



ORANGE COUNTY CHILD CARE AND DEVELOPMENT PLANNING COUNCIL

2017 AMENDED COUNCIL BYLAWS

Article I – Name

The name of this organization shall be the Orange County Child Care and Development Planning Council, hereafter referred to as “Council.”

Article II – Authority

- A. The Council was originally established by the Orange County Board of Supervisors, hereafter referred to as “Board,” and the Orange County Superintendent of Schools, hereafter referred to as “Superintendent,” by Board Resolution No. 91-740 dated June 18, 1991. The Council was established in 1991 in accordance with Assembly Bill 2141 (Stats. 1991, Ch. 1187), which encouraged the formation of local child care and development planning councils. The Council was designated as “the Local Child Care and Development Planning Council” by the Board on March 17, 1998, and the Superintendent on September 3, 1998, in accordance with Assembly Bill 1542 (Stats. 1997, Ch. 270; Ed. Code § 8499 *et seq.*), hereafter referred to as “AB 1542.” The Council was formed and operates in accordance with Board Resolution No. 75-710, dated May 20, 1975, County of Orange Administrative Procedure No. 017-13 (amended November 25, 1997), Operation of County Boards, Committees, and Commissions.
- B. The Council receives its authority and responsibility jointly and equally from the Board and the Superintendent and is directly accountable to these bodies. The authority to oversee Council decisions and appoint Council members remains equally divided between the Board and the Superintendent, in accordance with Chapter 2.3 of the Education Code (commencing with Sect. 8499.3 *et seq.*)
- C. The Superintendent has been identified by the California Department of Education, hereafter referred to as “CDE,” Early Education and Support Services Division, hereafter referred to as “EESSD,” as the legal entity to serve as the Council's fiscal agent and the Local Planning Grant administrator. The Superintendent has fiduciary responsibility to manage the fiscal and personnel resources of the Council, and to maximize the effectiveness of the Local Planning Grant funding to fulfill the contract mandates and scope of work as defined by the Council.
1. The Superintendent is to provide staff and administrative support to the Council with funding from EESSD. The Council shall meet the requirements of Section 8499.5 of the Education Code to the extent feasible and to the extent data is readily accessible. Staff shall support the work of the Council. Staff responsibilities shall include, but shall not be limited to the completion and distribution of Council meeting notices, agendas, and minutes. Staff shall maintain Council records, meeting minutes, membership documentation, and attendance information. The Superintendent, or his/her designee, shall prepare regular reports on planning grant expenditures for the Council.



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Article II – Authority (Continued)

2. The Superintendent, on behalf of the Council, shall retain all records for a minimum of five (5) years as required by Article VI, C of the CDE Contract Requirements, and three (3) years after final payment as required by the audit requirements under Gov. Code § 8546.7, Pub. Contract Code § 10115 *et seq.*, and California Code of Regulations Title 2, Section 1896. The Superintendent shall maintain copies of all Council records and make them available during normal business hours and to allow interviews of any employees who might reasonably have information related to such records.

Article III – Definitions

The definitions of the terms used within these Bylaws are as follows.

- A. The term “child care provider” shall mean a person who provides child care services or represents persons who provide child care services.
- B. The term “community representative” shall mean 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.
- C. The term “consumer” shall mean a parent or person who receives or has received child care services within the past thirty-six (36) months.
- D. The term “public agency representative” shall mean a person who represents a city, county, city and county or local education agency.
- E. The term “year” shall mean the period from August 6 of one year through August 5 of the following year.

Article IV – Purpose

The Orange County Child Care and Development Planning Council collaborates with the early care and education community to meet the needs of Orange County. Council members are interested in issues dealing with all aspects of child care and development including: safety, quality early care and education, development of the whole child, workforce development, and accessibility of services for child development.

The purpose of the Council is as follows.

- A. Fulfill the requirements of the EESSD Local Planning Grant (California Education Code Sections 8499.3 and 8499.5)



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- B. Provide a forum to address the early education needs in all subsidized and non-subsidized child care programs in Orange County.
- C. Provide a forum for the recommendation of local priorities for early care and education funding and the development of policies to meet the needs identified within those priorities when appropriate and requested; advise the County Board of Supervisors (CBS) and County Superintendent of Schools (CSS) on early care and education program and policy issues (assuming adequate levels of funding and staffing are available); conduct an assessment of child care needs at least once every five years; and prepare a comprehensive County-wide child care plan designed to mobilize public and private resources to address identified needs.
- D. Connect with existing program strategies and build on existing local collaborations, when possible, to provide a unified, integrated system of service for children and families
- E. Ensure that parents, child care providers, and the community are well informed about child care and development issues.

