

Early Childhood Council of Kern

BYLAWS Revised May 29, 2012

Mission Statement

The Early Childhood Council of Kern is dedicated to promoting and supporting a community-wide effort that results in a high quality child care system that meets the needs of all Kern County children and families.

Quality Statement

The Early Childhood Council of Kern believes that a high quality child care setting promotes:

Child development

- Physical, social, emotional, creative and intellectual development with respect to a child's ability and culture;
- Frequent, positive, warm interactions appropriate to a child's age and development;
- A variety of planned learning activities appropriate to a child's age and development;

Health and safety

- Healthy, safe and nurturing environments;
- Nutritious meals and snacks;
- A sufficient number of knowledgeable and skilled providers to respond to the needs of each child;

Program Administration

- On-going communication with families and opportunities for meaningful family involvement;
- An opportunity for training and support for providers;
- An effective program administration which includes an on-going, systematic evaluation process

Article I. Purpose

In accordance with AB 1542, enacted January 1, 1998, the formation of the Kern County Child Care and Development Planning Council was approved by the Kern County Board of Supervisors and the Kern County Superintendent of Schools for the purpose of providing a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities. As of December 3, 2009 this planning council shall be named the Early Childhood Council of Kern. The Council shall operate on the fiscal year of July 1 to June 30.

Article II. Governance

Pursuant to AB 1542 (revisions to Ed. Code Sections 8499.3 and 8499.5), the Kern County Board of Supervisors (KCBOS) and the Kern County Superintendent of Schools (KCSOS) are mandated to be involved in the local child care planning process.

The KCBOS and KCSOS are directed to fulfill specified responsibilities including appointing members to the Local Planning Council (LPC) known as the Early Childhood Council of Kern (the Council) according to the guidelines prescribed in AB 1542.

The Council receives its authority and responsibility jointly and equally from the KCBOS and the KCSOS, and is directly accountable to these bodies.

The Council is an advisory body to the KCBOS and the KCSOS. The Council is required to accomplish specified activities that support the local planning process pursuant to AB 1542.

The statute further describes the composition of the Council and how appointments are made by the KCBOS and the KCSOS in reference to specific categories of representation.

The authority to oversee Council decisions and appoint council members remains equally divided between the KCBOS and KCSOS.

The State of California via the California Department of Education, Child Development Division (CDE/CDD), provides funding to the Council through the Local Planning Grant (LPG) contract. The KCSOS, as the Local Education Agency, has been identified by the CDE/CDD as the legal entity to serve as the fiscal agent and LPG contract administrator for the Council.

The LPG contract outlines specific responsibilities described in AB 1542 for the KCBOS, KCSOS and the Council, and contract reporting requirements for the legal entity.

The Council defines the scope of work and activities of the Council to meet the LPG contract mandates.

As legal entity, the KCSOS has additional fiduciary responsibilities to manage the fiscal and personnel resources of the Council, to maximize the effectiveness of the funding to fulfill the contract mandates and scope of work as defined by the Council. The administration of Council funding by the KCSOS is done with the approval of the Council subject to contract mandates and funding terms and conditions, in accordance with school accounting practices.

As identified in the Council Bylaws, the KCSOS provides staff and administrative support to the Council with funding from the CDE/CDD to support the Council's plan of work.

The KCSOS, in serving as the fiscal agent for the Council, assumes all the rights and responsibilities concomitant with that of an employer. The KCSOS is responsible to hire, supervise, evaluate, manage, coordinate and direct staff to support the plan of work as defined by the Council within the funding resources available to the Council.

As specified in the Council Bylaws, the Executive Committee of the Council is responsible to provide leadership, financial accountability and policy recommendations to the Council.

The Executive Committee, as representative of the Council, acts as the primary liaison to the KCSOS in matters relating to the allocation of staff responsibilities and management of resources funded by the CDE/CDD contract as well as additional local funding resources.

All legal matters are referred to County Counsel and the Kern County Superintendent of Schools Legal Service.

Article III. Duties

The Early Childhood Council of Kern shall:

1. Elect a chair.
2. Employ, a staff person by arranging for the services of an appropriately qualified individual to be furnished by KCSOS. The staff person shall assist the Council in

meeting the mandates set forth in Title 1, Division 1, Part 6, Chapter 2.3 of the Education Code.

