

**Tulare County Child Care Planning Council
Bylaws**

Approved September 14, 2010

Article I Name

The Council shall be designated the Tulare County Child Care Planning Council, referred to hereafter as the “Council.”

Article II Authority

The Tulare County Board of Supervisors and the Tulare County Superintendent of Schools, referred to hereafter as the “Board” and “Superintendent,” on June 2, 1998 created the Council. This was done in accordance with Education Code section 8499.3, which required the formation of county level child care and development planning councils. The Council recognizes that it is the intent of the Legislature that local childcare and development planning councils shall provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities.

Article III Mission Statement

The mission of the Tulare County Child Care Planning Council is to be a voice for and collaborate for seamless care for all children. As the voice, the Council will:

- A. Serve in an advisory capacity to state and local government agencies, community organizations, providers of child care services and families.
- B. Work together as a partnership to identify and establish service priorities for children and families.
- C. Develop a strategic plan for child care services that will be flexible and appropriate, supporting the unique and diverse needs of Tulare County’s families and children.

Article IV Structure

The Council shall carry out the following duties and functions as specified in the Local Child Care and Development Planning Council Program Contract Requirements and Education Code Section 8499.3 – 8499.7:

- A. Duties and Functions

1. Elect a Chair.
2. Employ, as an LPC Coordinator, staff person (s) equivalent to at least one full-time position. The LPC Coordinator shall assist the LPC in meeting the mandates set forth in Title 1, Division 1, Part 6, Chapter 2.3 of the EC. Additionally, the LPC shall employ support staff as deemed necessary to meet LPC roles and responsibilities.
3. Conduct an assessment of child care needs at least once every five years. The needs assessment shall meet the requirements as specified in EC Section 8499.5 (b).
4. Document information gathered during the needs assessment which shall include, but need not be limited to, data on supply, demand, cost, and market rates for each category of child care in the county.
5. Submit the results of the needs assessment and the local priorities identified by the LPC to the CBS and the CSS for approval before submitting them to CDE.
6. Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs.
7. Encourage public input in the development of the LPC priorities. Opportunities for public input shall include at least one public hearing during which members of the public can comment on the proposed priorities.
8. Conduct a periodic review of child care programs funded by the CDE and the CDSS to determine if identified priorities are being met.
9. Collaborate with all interested parties, including, but not be limited to, subsidized and non-subsidized child care providers, county welfare departments, human service agencies, regional centers, job training programs, employers, integrated child and family service councils, local and state children and families commissions, parent organizations, early start family resource centers, family empowerment centers on disabilities, and local child care resource and referral programs, to foster partnerships designed to meet local child care needs.

10. Facilitate community-based efforts to coordinate part-day programs, including state preschool and head Start, with other child care and development services to provide full-day, full-year child care and development services based on guidelines and funding models approved by state and federal agencies.
11. Develop and implement a training plan to provide increased efficiency, productivity, and facilitation of LPC meetings.
12. Report significant activities and challenges quarterly and complete an annual self-evaluation review by November 15, and submit reports and the annual self-evaluation review to CDD.

In addition to funds received from the contract with the California Department of Education/Child Development Division (CDE/CDD), the Council may apply for other funds and resources to accomplish the foregoing duties and mission.

B. Governance

1. The Council will be governed by contracts, education code, these bylaws, statutes and policies and procedures that have been developed.
2. The Council defines the scope of work and activities of the Council and Council staff to meet the requirements of the contracts.
3. The Planning Council Coordinator shall act as a liaison between the LPC, the fiscal agent/contractor, CDE and other funders.

Article V Membership

Pursuant to Education Code Section 8499.3 (c) (1) (A) – (E)

- A. The Council is composed of no more than 25 members with 20% of total members at any given time to be appointed by the Board of Supervisors and the Superintendent of Schools from each of the specific categories listed in Section B.
- B. Council members are to be appointed from the following categories:

