either the Chair or the Vice-Chair shall attend each meeting of the Commission. The Vice-Chair shall preside over any meetings of the Commission in the absence of the Chair.

**D. Attendance at Meetings of the Commission**

All members of the Commission are expected to regularly attend meetings of the Commission. A failure by any member to attend three (3) consecutive regular or special meetings of the Commission or four (4) regular or special meetings in a twelve (12) month period shall cause the Commission seat to be declared vacant. A letter shall be issued to the Board of Supervisors informing them of the vacancy.

**E. Secretary to the Commission**

The Executive Director of the Commission shall act as Secretary to the Commission.

#### IV. MEETINGS OF THE COMMISSION

- A. All meetings of the Commission shall be open and public, and shall be subject to the Brown Act, (Government Code Section 54950 et seq.), as may be amended from time to time.
- B. The audio of all meetings of the Commission shall be recorded by the Secretary of the Commission for the purpose of transcribing the official, written minutes of the Commission.
- C. The notice of the meeting shall be posted in the manner required under the Brown Act by the Secretary of the Commission or his/her designees.
- D. Otherwise, any business not considered at a meeting of the Commission shall be either: (1) continued to the next scheduled meeting, or (2) adjourned to a date and time as designated by the Commission.
- E. A quorum is necessary for any regular or special meeting of the Commission. A quorum of the Commission is the presence of five (5) Members.
- F. The business of the Commission shall be taken-up for consideration and disposition in the following order, although the order may be altered by necessity:
  - 1. Call to Order – Chair or Vice-Chair in the absence of the Chair
  - 2. Public Comments
  - 3. Announcement of Recusals
  - 4. Consent Calendar
  - 5. Approve the Minutes (Prior Meeting)
  - 6. Presentation(s) – Optional
  - 7. Reports, Discussions and Action Items
  - 8. Public Hearings – Optional
  - 9. Correspondence
  - 10. Adjournment

The order of business as noted above may be changed for any purpose during a meeting by the Chair.
- G. The Secretary, or his/her designee, shall attend all meetings of the Commission, unless excused, and record and transcribe the minutes of each meeting of the Commission, except closed sessions.
- H. Meetings may be adjourned by either less than a quorum of members, or by the Secretary to the Commission when all members are absent, as provided by the Brown Act.
- I. Regular meetings of the Commission shall normally be held at 4:00 PM on the fourth Tuesday of the month according to a schedule approved by the Commission. Meetings shall be held at 401 Paradise Road, Modesto, CA 95351, unless another location is approved by a majority of the Commission.

## V. AGENDAS

- A. Agendas for the Commission shall be prepared by the Secretary of the Commission, subject to review by the Executive Committee. The Executive Committee shall be responsible for determining when and what items are to be included; provided, however, that any Commission Member may include an item on the agenda, in accordance with the provisions of the Brown Act.
- B. Items to be included on the agenda for a meeting shall be submitted to the Secretary of the Commission no later than one calendar week prior to the scheduled regular meeting (noon 12:00 PM Tuesday the week prior to the meeting), unless a legal holiday necessitates moving the agenda deadline to an earlier time and date.
- C. No action or discussion shall be taken on any item not appearing on the posted agenda, except that Commission Members may briefly respond to statements made or questions posed by persons exercising their public testimony rights. In addition, Commission Members, on their own initiative, or in response to questions posed by the public, may ask a question for clarification, provide a reference to staff, to any of the various Commissions established by the Board of Supervisors, or to other resources for factual information, or request staff to report back to the Commission at a subsequent meeting concerning any matter. Furthermore, a Commission Member or the Commission may take action to direct staff to place a matter of business on a future agenda.
- D. Notwithstanding Section V C, any item not on the agenda may be considered by the Commission by a vote of five (5) Members under the following conditions (prior to discussing any such item, the Commission shall publicly identify the item):
  - 1. Upon a determination that an emergency situation exists; or
  - 2. Upon a determination that there is a need to take immediate action and the need for action came to the attention of the Commission subsequent to the agenda being posted.
  - 3. The item was previously posted for a meeting, which was held not more than five (5) days earlier, and at the prior meeting, the item was continued to the meeting at which action is being taken.
- E. All resolutions, agreements, leases, contracts and any other legal documents shall be reviewed and approved by the Commission's Counsel prior to submission to the Commission.

## VI. MINUTES

- A. Minutes shall be recorded and transcribed of all meetings of the Commission, except closed sessions, which minutes shall include, without limitations, the date, hours and place of the meetings, notice of the meeting, names of the Commission members and staff present and absent, and any action taken by the Commission.

- B. If any Commission member arrives after the meeting has commenced or departs before the adjournment, the minutes shall indicate such time of arrival and departure.
- C. Written reports or other written forms of communication submitted at a Commission meeting shall be included in the minutes with a record of action, if any, taken by the Commission on the report or other written communication.
- D. A summary of the oral reports and other forms of oral communication shall be included in the minutes.
- E. The titles and numbers of resolutions and other matters shall be entered into the minutes.
- F. The time of adjournment of all meetings of the Commission shall be entered into the minutes.
- G. Any Commission Member shall have the right to have his/her dissent from, or his/her protest against, any action taken by the Commission entered into the minutes by requesting that his/her remarks be made "of record" at the time such dissent or protest is made.
- H. Unless a Commission member requests the reading of the minutes of the Commission meeting, such minutes may be approved without reading if a copy thereof has been previously provided to each Commission member.

