

PROPOSED AMENDMENTS
MARIN COUNTY CHILD CARE COMMISSION
BY-LAWS
(As Amended on November 5, 2001)

ARTICLE I
NAME

The name of this Commission shall be the Marin County Child Care Commission

ARTICLE II
MISSION AND RESPONSIBILITIES

The Marin County Child Care Commission's mission, as defined by the Board of Supervisors of the County of Marin, is to promote broad county-wide support for the Marin County Child Care Master Plan.

The responsibilities of the Commission shall be as follows:

1. To report to and advise the Board of Supervisors of the County of Marin as to specific measures county government might take to support the implementation of the Child Care Master Plan;
2. To strengthen and deepen the collaboration and cooperation among all sectors involved in the development of the Child Care Master Plan;
3. To facilitate and coordinate community participation in the implementation of the Child Care Master Plan;
4. To report to the Board of Supervisors of the County of Marin on federal, state and local legislation relating to child care and advise the Board on appropriate actions;
5. To provide a Marin County voice in state and national advocacy arenas regarding child care and child development;
6. To draft a child care element for consideration for inclusion in the Marin County General Plan;
7. To coordinate and collaborate with, and report to, other county commissions, specifically the Planning Commission, Economic Commission and appropriate Health and Human Service commissions regarding the inclusion of measures supporting child care and child development services;

8. To propose strategies and take action, when appropriate, for generating new financial resources to support affordable and accessible child care in Marin;
9. To act as the Local Planning Council, as defined in the California Education Code 8499, setting local priorities for child care block grant funds.

ARTICLE III MEMBERSHIP

- 3.1 Members. The members of the Commission shall be set forth, as defined in the California Education Code 8499.3 and adopted by the Board of Supervisors of the County of Marin to include the targeted areas as defined in the Marin County Master Plan for Child Care, and as amended from time to time. The Commission shall consist of 20 members. Consistent with the California Education Code 8499.5, the Board of Supervisors and the County Superintendent of Schools shall each appoint 10 members of the Commission with 2 positions designated for each of the 5 state-mandated categories which include (1) Child care consumers: defined as parents or persons who have received child care services in the last 36 months; (2) Child care providers: defined as persons who provide child care services or represent persons who provide such services; (3) Public agency representatives: defined as persons who represent a city county, city and county, or local education agency; (4) Community representatives: defined as persons who represent an agency or business that provides public funding for child care services, or who advocate for child care services through participation in civic or community based organizations but are not child care providers or representatives from an agency funded by the California Department of Education; (5) Discretionary appointees: defined as anyone from the above categories or outside of these categories.
 - 3.1.1 Upon recommendation of the Commission, changes in Commission membership shall be made by the County of Marin Board of Supervisors and the County Superintendent of Schools. **“It is the intent of the Commission to maintain the broadest range of agency representation and avoid multiple appointments from the same agency to the maximum extent possible.”**
A Commissioner may represent more than one constituency if such representation is deemed appropriate.
 - 3.1.2 The intent of the Commission is that representatives shall reflect the ethnic, racial, gender, sexual orientation and geographic areas of Marin and the communities involved in child care in Marin County.
- 3.2 Term. After staggered terms are created in the first session of the Commission, each

Commissioner shall have a term of two years. No Commissioner shall serve more than four (4) consecutive terms on the Commission. Any vacancies shall be filled for the remainder of the unexpired term. In the event that the remainder of the term is one year (12 months) or more, it shall be considered the first of four (4) consecutive terms a Commissioner may serve.

- 3.3 Reimbursement. Commissioners shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of Commission business. Commissioners may receive reimbursement for necessary travel and other expenses incurred on official business in accordance with established Commission and County policy.
- 3.4 Commissioners Responsibilities. Commissioners shall:
 - 3.4.1 Attend Commission Meetings;
 - 3.4.2 Participate in project development and implementation by the Commission;
 - 3.4.3 Serve on at least one (1) Commission committee; and
 - 3.4.4 Undertake such other activities as shall be appropriate to carry out the Commissions mandate as described in Article II of the Marin County Child Care Commissions By-Laws.