1. Twenty percent consumers, defined as a parent or person who receives, or who has received within the past 36 months, child care services.
 2. Twenty percent child care providers, defined as a person who provides child care services or represents persons who provide child care services.
 3. Twenty percent public agency representatives defined as a person who represents a city, county, city and county, or local education agency.
 4. Twenty percent community representatives, defined as a person who represents an agency or business that provides private funding for child care services, or who advocates for child care services through participation in civic or community-based organizations but is not a child care provider and does not represent an agency that contracts with the California Department of Education to provide child care and development services.
 5. Twenty percent are to be appointed from any of the above categories or outside of these categories at the discretion of the appointing agencies.
- C. In June of 2000, lot determined terms beginning July 1, 2000. Initially, half of the members appointed by each appointing entity served three-year terms, expiring June 30, 2003 and half of the members served two-year terms, expiring June 30, 2002. The Council drew lots for vacant positions.
- D. After June 30, 2002 all Council members will be appointed for two-year terms.
- E. Council members are expected to attend all regular and special meetings. Council members may not appoint a designee. Failure of a member to attend two consecutive bimonthly meetings of the Council without proper excuse will result in a vacancy in the member's seat on the Council, and a request will be made to the appointing authority to fill the vacancy. The Council member may request approval from the Council to be absent from two consecutive bimonthly meetings by providing a written request with sufficient justification for his or her absence prior to the second meeting. Following a written request by a member, the Executive Committee may grant a leave of absence for a period of not more than six months. During a leave of absence the member

shall not be considered a member of the Council for quorum and voting purposes.

- F. Council members may apply for reappointment.
- G. Council members are unpaid volunteers and shall serve without compensation except for the reimbursement of approved actual expenses incurred while conducting activities on behalf of the Council. Members are ineligible to receive any type of financial compensation from the LPC, AB 212 or other funding the Council receives. This includes, but is not limited to AB 212 stipends.
- H. The appointing authorities shall make every effort to ensure that the ethnic, racial, and geographic composition of the Council is reflective of the population of the county.

Article VI Vacancy of Membership

- A. The Planning Council Coordinator will notify the appointing authority whenever a vacancy occurs so that they may fill the vacancy in the appropriate category.
- B. An individual appointed to fill a vacancy shall complete the unexpired portion of the term of their predecessor.

Article VII Officers and Duties

- A. Officers elected by the Council shall be the Chair, Vice Chair, and Secretary and shall serve a two-year term beginning in July of each year. Officers shall be limited to two consecutive terms per office.
- B. The Vice Chair shall become the Chair for the remainder of the term if the Chair becomes vacant.
- C. If the Vice Chair or Secretary positions become vacant, the Executive Committee may fill the office by appointment with the approval of the Membership.
- D. A Council officer may be removed from office by a two-thirds vote of the council.
- E. The Chair shall:
 - 1. Preside over all meetings.

2. Cause documents to be prepared for the approval of the Board and the Superintendent.
 3. Appoint members to committees other than the Nominating Committee.
 4. Act as an ex-officio member on all committees except the Nominating Committee.
 5. Represent the Council or designate a representative at public functions.
- F. The Vice Chair shall assume the duties of the Chair when the Chair is absent or unable to perform the duties of the Chair.
- G. The Secretary and staff shall be responsible for the minutes and records of the Executive Committee and Council meetings.

Article VIII Committees and Duties

- A. The Executive Committee shall be composed of the following:
1. Chair
 2. Vice Chair
 3. Secretary
 4. Prior Council Chair
 5. The Chair will appoint one representative from the Board contingency and one representative from the Superintendent contingency.
- B. The duties of the Executive Committee shall include, but are not limited to:
1. Reviewing and approving/denying request from members to be absent from two consecutive meetings.
 2. Reviewing and approving/denying requests for a leave of absence.
 3. Setting the agenda for Council meetings.
 4. Developing guidelines for conducting Council business.

5. Reviewing and responding to requests for letters of support from outside agencies/organizations.
 6. Reviewing applications to fill Council vacancies and referring recommended applications to the appropriate appointing authority.
 7. In collaboration with the Fiscal Agent/Contractor, develop and/or revise the Council budgets (LPC, AB 212, Summit, Breakfast, etc.) and submit them to the full Council for approval.
 8. Provide oversight of all fiscal matters of the Council.
 9. In conjunction with TCOE Personnel Policies and a TCOE Liaison, participate in the hiring, supervision and annual evaluation of the Council Coordinator.
 10. Provide direction to the Coordinator with regards to work assignments, tasks and activities to be conducted.
- C. The Nominating Committee shall consist of five Council members, one from each category. Members will be chosen by lottery process with all appointed members being placed in the pool of potential committee members.
- The duties of the Nominating Committee are to select a Chair for the committee and locate members interested in serving as an officer.
- D. Additional Council committees shall be formed as needed.