3. Conduct an assessment of child care needs at least once every five years. The needs assessment shall meet the requirements as specified in Education Code 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 Council to the KCBOS and KCSOS for approval before submitting them to California Department of Education.
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 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 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 services 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 to provide full-day 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 local planning council meetings.
12. Report significant activities and challenges annually and complete an annual self-review by November 15, and submit reports and the annual review to the California Department of Education, Child Development Division.

Article IV. Nomination, Appointment and Term of Members

Section 1. Composition of the Early Childhood Council of Kern. The Council membership shall be limited to 30 members and be representative of the following categories:

- a. Twenty percent child care consumers - a parent or person who receives, or who has received child care services within the past 36 months.
- b. Twenty percent child care providers - a person who provides child care services and represents the diversity of the types of child care providers in the county.
- c. Twenty percent public agency representatives - a person who represents a city, county, city and county, or local education agency and who funds, regulates, or monitors the delivery of child care services.
- d. Twenty percent community representatives - 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 CDE to provide child care and development services.

- e. Twenty percent jointly appointed from any of the four above categories at the discretion of the appointing agencies.

Membership is conferred upon individuals, not agencies or organizations.

Section 2. Selection of Members. The KCBOS and the KCSOS shall each appoint one-half of the members from each category. The KCBOS and the KCSOS shall make every effort to ensure that the ethnic, racial and geographic composition of the Council is reflective of the ethnic, racial and geographic distribution of the population of the county. The KCBOS and the KCSOS shall accept applications for membership on a continual basis. All members must be residents of Kern County.

Section 3. Term of Early Childhood Council of Kern Members. All Council members shall serve three-year terms, at the pleasure of, and be removed at any time without cause by, the appointing entity. There shall be no limit of the number of consecutive terms a member may serve. It is the responsibility of the member to request reappointment by the appointing entity prior to the end of the term.

Section 4. Resignation. Any member of the Council may resign by giving written notice to the Chair of the Council who will then forward the notice to the appropriate appointing authority requesting a replacement for the remainder of the un-expired term.

Section 5. Vacancies. When a position becomes vacant, due to resignation or other extenuating circumstances, the Chair of the Council shall notify the appointing authority and a notice of vacancy will be publicized by the appointing entity pursuant to the "Maddy Local Appointive List Act of 1975." An individual appointed to fill a vacancy shall complete the unexpired portion of the term of their predecessor.

Section 6. In order to maintain the mandated composition of the Council, any member who no longer represents the category of their initial appointment will be referred to the appointing entity with a request by the Council for replacement.

Section 7. Attendance. Any Council member who fails, to be in attendance at more than a total of three (3) general meetings within the year, shall be referred to the appointing authority with a request from the Council for a replacement. Member attendance may be in person, by teleconference or video conference. A member may formally request a leave of absence for up to five (5) months due to health or work related issues. Written request must be submitted to the Executive Committee with the matter being reviewed at the end of the specified leave.

Section 8. Alternates. A Council member may designate an Alternate to attend in the member's place at general and subcommittee meetings and assume voting rights if the Alternate's name is on file with the Council office. A member may not designate more than two (2) concurrent Alternates within the year. An alternate may not attend a general meeting in place of the corresponding member more than three (3) times within the year or more than five (5) times for a member on official "Leave". An alternate may not attend a committee meeting in place of the

corresponding member more than three (3) times within the year or more than five (5) times for a member on official "Leave".

Section 9 Termination. If the actions of a Council member appear to be in conflict with the mission and goals of the Council, the complaint will be brought to the Executive Committee for review and referral to the Council, as needed, for possible action including a recommendation that the member be removed from the Council.

Section 10. Ethics Training. As mandated by AB1234, all Council members are required to obtain two (2) hours of Ethics Training once every two (2) years. Training will be provided through the Council at least every other year. Members unable to participate with the Council sponsored training must provide proof of participation with a comparable training.

Article V. Committees.

Section 1. The Council shall establish committees, on either a permanent or ad hoc basis, to address child care issues and concerns. Committees may also include persons not on the Council. Council members shall actively serve on at least one committee. Alternates may attend committee meetings in the member's absence. Member attendance may be in person, by teleconference, video conference or other electronic modes.

Section 2. A chairperson may be selected for each committee from the membership of the Council. Chairpersons of each committee may be selected at the beginning of each fiscal year, or as the committee is formed and may be invited to attend the Executive Committee meetings.

Section 3. Independently Funded Projects (IFP) are Council projects that have their own funding stream. IFPs will adhere to the Council's bylaws and guidelines. However, IFPs may have Standing Rules, which are unique to that IFP. The Council must approve those Standing Rules.