ARTICLE IV OFFICERS AND DUTIES

- 4.1 Officers. The officers of the Commission shall be the Chairperson, Vice-Chairperson and Secretary/Treasurer After the election of officers, the Chair and Vice-Chair may agree to serve as Co-Chairs and shall be recognized and designated as such.
- 4.2 Term. The term of office for the officers of the Commission elected pursuant to Article V of these Bylaws shall commence on January 1 following the meeting at which they are elected and shall continue for a period of one year or until such later date as their successors are elected. In no event shall any Commissioners serve in the same office for more than two (2) consecutive terms, and no Commissioner shall simultaneously hold more than one office designated in Section 4.1 of these Bylaws. In the event that a Commissioner is elected or succeeds to fill a vacancy in any office, the remainder of the term in which the vacancy occurs shall be considered the first of two consecutive terms to which she or he is entitled if, the remainder of the term in which the vacancy occurs is six (6) months or more.
- 4.3 Duties of the Chairperson(s). The Chairperson(s) shall:
 - 4.3.1 Preside at all meetings of the Commission;
 - 4.3.2 Appoint all committees except a Nominating Committee
 - 4.3.3 Act as official spokesperson(s) for the Commission.
- 4.4 Duties of the Vice-Chairperson. The Vice-Chairperson shall

- 4.4.1 Perform the duties of the Chairperson in the absence of the Chairperson;
- 4.4.2 Serve in such capacities as may be assigned by the Chairperson.
- 4.5 Duties of the Secretary/Treasurer. The Secretary/Treasurer shall:
 - 4.5.1 Certify the resolutions of the commission and such other documents as may be required;
 - 4.5.2 Prepare periodic written financial reports, in coordination with commission staff, for presentation to the Commission not less frequently than once annually;
 - 4.5.3 In coordination with Commission staff, take minutes at commission meetings;
 - 4.5.4 Perform such other acts as assigned by the commission.
- 4.6 Vacancies. Notwithstanding any other provision contained in these Bylaws, any vacancy in the office of Chairperson(s), Vice-Chairperson, or Secretary/Treasurer which occurs during the unexpired term of office shall be filled as soon as practicable and no later than the second regularly scheduled Commission meeting following the date the vacancy occurs in order to allow a nominating committee time to meet and make recommendations to the Commission. The election of the officer shall then be conducted by a show of hands or by ballot.
- 4.7 Resignation. Resignation of officers and officers-elect shall be presented in writing and be delivered to the Commission office. Commissioners shall be notified in writing of the resignation of any officer as soon as practicable and no later than by the next scheduled Commission meeting.
- 4.8 Removal from Office. The Chairperson(s), the Vice-Chairperson, or Secretary/Treasurer may be removed from office only upon the affirmative vote of not fewer than a majority of appointed Commissioners at a duly called and constituted regular or special meeting of the Commission, provided that removal of such officer shall have been noticed upon the agenda for that meeting.

**ARTICLE V
ELECTION OF OFFICERS**

- 5.1 Election Meeting. Except as provided in Sections 4.6 - 4.8 above, all officers of the Commission shall be elected in accordance with the provisions of this Article at the regular meeting of the Commission held during the month of November.
- 5.2 Nominations. A nominating committee shall meet when necessary and no later than the month of September and shall select a slate of officers containing one nominee for each office. The Nominating Committees slate of officers shall be made available to each member of the Commission, in writing, no fewer than two (2) weeks prior to the election meeting. Additional nominations may be submitted by any member of the Commission at the election meeting.

- 5.3 Vote. The election of officers shall be by a show of hands or by ballot.
- 5.4 Election. Election shall be by a majority of all votes cast.