## **VII. OFFICIAL ACTION**

All official actions of the Commission shall be by resolution or by minute order duly recorded in the minutes.

## **VIII. PUBLIC COMMENT**

- A. Any person may comment and otherwise address the Commission regarding any matter relating to the Stanislaus County Children and Families Commission, in accordance with the provisions as set forth herein. Such comment(s) shall be made during the time set aside for public comments on the agenda, except, when otherwise allowed by the Chair of the Commission. Preference will be given to those persons who have first submitted a request in writing to the Secretary of their desire to make a comment, or otherwise address, the Commission.
- B. Each person addressing the Commission shall:
  - 1. State his/her name and address.
  - 2. Limit comments to five (5) minutes unless the Chair of the Commission allows additional time.
  - 3. Address their comments to the Members of the Commission.
- C. If an identifiable group of persons desires to address the Commission on the same subject matter or agenda item, the Chair of the Commission may request

that a spokesperson be selected by the group to address the Commission. If different issues are to be presented on the subject matter or agenda item by any other member of the group, the Chair may limit the number of persons and time period for speaking, as he/she deems appropriate in order to avoid unnecessary repetition of issues.

- D. Any person making personal, impertinent, slanderous or profane remarks, or who becomes unruly while addressing the Commission, may be barred from further speaking and may be ejected if his/her conduct disrupts the meeting, in accordance with the provisions herein, and applicable law.
- E. In the event any meeting is willfully interrupted by a person or person(s) so as to render the orderly conduct of such meeting infeasible, and order cannot be restored by the removal of the individual(s) who are willfully interrupting the meeting, the Chair, or Vice-Chair in the absence of the Chair, may order the meeting room cleared and continue in session.

## **IX. PROCEDURE**

- A. In the event a dispute arises concerning conduct and/or procedural matters not specifically addressed herein, then the Chair, or the Vice-Chair in the absence of the Chair, may resolve and otherwise rule on the matter(s), unless the Commission by appropriate motion made and carried, deems otherwise.
- B. Procedure with respect to motions shall be as follows:
  - 1. When a motion is under consideration by the Commission, no other motion shall be received unless a decision has been made of one of the following:
    - a. To adopt and approve the motion
    - b. To continue to a certain date
    - c. To direct staff on the matter, and continue to a later date for consideration
    - d. To amend
    - e. To postpone indefinitely, to 'table' the motion
  - 2. When a motion is seconded, the Chair shall state the motion before consideration of any other matter may begin.
- C. The procedure with respect to voting shall be as follows:
  - 1. At least five (5) members must be present and voting for the transaction of business, except with respect to those matters, which require nine (9) votes or a unanimous vote of the Commission, as required by law. When at least five (5) members are present and voting, a vote with at least five affirmative votes constitutes an official action of the Commission.
  - 2. An abstention by any member casts no vote whatsoever, and hence, shall not be considered for purposes of determining whether an affirmative action was taken by the Commission.



3. A member may vote on a legislative or quasi-legislative matter even though he/she missed all or part of the discussion or public hearing.
4. A member may not vote on a judicial or quasi-judicial matter if he/she missed all or part of the public hearing, unless he/she considers and appraises the evidence prior to participating in the decision.
5. In the event a conflict of interest prevents at least five Commission members from voting on an issue, the provisions of the Brown Act will be applied to enable a quorum to cast votes.

**X. PUBLIC HEARINGS**

- A. The Commission shall hold public hearings when required by law and whenever called for by the Commission.
- B. Procedurally, the Chair shall open a public hearing, and at the conclusion thereof, the Chair shall close it.

**XI. AMENDMENTS TO THE BYLAWS**

The Bylaws may be amended from time to time upon official action of the Commission.

**XII. SEVERABILITY AND INVALIDITY**

If any provision of these Bylaws, or any Amendment thereto is found to be invalid, void or enforceable by any court of competent jurisdiction, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way, and shall be in effect only to the extent that it is in contravention of applicable laws without invalidating the remaining provisions.

**XIII. CONFLICTS OF INTEREST**

All members of the Commission shall be required to complete the Conflict of Interest forms, entitled "Statement of Economic Interests for Designated Officials and Employees", Form 700 of the Fair Political Practices Commission (FPPC), in accordance with the requirements of the FPPC and in accordance with the requirements of the Conflicts of Interest Code as adopted by Stanislaus County.

In furtherance of its commitment to open government, the Commission has adopted a "Conflict of Interest Code" as Section 204 of its Policies and Procedures Manual. The Commission has also adopted a secondary document entitled "Supplemental Ethics Policies". Commission members shall comply with these conflict and ethics policies and any other applicable State or Federal laws.