

FIRST 5 SAN BENITO CHILDREN AND FAMILIES COMMISSION BYLAWS

Section 1. GENERAL RULES AND REGULATIONS

A. NAME AND ADDRESS OF PRINCIPAL OFFICE

(1). The name of the organization is the First 5 San Benito, hereinafter referred to as "Commission". The Principal location of the office of the Commission is in San Benito County, at a location to be determined by the Commission.

(2). The fiscal year of the Commission shall begin July 1.

(3). The records of the Commission shall be retained at the Commission's principal office; These records shall include a current copy of the Bylaws as amended; Commission membership; minutes of all commission and committee meetings; county strategic plan, annual audits and reports as required pursuant to Health and Safety Code Sections 130140 and 130150, San Benito County Code 5F-10

and

B. PURPOSE

The Commission is to implement and achieve the objectives established by Health and Safety Code Section 130100 *et seq.*, and the San Benito County Code, Chapter 5E.

The First 5 San Benito Commission exists in order to create and manage a comprehensive system of information, programs, services and administrative support for enhancing the early childhood development of children and their families. The objective of this system is to prepare children to enter school in good health, ready and able to learn and emotionally well developed.

C. MEMBERSHIP

The Commission shall consist of up to nine members appointed by the San Benito County Board of Supervisors. The Commission may submit recommendations to the Board of Supervisors as follows:

- A. 1. The Commission member from the Board of Supervisors shall be appointed or re-appointed annually by the Chair of the Board of Supervisors.
 2. The Director of the San Benito County Health and Human Services Agency.
 3. The San Benito County Health Officer.
 4. Six (6) members who represent any of the following categories:
 - a. recipients of project services included in the county strategic plan;
 - b. educators specializing in early childhood development;
 - c. representatives of a local child care resource or referral agency or a local child care coordinating group;
 - d. representatives of a local organization for prevention or early intervention for families at risk;
 - e. representatives of community-based organizations that have the goal of promoting nurturing and early childhood development;
 - f. representatives of local school districts; and
 - g. representatives of local medical; pediatric or obstetric associations or societies.
- B. The term of members in Section A.4 shall be for three (3) years and until the appointment of his or her successor. The date of these members' appointment shall be staggered so that their terms will not expire on the same date. These members may be re-appointed to subsequent terms by the Board of Supervisors. There shall be no limit on the number of terms these members can serve. The Supervisor shall serve for one (1) year.

- C. Members may be removed from the Commission for reasons of repeated non-attendance, three (3) regular or special meetings in a twelve (12) month period, or for violations of County policies or regulations. Removal of a member shall not occur without formal action by the Commission and shall be subject to approval by the Board of Supervisors.
- D. The Commission shall establish procedures for filling commission vacancies prior to the expiration of commission terms. The procedures shall provide for publicizing the vacancy in local news media as well as direct solicitation of nominations from community agencies, organizations or other individuals who represent the target categories in Section C(A)(1)(A).

D. QUORUM

A majority of the appointed members of the Commission shall constitute a quorum of the Commission for the transaction of any business.

E. MEETINGS

The Commission will hold three (3) statutory Commission meetings. A schedule of regular Commission Meetings, including times and locations, will be established by a vote of the Commission at the Statutory Meeting. Other meetings will be scheduled as necessary.

F. OFFICERS AND DUTIES

- (1). The officers of the Commission shall be a Chair and Vice-Chair, and such other officers as the Commission may from time to time provide. The Chair shall be the executive head of the organization, shall preside at all meetings, and shall direct the functions of the Commission as established by Health and Safety Code Section 130100 *et seq.* and San Benito County code Section 5E.

A. CHAIR

- a. Serves as the presiding officer of the Commission and signs official documents on behalf of the Commission.
- b. Appoints members to special or standing committees of the Commission and designates chairpersons of any such committees.
- c. Is responsible for notifying a Commission member whose status is in jeopardy.
- d. May represent the Commission in dealings with the California Children and Families Commission and acts as the official representative of the Commission.

B. VICE-CHAIR

- a. Exercises the duties of the Chair in his/her absence, or at the request of the Chair.

- (2). Officers of the Commission shall be elected by the membership of the Commission entitled to vote. The terms of all such officers shall be one year, commencing upon the adjournment of the meeting of the members at which they are elected. All officers shall hold office until their successors are duly elected and qualified.

- (3). Commission officer vacancies shall be filled at the next regular meeting of the Commission. Those elected to fill commission officer vacancies shall serve for the remainder of the vacated term.