Article V – Vision

All children in Orange County will have access to quality child care and development services.

Article VI – Mission

The mission of the Council is to mobilize public and private resources and foster partnerships to address the child care and development needs of Orange County children, families, and child care providers.

Article VII – Membership

- A. The Council shall be comprised of a maximum of forty (40) and a minimum of thirty (30) appointed positions representing the membership categories listed.
 - 1. Twenty percent (20%) of the membership shall be consumers.
 - 2. Twenty percent (20%) of the membership shall be child care providers; reflective of the range of child care providers in the County.
 - 3. Twenty percent (20%) of the membership shall be public agency representatives.
 - 4. Twenty percent (20%) of the membership shall be community representatives.
 - 5. The remaining twenty percent (20%) of the membership shall be appointed at the discretion of the Board and Superintendent, the appointing entities.



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B. Appointment of Members

1. The Board and Superintendent shall each appoint one-half of Council members. In the case of uneven membership, both appointing entities shall agree on the odd-numbered appointee.
2. Every effort shall be made 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 Orange County.
3. The Steering Committee shall review membership applications as vacancies occur utilizing the criteria described in Article VII. A and B and shall recommend the names of potential appointees to the Council for approval. Council shall then vote on the potential appointees and forward the names to the Board and/or Superintendent for approval and appointment to the Council.
4. Each member shall serve at the discretion of the Superintendent or Board and may have his/her membership terminated by the appointing entity, the Board or Superintendent.
5. Terms are renewable upon the recommendation of the Steering Committee to the Council and approval of the appointing entity.
6. Half of Council positions shall expire in an odd-numbered year and half in an even-numbered year.
7. If a member is appointed to a position in a membership category as described in Article VII.A.1-5, and the individual no longer meets category requirements, the individual's membership shall terminate, thereby creating a vacancy on the Council.

C. Term

The term of office for each Council position shall be two (2) years, beginning August 6 and ending August 5. The appointment date is the date that the appointing authority acts to appoint a member to a Council position.

D. Requirements

1. Upon initial appointment, each member shall complete the Oath of Office and shall be bound by the Board-adopted "Code of Ethics and Commitment to County Public Service" and the "Conflict of Interest Code" which references the "California Form 700 Annual Statement of Economic Interest."
2. All members of the Council must either work or live in Orange County.



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E. Attendance

1. Council members are expected to attend all regular meetings. Any member who fails to attend 50% of regular council meetings, or has two (2) consecutive unexcused absences within a membership year, shall automatically vacate his/her position. The Council Chair shall advise the member in writing that he/she has vacated his/her position on the Council. A copy of the letter will be forwarded to the appointing entity and the Clerk of the Board for the County of Orange.
2. A member may resign his/her position at any time by giving written notice to the Council. The resignation is effective the date of the notice, or at a later time if specified in the notice.

F. Vacancies

1. The Council Chair or his/her designee shall notify the Board and Superintendent when a position becomes vacant during the appointment term, to ensure that the intention to select members is posted and publicized, in accordance with Education Code Sect. 8499.3 through 8499.7 et seq. The Maddy Local Appointive List Act of 1975, Government Code Sect. 54970 through 54975 et. seq. applies only to vacant positions appointed by the Board. The Council Chair or his/her designee shall also notify Council members when positions become vacant.
2. The Council shall maintain a list of qualified applicants to serve on the Council in the event of vacancies. The Steering Committee will review applications received, before it recommends the names of potential appointees to the Council.
3. Vacancies shall be filled in the same manner as they were originally appointed in accordance with Board Resolution No. 75-710, dated May 20, 1975, County of Orange Administrative Procedure No. 017-13 (amended November 25, 1997), Operation of County Boards, Committees, and Commissions.
4. Subject to the provisions of Article VII. A and B, upon the resignation or termination of an appointed member during a current term, vacancies shall be filled to serve the remainder of that member's term at the discretion of the Board and/or Superintendent. Such vacancies shall be filled as soon as administratively possible.

Article VIII – Officers and Duties

- A. Officers elected by the Council shall be the Chair, Vice Chair, and Second Vice Chair. Officers shall have been members for at least one (1) year prior to being elected. Each officer shall serve a two-year (2) term.
- B. A Nominating Committee comprised of at least one Committee Chair/Co-Chair and two Council members shall recommend the names of potential officers for approval by the



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Council following regular election procedures. If an office becomes vacant, the Nominating Committee shall recommend the names of potential officers for approval by the Council.