Article IX Elections

- A. The slate of candidates shall be presented at the April meeting. Additional nominations may be taken from the floor.
- B. Election of officers shall be conducted at the June meeting. If a quorum is not present at the meeting, the election of officers shall take place at the next meeting at which a quorum is present. Newly elected officers terms shall begin July first of each year.
- C. The slate of officers must be approved by an affirmative vote of a majority of the Council members present at the meeting.

- D. If there is more than one candidate for any office, then a vote by ballot shall be taken.

Article X Meetings

- A. The Council will hold no more than ten meetings per year including regional meetings.
- B. Meetings of the Council, and appointed standing sub-committees with continuing subject matter jurisdiction or a fixed meeting schedule, and ad hoc sub-committees unless the membership is composed solely of less than a quorum of Council members, shall be held in accordance with the Ralph M. Brown Act, Government Code Sections 54950-54962. The public comment period is limited to fifteen minutes and each individual/organization comment is limited to three minutes. The council is unable to take action on any item not appearing on the agenda.
- C. A meeting of the Council may be called by the Chair, the Executive Committee, or by a majority of the full Council. Written notice of such meeting must be provided to any person who has previously requested notice.
- D. Written notice of Council meetings shall be mailed to all Council members one week prior to meetings.

Article XI Voting Procedures

- A. Each Council member has one vote. Proxy votes received in writing or electronically are permitted.
- B. A quorum shall be required for the transaction of business. A quorum shall consist of a majority of appointed members. Members participating via the telephone or video will be included in establishing a quorum. Members voting by proxy will not be included in the quorum.
- C. No member of the Council shall participate in a vote if he or she has a proprietary interest in the outcome of the matter.
- D. Action taken by the Council at a meeting requires, at a minimum, a majority of a quorum of the Council members.
- E. Voting by show of hands on any matter is acceptable.

- F. Records shall be kept of all votes.

Article XII Conflict of Interest

Council members and the Planning Council Coordinator must complete Form 700 Statement of Economic Interests upon assuming/leaving office and annually by April first. No voting member shall participate in a vote if he or she has a proprietary interest in the outcome.

The purpose of this policy is to establish safeguards to prohibit members of the Council from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others. A Council member is deemed to have a conflict of interest when he/she, or a relative or business associate, has one or more of the following relationships existing with the item being discussed and voted on:

- A. Ownership of financial interest, directly or indirectly, through business investment or family.
- B. Director, trustee or officer.
- C. Employee and/or compensation arrangement.
- D. Provider of goods or services, material or other substantial interest which may inhibit objective decision making.

Conflict of Interest Procedures:

- A. Disclose the existence of the conflict.
- B. Disclose the nature of the conflict.
- C. Abstain from discussion of or attempting to influence the decision.
- D. Abstain from voting.
- E. Physically leave the discussion table during consideration of the decision, so that it is obvious you are not participating.
- F. Ensure that the disclosure and abstention are reflected in the minutes.

Article XIII Council Positions on Legislation

The Council can recommend that the Board and the Superintendent take a position on particular legislation that affects child care issues in Tulare

County, or that affects the Council. The Council will comply with federal regulations and contract certification requirements against lobbying, and will not use any federal funds for lobbying efforts, including taking positions on any legislation at the federal level.

Article XIV Bylaws

- A. These bylaws were originally approved by the Council, the Board and the Superintendent and became effective in December of 1998. These bylaws were amended by the Council:

July 1, 2001

November 13, 2003

February 12, 2004

December 8, 2005

December 12, 2008

April 7, 2010

September 14, 2010

- B. These bylaws may be amended by an affirmative vote of two-thirds of those members present at any meeting provided the amendments have been submitted to the membership at least 30 calendar days following the meeting at which the amendment was proposed. The Council must approve all amendments, with notification to the Board and the Superintendent.

Article XV Parliamentary Authority

Unless otherwise prescribed in these bylaws or by the Council, Robert's Rules of Order, latest edition, shall guide parliamentary procedure of the Council.