G. COMMITTEES

The commission shall establish one or more advisory committees as needed to provide technical and professional expertise and support for any of the duties of the commission. Such advisory committees shall make recommendations or reports as deemed necessary and appropriate upon the direction of the commission.

H. AMENDMENTS

These Bylaws may be amended by two-thirds of the votes cast, a quorum being present, at any regular meeting called for the purpose, provided the substance of the proposed amendment has been submitted to the Commission and noticed in accordance with the Brown Act, Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code, commencing with section 54950.

I. RULES OF ORDER

- (1). When motions are made by the Commissioner, the motion shall be stated to the clerk by the moving Commissioner.
- (2). No question on a motion shall be debated or put to the Commission unless the motion has been seconded. When a motion is seconded, it shall be stated by the Chair before debate.
- (3). A motion having been stated by the Chair, it shall be deemed to be in possession by the Commission, but it may be withdrawn at any time before decision or amendment with the assent of the second.
- (4). When a question is under debate, no motion shall be received unless the motion is:
 - a. To adjourn;
 - b. To lay on the table;
 - c. To consider the previous question;
 - d. To postpone to a certain date;
 - e. To commit to committee;
 - f. To amend; or
 - g. To postpone indefinitely.These motions shall have preference in the above order.
- (5). A motion to adjourn or motion to fix time of adjournment shall be decided with debate.
- (6). A motion to lay on the table shall include all amendments to the main question.
- (7). A motion to consider the previous question shall preclude all amendment from debate to the main question and shall be put in the form "shall the main question be put to a vote".
- (8). A member called to order shall relinquish the floor unless permitted to explain, and the Commission if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Chair shall be final.
- (9). Upon demand of any Commission member, or at the discretion of the Chair, the vote shall be by roll call, except that the vote on all ordinances or resolutions shall be by roll call.
- (10). Where a procedural issue arises which is not resolved by reference to the Commission's rules, the procedure to be followed shall be stated by the Chair. However, upon objection by any member, the procedure to be followed is determined by majority vote of the Commission ("Rule of the Chair").

J. AGENDA

The business of each regular meeting shall be transacted in accord with an agenda prepared by the Executive Director and transmitted to each member of the Commission. All agenda items for any regular meeting shall be filed with the Executive Director not later than seven (7) calendar days prior to the meeting at which such item is to be considered, absent special circumstances.

K. VOTING

Except on demand of a member, the roll need not be called for voting on a motion. A Commission order applies mainly as a directive to Commission officers or employees. It need not be reviewed in writing, as it generally applies to one specific act only.

Section 2. PURCHASING POLICY

A. DEFINITIONS

For the purpose of this article, the following words and phrases shall have the meaning respectively ascribed by this section.

- (1). Agency: First 5 San Benito staff members.
- (2). Commission: The governing body of the agency.
- (3). Contractual services: Any telephone, gas, water, electric light and power services; the rental of equipment and machinery; insurance; the services of attorneys, physicians, electricians, engineers, consultants or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which the contract provides services which are required by the agency, but not furnished by its own employees. Purchase of space for legal advertising shall not be subject to the provisions of this chapter.

B. PURPOSE OF SECTION

The purpose of this section is to adopt policies and procedures governing purchases of supplies, equipment and contractual services by the agency in accordance with section 54200 *et seq.* of the Government Code. This section is not intended to conflict with applicable provisions of state law and shall be interpreted as supplementary thereto.

C. PURCHASES BY THE AGENCY

The Commission hereby authorizes the Executive Director to purchase supplies and equipment for the agency in amounts or estimated amounts of ten thousand dollars (\$10,000.00) or less. Such purchases shall be made in conformity with the applicable provisions of this article. The Executive Director may delegate the authority to purchase under this section to a deputy or assistant. The Executive Director is responsible for making all such purchases at the most favorable price for the agency, consistent with efficient operations. The Executive Director shall, whenever possible, secure competitive quotations before making such purchases. When the Commission has entered into a contract with a vendor to supply all the agency's requirements for specific supplies or equipment, the Executive Director shall not have authority to purchase such supplies or equipment under this section. The authority granted to the Executive Director by this section does not include the purchase of motor vehicles, regardless of the cost of purchase.