ARTICLE VI MEETINGS

- 6.1 Regular Meetings. The Commission shall meet at least once each calendar month at a regularly established time and place. Each year, the Commission may choose to eliminate one regularly scheduled summer meeting date upon the agreement of the majority of members. All meetings of the Commission, whether regular or special meetings, shall be public meetings. The Commission shall post an agenda containing a brief description of all items of business to be transacted at the meeting at least seventy-two (72) hours prior to each meeting. The agenda shall indicate the time and place of each meeting.
- 6.2 Special Meetings. Special meetings of the Commission may be called by the Chairperson(s) or by a written request signed by any two (2) of the Commissioners and sent to the Chairperson, with a copy to the Coordinator of the Commission, no fewer than two (2) weeks prior to the date of the meeting. The written request shall contain an agenda of all items to be discussed and/or acted on at such meeting. The date, time and location of any special meeting requested by two (2) or more Commissioners may be designated by such Commissioners in their request for the meeting, or if no such designation is made, then the time, date or location of such meeting shall be determined by the Chairperson(s).
- 6.3 Committee Meetings. The time, date and location of any committee or subcommittee meeting shall be determined by the chairperson of such committee or subcommittee.
- 6.4 Notice of Meetings. At least seventy-two (72) hours before a regular meeting and twenty-four (24) hours before a special meeting. The Commission shall post a notice of meeting, setting forth the time, date and location of the meeting and an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting. Each agenda for a meeting, whether regular or special, shall provide an opportunity for public comment. Notification of any change in the time or place or cancellation of meetings shall be given three (3) days in advance to the Board of Supervisors and to all representatives of the communications media who have filed written requests therefore. All notices of Commission meetings shall contain a notation that in the event a quorum is not present those attending will meet as an ad hoc committee to discuss business contained in the agenda and to vote to recommend actions to the Commission.

6.5 Quorum and Actions in the Absence of a Quorum.

6.5.1 Commission meetings. The presence of a majority of Commission members, not counting positions which are currently vacant, shall constitute a quorum for the conduct of business at any meeting of the Commission. In the event of the absence of a quorum or the loss of a quorum at any Commission meeting, an ad hoc committee comprised of those Commissioners present may vote to recommend actions to be taken by the Commission on agenda items. Action shall be taken by the Commission on any recommendation made by such an ad hoc committee at the next regularly scheduled meeting of the Commission at which a quorum is present. In the event a recommendation is made by an ad hoc committee as provided in this Section, the minutes of such committee meeting shall contain a summary of the discussion preceding the vote on the recommendation. The Chairperson or, in her/his absence, the Vice-Chairperson, shall serve as chairperson of such ad hoc committee.

6.5.2 Committee meetings. A majority of the members of a committee shall constitute a quorum for the conduct of business at any committee meeting. In the absence of a quorum or the loss of a quorum at any committee meeting, an ad hoc committee comprised of the members of such committee who are present may vote to recommend action to be taken by such committee on agenda items. Action taken by the full committee will proceed in the same manner as in Section 6.5.1.

6.6 Business to be Conducted at Meetings.

6.6.1 Regular Meetings. The business to be conducted at any regular meeting of the Commission shall be as set forth in the agenda provided with the notice of such meeting. No action may be taken on any item that was not included in the agenda for such meeting, unless there is a determination by a two-thirds (2/3) vote of the Commission, or if less than two-thirds (2/3) of the members are present, the unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted as specified in Section 6.4 above.

6.6.2 Special Meetings. The business to be conducted at any special meeting of the Commission shall be set forth in the call and notice for the special meeting, and no other business shall be considered at such a special meeting.

6.6.3 Committee Meetings. The business to be conducted at any committee meeting of the Commission shall be determined at the discretion of the committee members, as long as a committee does not constitute more than 50% of the appointed Commissioners.

- 6.7 Attendance. The Board of Supervisors or the County Superintendent of Schools shall be advised, and the Commission will request, that a vacancy be declared when a Commissioner fails to attend four (4) regularly scheduled Commission meetings within the immediately preceding 12 month period.
- 6.8 Voting. Voting shall be by a show of hands or by roll call. No proxy votes or votes by mail will be permitted.
- 6.9 Conduct of Meetings. All meetings shall be conducted in accordance with any and all applicable laws; these Bylaws and in a semi-formal fashion utilizing Roberts Rules of Order, Newly Revised when necessary. However, in the event of a conflict between these Bylaws and Roberts Rules of Order, Newly Revised, the provisions of these Bylaws shall control.

ARTICLE VII COMMITTEES

- 7.1 Generally. The Commission will have one standing committee, being an executive committee. The Commission shall also have such ad hoc committees as are deemed necessary to carry out the Commissions mandate. All committee members shall be appointed by the Chairperson(s), subject to the applicable provisions in the following Sections. Each committee shall elect its own Chairperson. The Chairperson of the Commission may be a member of any committee except a nominating committee. Each committee should have no fewer than two (2) Commission members.
- 7.2 Executive Committee. The Executive Committee shall consist of five (5) members comprised of the Chairperson, the Vice-Chair (or Co-Chair), the Secretary/Treasurer, and two (2) additional members designated by the Executive Committee. The Executive Committee shall set the agenda for regular Commission meetings (subject to Section 5.1 of these Bylaws), make recommendations to the Commission and implement policies set by the full Commission.
- 7.3 Ad Hoc Committees. The Executive Committee shall appoint subject to approval by the Commission such ad hoc committees as it determines are necessary from time to time to carry out the Commissions mandate. Such ad hoc committees shall consist of not fewer than two (2) Commissioners, and may include persons who are not members of the Commission.