Article VI. Meetings.

Section 1. Regular Meetings. The Council shall meet a minimum of ten times annually. The meeting date, place and time will be established at the beginning of each fiscal year and may be changed as needed. The KCBOS and the KCSOS will be notified of meeting times, dates and locations.

Section 2. Committee Meetings. The Chairperson of a committee shall call meetings as necessary to accomplish set tasks. Each member of the committee will be given adequate notice of such meetings.

Section 3. Special Meetings. The Chairperson of the Council may call special meetings at any time. Each member of the Council will be given at least 24 hours notice of such meetings.

Section 4. Executive Meetings. The Chairperson of the Council may call a meeting of the Executive Committee at any time. Each member of the Executive Committee will be given adequate notice of such meetings.

Section 5. Public Access to Meetings. All meetings of the Council shall be called, noticed, held and conducted in accordance with the provisions of the Ralph

M. Brown Act, as amended (commencing with section 54950 of the Government Code of the State of California).

Article VII. Voting.

- Section 1.** Quorum. One half plus one of the current seated Council membership shall constitute a quorum for official business.
- a. Members participating via videoconference or teleconference shall sign in and be considered part of the quorum.
- Section 2.** Voting.
- a. Each member of the Council, including the Chairperson, shall have one vote whether in person or be videoconference or teleconference.
 - b. For official business, a majority vote of the quorum is needed to pass a motion.
 - c. Designated alternates shall count in a quorum and will have voting rights when representing their designated Council member as specified in Article II, Section 7.
 - d. No member of the Council shall participate in a vote if he or she has a proprietary interest in the outcome of the matter being voted upon.

Article VIII. Officers

- Section 1.** Chairperson
- a. To be eligible, a nominee for Chairperson must have one year active Council participation by the beginning of the new term and have met all attendance requirements.
 - b. The Council shall elect one member as Chairperson at the last meeting prior to the new fiscal year.
 - c. The Chairperson shall serve a term of two years and shall be limited to two (2) consecutive terms.
 - d. The Chairperson shall preside over all regular meetings and may call special and Executive meetings, if necessary. Other responsibilities include reports to the KCBOS and the KCSOS, representing the Council at public functions and appointing committee chairpersons as needed.
 - e. At the conclusion of term, the Chairperson shall serve one additional year on the Executive Committee.
- Section 2.** Vice-Chair
- a. The Council shall elect one member as Vice-Chairperson at the last meeting prior to the new fiscal year.
 - b. To be eligible, a nominee for Vice Chairperson must have met all attendance requirements
 - c. The Vice-Chairperson shall serve a term of two years and shall be limited to two (2) consecutive terms.
 - d. The Vice-Chairperson shall assume the responsibilities of the Chair, Secretary or Treasurer in her/his absence.
- Section 3.** Secretary
- a. The Council shall elect one member as Secretary at the last meeting prior to the new fiscal year.

- b. To be eligible, a nominee for Secretary must have met all attendance requirements
- c. The Secretary shall serve a term of two years and shall be limited to two (2) consecutive terms.
- d. The Secretary shall be responsible for the minutes of regular Council meetings and assume the responsibility of the Chair in the absence of the Chair and Vice-Chair.

Section 4. Treasurer

- a. The Council shall elect one member as Treasurer at the last meeting prior to the new fiscal year.
- b. To be eligible, a nominee for Treasurer must have met all attendance requirements
- c. The Treasurer shall serve a term of two years and shall be limited to two (2) consecutive terms.
- d. The Treasurer shall be responsible for compiling financial reports based upon statements received from the Kern County Superintendent of Schools office.

Section 5. Executive Committee

- a. The Executive Committee shall consist of the Chairperson, Vice Chairperson, Secretary, Treasurer and immediate past Chairperson.
- b. All Committee Chairpersons shall be invited to attend the Executive Committee meetings.

Section 6. Officer Election Process

- a. A nomination committee shall be formed in April to locate Council members interested in serving as an officer.
- b. The slate of candidates shall be introduced at the June general meeting. Additional nominations shall be called for from the floor.
- c. Officers shall be elected by a majority of the vote of the seated Council members at the June general meeting.

Section 7. Vacancy of Office. If the office of Chair becomes vacant, the Vice Chair will be installed as the Chair to complete the unfinished term. If any other Officer's position becomes vacant, the Executive Committee shall recommend a candidate for the remainder of the term for Council approval.