D. PURCHASES BY THE COMMISSION

Purchase of supplies and equipment in an amount or estimated amounts in excess of ten thousand dollars (\$10,000.00) may be made by the Executive Director with the prior budget approval of the Commission. The Executive Director shall submit to the Commission requests for purchases of supplies and equipment in amounts, or estimated amounts, in excess of ten thousand dollars (\$10,000.00). If the amount of the expenditure is estimated to exceed ten thousand dollars (\$10,000.00), then bids shall be solicited by public notice, followed by an award by the Commission, except where the Commission makes a finding recorded in its minutes that competitive bidding would not be in the public interest. The method and extent of public notice shall be prescribed by the Commission. All bids shall be submitted sealed to the Executive Director. The Commission may reject any or all bids for any supplies and equipment. A tabulation of all bids received whether accepted or rejected, shall be open for public inspection for a period of not less than thirty (30) *calendar* days after the bid opening. In all cases, the award shall be made by the Commission to the lowest responsible bidder. In determining the lowest responsible bidder, the Commission shall take into consideration the quality offered and its conformity with the specifications, the delivery and discount terms and conditions of the bid and other information and data required to prove the bidder's responsibility.

E. OBTAINING OF CONTRACTUAL SERVICES

Requests for contractual services shall be submitted to the Commission who may negotiate contracts for such services as it determines are necessary.

F. EMERGENCY PURCHASES WITHOUT PRIOR APPROVAL

Emergency purchases may be made by the Executive Director when the supplies or equipments so purchased are necessary for the preservation of life or property. Such emergency purchases shall be submitted to the Commission for ratification at its next meeting.

G. PROTEST PROCEDURES

Any aggrieved potential provider or supplies, equipment or contractual services may file a written protest against a potential purchase by the Commission. The protest shall be filed with the Executive Director one (1) day before the day of the meeting at which the Commission is initially scheduled to consider the subject purchase. The exact basis for the protest and proof that the protester is a viable and responsible provider of the supplies, equipment or services sought shall be specified in writing and filed with the Executive Director who shall render a written decision in response to the protest not later than five (5) *calendar* days after the date of the meeting at which the Commission is initially scheduled to consider the subject purchase. Any protester disagreeing with the decision of the Executive Director may file an appeal not later than five (5) *calendar* days after the date of the Executive Director's decision. The appeal shall state the basis of error that the Executive Director allegedly made. The Commission shall hear the appeal at the next meeting when the appeal may be placed on the agenda.

H. ACCEPTANCE OF GRATUITIES

The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the agency, or by an official or employee of a public agency contracting with the agency, from a vendor or contractor, or prospective vendor or contractor, is prohibited and shall be a cause for disciplinary action in the case of an agency employee or official, or in the case of an official or employee of the contracting public entity, cause for termination the contract between the agency and the public entity.

I. UNLAWFUL PURCHASES

Except as otherwise provided by law, no purchase of supplies, equipment or contractual services shall be made in excess of the amount of the appropriations allowed by the budget. No purchase of supplies, equipment or contractual services shall be made in violation of state law or regulations.

J. APPROVAL BY BOARD OF SUPERVISORS

All purchases for goods or services, which require a contract, shall be subject to final approval by the Board of Supervisors.

Section 3. CONFLICT OF INTEREST CODE

REQUIREMENTS FOR A CONFLICT OF INTEREST CODE

The Political Reform Act, Government Code Section 81000, *et seq.*, requires every state or local government agency to adopt and promulgate a conflict of interest code.

CODE ADOPTED

The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulation, Section 18730, which contains the terms of a standard model conflict of interest code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act, Government Code Sections 11370. The First 5 San Benito Commission has adopted the terms of 2 Cal. Code of Regulation, Section 18730, any later amendments duly adopted by the Fair Political Practices Commission in which officials, employees and members of the advisory bodies of the First 5 San Benito Commission are designated and disclosure categories are set forth is hereby incorporated by reference and constitutes the conflict of interest code of the First 5 San Benito Commission and of the advisory bodies.

A. RESPONSIBILITY OF PERSONS REQUIRED TO DISCLOSE FINANCIAL INFORMATION

Persons holding the positions or who are members of the advisory bodies shall file statements of economic interests pursuant to Section 4(C) of the code with the San Benito County Clerk, to whom the First 5 San Benito Commission hereby delegates the authority to carry out the duties of filing officer.

ADOPTED

The undersigned, who are all First 5 San Benito Commissioners, consent to, and do, adopt these Bylaws of the Commission.

SIGNATURES:

DATE:

Name: Dr. Elizabeth Falade

Title: Chair, First 5 San Benito Commission

Date: _____

REVISED ON April 14, 2004 in San Benito County, State of California.
M/S (___/___) Ayes: Coppola, Dryden, Caffiero, Falade, Friedman, Loe, Medeiros
Nays: _____