- C. A Council officer may be removed from office by a two-thirds (2/3) vote of the Council members present at the meeting.
- D. The duties and responsibilities of the Chair shall be as follows.
 - 1. Preside at all meetings of the Council
 - 2. Call special meetings
 - 3. Represent the Council at appropriate public functions and events
 - 4. Appoint Chairs and members for committees, other than the Steering and Nominating Committees
 - 5. Work with the Council Consultant to prepare an agenda for each meeting
 - 6. Act as an ex-officio member on all committees, except the Nominating Committee
 - 7. Perform all other duties necessary or incidental to the office
- E. The duties and responsibilities of the Vice Chair shall be as follows.
 - 1. Assume the duties of the Chair in his/her absence and any duties assigned by the Chair
 - 2. Serve as the Political Reform Act Filing Officer for the Council in accordance with the Board-adopted Conflict of Interest Code
 - 3. Serve as the Council's Attendance Officer
- F.
 - 1. The duties and responsibilities of the Second Vice Chair are to assume the duties of the Chair and Vice Chair in his/her absence.
 - 2. Serve as the Public Policy Liaison to the Council.

Article IX – Committees and Duties

- A. Each Council member shall actively serve on at least one (1) Council committee. The Chair for each committee must be a member of the Council.



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B. Governance Committees are those that deal with the operations, decision-making, and positions of the Council. All members of Governance Committees shall be members of the Council. The Governance Committees shall include but shall not be limited to the following.

1. The Steering Committee shall provide leadership to the Council and shall consist of the Council Chair, Vice-Chair, Second Vice-Chair, and the Chairs or Co-Chairs of all standing committees. The Board's Liaison, the Superintendent's Liaison, and the County Child Care Coordinator are committee members if they are Council members; if not, they attend Steering Committee meetings in an ex-officio, non-voting capacity. The immediate past Chair of the Council is a member of the committee if he/she remains a member of the Council.

The Steering Committee annually reviews the scope and purpose of each committee and recommends to the Council the continuation, elimination, or addition of any committee necessary to address early care and education issues and needs of Orange County.

The Steering Committee is responsible for membership, public policy and advocacy to each appointing authority.

The Steering Committee reviews membership applications utilizing the criteria described in Article VII. A and B, and recommends the name(s) of the potential appointee(s) to the Council for approval.

2. The Nominating Committee biennially recommends a ballot of officers to the Council for a vote.

C. Program Committees are those that deal with activities that achieve the Council's vision, mission, goals, and the AB 1542 planning mandates. Program Committees may include individuals from the community-at-large.

D. All standing committee meetings, or any meeting with a quorum of the Council's members in attendance, shall be held in accordance with the Ralph M. Brown Act, Government Code Sect. 54950 et seq.

Article X – Council Meetings

A. Regular meetings shall be convened a minimum of four (4) times each year. Meeting dates, locations, and times will be established at the beginning of each year and may be changed as needed. Written notice of meetings shall be sent to each Council member at least (72 hours) prior to the meeting date.

B. Special meetings may be called at any time by the Council Chair. Each member of the Council shall be given adequate written notice of such meetings.



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- C. Thirty percent (30%) of appointed Council members shall constitute a quorum.
- D. The annual Council meeting date, location, and time will be established at the beginning of each year and may be changed as needed. Officers shall be elected at the annual meeting of each odd numbered year. Written notice of the annual election meeting must be given at least thirty (30) calendar days prior to the annual meeting.
- E. Making motions, debating, and voting shall be limited to members of the Council who are present. No proxy or alternate shall be recognized or authorized to vote on behalf of a Council member.
- F. No member of the Council shall participate in a vote if he/she has a proprietary interest in the outcome of the matter being voted upon.
- G. Subject to the provisions of these Bylaws, all meetings of the Council shall be conducted in accordance with Robert's Rules of Order.
- H. Meetings of the Council, the standing committees, or any meeting with a quorum of the Council's members present, shall be held in accordance with the Ralph M. Brown Act, Government Code Sect. 54950 et seq.

Article XI – Council Position on Legislation

- A. The Council shall operate in an advisory capacity to the Board and Superintendent. The Council shall conduct legislative activity only under the legislative guidelines of the appointing authorities.
- B. Council positions on legislation shall be approved by the Council.

Article XII – Amendment of Bylaws

These bylaws may be amended or repealed by a majority vote of Council members present at any regular or special meeting, subject to the approval of the Board and Superintendent. Written notice of any proposed amendments must be sent to Council members at least thirty (30) calendar days prior to the meeting at which the proposed amendments will be voted upon.