**ARTICLE VIII
RECORDS, REPORTS AND FISCAL YEAR**

- 8.1 Records. The Commission shall keep or cause to be kept the following records:
- 81.1 Minutes of all regular and special meetings of the Commission, showing the time and place of each meeting, the notice given, the names of the Commissioners present, and the business conducted. The minutes shall also contain the names of the absent Commissioners and whether the absence is with or without notice. The minutes shall be written and presented for correction and approval at the next regular meeting.
 - 8.1.2 Minutes of all Committee meetings of the Commission showing the time and place of each meeting, the names of the Commissioners present, and the business conducted. The minutes shall also contain the names of the Commissioners absent. The minutes shall be written and presented for correction and approval no later than at the next committee meeting.
 - 8.1.3 Adequate and correct financial reports, with financial information provided by the Department of Health and Human Services, Division of Employment and Training, showing assets, liabilities, receipts, disbursements, gains and losses of the Commission.
- 8.2 Reports. The Commission shall prepare at least *once* each calendar year, a written report or reports of its activities during the preceding year, and present a copy of such report(s) to the Board of Supervisors of Marin County and the County Superintendent of Schools.
- 8.3 Fiscal Year. The fiscal year of the Commission shall commence July 1 of each calendar year and shall terminate June 30 of the following calendar year.

**ARTICLE IX
STANDING RULES**

The Commission in its discretion may adopt standing Rules governing the conduct of its business, provided that such Standing Rules shall not be in conflict with these Bylaws or any applicable laws of any governmental authority or agency having jurisdiction over the Commission and provided further that such Standing Rules may be adopted, amended, modified, or repealed by majority vote of the Commissioners present at any duly called and constituted meeting of the Commission.

**ARTICLE X
GOVERNING PROVISIONS; SEVERABILITY**

- 10.1 Applicable Laws; Severability. Any and all applicable laws of any governmental authority or agency having jurisdiction over the Commission are hereby incorporated by reference as if fully set forth herein. In the event of a conflict between such applicable law(s) and any provision(s) of these Bylaws these Bylaw provisions shall be considered null and void; provided, however, that any and all provisions of these Bylaws not so affected shall remain in full force and effect.

**ARTICLE XI
EFFECTIVE DATE: AMENDMENTS**

- 11.1 Effective Date: These Bylaws shall be effective upon their adoption at a regularly scheduled meeting of the Commission and shall supersede any and all Bylaws previously adopted by the Commission and any and all resolutions adopted by the Commission which may be in conflict with the provisions contained herein.
- 11.2 Amendments. Proposed amendments to these Bylaws shall be submitted in writing to the Chairperson(s). Upon receipt of any such proposed amendment(s) the Chairperson shall immediately appoint a Bylaws committee. The Bylaws Committee shall review the proposed amendment(s) for action by the full Commission at its next regularly scheduled meeting. Any such proposed amendment and the recommendation of the Bylaws Committee relative thereto shall be transmitted to the full Commission together with the agenda of the Commission meeting at which such Bylaws amendment(s) are to be considered. Notwithstanding any provision to the contrary contained herein, no adoption, amendment, deletion, modification, or ratification of these Bylaws shall be effective unless approved by a vote of two-thirds (2/3) of the Commissioners present at a duly called and constituted regularly scheduled meeting of the Commission. Nothing herein is intended to, nor shall it, preclude the Chairperson(s) from appointing a Bylaws Committee to review and make recommendations to the Commission regarding the Bylaws at any time the Chairperson(s) believes a review of the Bylaws may be appropriate.

Marin County Child Care Commission Bylaws passed January 10, 1996.
Marin County Child Care Commission Bylaws amended December 7, 1998.
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Marin County Child Care Commission Bylaws amended September 8, 2008.