Section 8. Removal of Office. A Council officer may be removed from office by a two-thirds vote of the Council.

Section 9. Formation of Nomination Committee. The nominating committee shall consist of five (5) Council members chosen by lottery/volunteer process with all appointed Council members eligible to serve as committee members. However, any member interested in being placed on the election slate will not be eligible to serve on the nominating committee.

Article IX. Designated Liaison Department

The KCBOS shall designate a County department to serve as liaison between the Council and Kern County. This Department shall also provide staff support to the Council in regards to County operations.

Article X. Reports

Section 1. Quarterly Reports. The Council shall file quarterly reports with the KCBOS, KCSOS and the CDE/CDD, summarizing the Council's activities and recommendations.

Section 2. Special Reports. The Council will provide special reports to the KCBOS, KCSOS and the CDE/CDD as the need for such reporting is determined by the Council the KCBOS, KCSOS or the CDE/CDD.

Section 3. Committee Reports. When applicable, Each committee shall file a report to the Council at each regularly scheduled monthly meeting. An annual written summary shall be submitted by each active committee for inclusion into the annual report to the KCBOS, KCSOS and the CDE/CDD.

Section 4. All required Council reports shall be submitted to the KCBOS, KCSOS and the CDE/CDD.

Article XI. Financial Support

Compensation of Council Members. Council members shall serve without compensation except for the reimbursement of approved actual and necessary expenditures, providing funds are available.

Article XII. Procedures

The Council shall establish its own procedures and rules, although such rules and procedures shall be subject to change by joint order of the KCBOS and the KCSOS. The Council constitutes a public agency and shall comply with the legal requirements in accordance with the Ralph M. Brown Act relating to the operations of public agencies. The Council shall be governed in its parliamentary actions by Roberts' Rules of Order.

Article XIII Personnel Oversight.

Serving as the fiscal agent for the Council, the KCSOS shall serve as the employer of the Council Staff (Child Care Facilitator). Therefore Council Staff shall be subject to the rules of the Kern County Superintendent of Schools Personnel Commission and other rules and regulations of the KCSOS and any relevant collective bargaining agreements of KCSOS. KCSOS shall be responsible for conducting periodic personnel evaluations of Council Staff, with input from an advisory evaluation provided by the Council Executive Committee

Article XIV Budget Oversight.

The Council shall operate on a July 1 to June 30 fiscal year. The KCSOS, via the Council staff, shall provide a monthly Treasurer's Report containing income and expenses for all funding sources at each general Council meeting. By April of each fiscal year, the Executive Committee or designated Ad Hoc Committee shall conduct a budget review and determine the next year's budget for approval by the Council at the May general meeting followed by submission to the KCSOS. As fiscal agent, the KCSOS shall conduct an annual audit of finances.

Article XV Public Policy

- a) Since the Council receives state and federal funds, the Council is not permitted to take an official position on any state or federal legislation. However, the Council may develop position statements in order to educate

the legislature and the community about child care needs and potential solutions.

- b) The Council has adopted a Public Policy Platform to identify its position on relevant early childhood issues allowing the Council to prepare legislative statements in a timely manner. In accordance with applicable law and relevant restrictions on political activity, the Council shall conduct an annual review of the adopted Public Policy Platform by July of each year. Amendments shall be presented to the full Council for approval at the September meeting. Following Council approval, the Platform shall be presented to the KCSOS and the KCBOS for approval.

Article XVI Amendment of Bylaws

- a. These bylaws will be reviewed annually no later than April 30th by an Ad Hoc Committee formed of Council members and participants. Proposed modifications will be presented at the May general meeting and to the KCBOS and the KCSOS in June for implementation July 1.
- b. These bylaws may be amended or repealed and new bylaws adopted by the vote of a majority of the members of the Council at any regular or special meeting, subject to the approval of the KCBOS and the KCSOS. Revised bylaws shall be submitted to the CDE/CDD within 30 days of approval.

Article XVII Certificate of Secretary

I certify that I am the duly elected and acting Secretary of the Kern County Child Care Council and that the above Bylaws, consisting of nine pages, are the Bylaws of the Council as adopted by the Council membership on May 2, 2012 and that they have not been amended or modified since that date.

Executed on _____, _____, at Bakersfield, California.

Secretary
Early Childhood Council of Kern

Approval granted:

Supervisor Zack Scrivner Chairman,
Kern County Board of Supervisors

Date

Dr. Christine Lizardi-Frazier
Kern County Superintendent of Schools

Date