

THE CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

BY-LAWS

Preamble

The Children and Families Commission of Fresno County was created by the Fresno County Board of Supervisors to meet the requirements of the California Children and Families Act of 1998 (originally California Children & Families First Act). This act was created as a result of the passage of Proposition 10 by California voters on November 3, 1998. The Act provides for a 50-cent-per-pack increase in the state surtax on cigarettes and an equivalent increase in the surtax on tobacco products to fund anti-smoking and early childhood development programs.

There is a compelling need in California to create and implement a comprehensive, collaborative, and integrated system of information and services to promote, support, and optimize early childhood development from the prenatal stage to five years of age.

There is a further compelling need in California to ensure that early childhood development programs and services are universally and continuously available for children until the beginning of kindergarten.

It has been determined that a child's first three years are the most critical in brain development, yet these crucial years have inadvertently been neglected. Experiences that fill the child's first three years have a direct and substantial impact not only on brain development but also on subsequent intellectual, social, emotional, and physical growth.

Research has shown that "how children function from the preschool years all the way through adolescence, and even adulthood, hinges in large part on their experiences before the age of three."

The well-being of California's infants and children is endangered. Each year, tens of thousands of children are born exposed to tobacco, drugs, and alcohol. Cigarette smoking and other tobacco uses by pregnant women and new parents represents a significant threat to the healthy development of infants and young children.

Studies published by the American Lung Association state: "Smoking during pregnancy accounts for an estimated 20 to 30 percent of low birth weight babies, up to 14 percent of preterm deliveries, and some 10 percent of all infant deaths. Maternal smoking has been linked to asthma among infants and young children."

In addition, research and studies demonstrate that low birth weight infants are particularly at risk for several physical and developmental complications. Studies by the Federal Environmental Protection Agency (EPA) demonstrate an increased risk of sudden infant death syndrome (SIDS) in infants of mothers who smoke. EPA also estimates that secondhand smoke is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age annually, resulting in between 7,500 and 15,000 hospitalizations each year.

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Article I – Authority

The authority for the formation and operation of the Commission is the California Children and Families Act of 1998 (the Act) and Chapter 2.38 of Title 2 of the Fresno County Ordinance Code.

Article II – Statement of Purpose

The purpose of the Commission is to provide the vision and means for Fresno County children to enter school in good health, ready and able to learn, and emotionally well-developed by providing developmentally appropriate parenting, nurturing, supporting, and access to health care, nutrition, and smoking prevention and cessation resources which are culturally and individually appropriate by:

1. Creating and implementing a comprehensive, collaborative, and integrated system of information and services to promote healthy children and families by supporting and improving the early development of children from the prenatal stage to five years of age.
2. Guiding the use of these resources to establish, institute, and coordinate appropriate standards, resources, and integrated and comprehensive programs emphasizing community awareness, education, nurturing, child care, social services, health care, and research for children aged 0-5 and their families.
3. Promoting accessibility to all information and services available in Fresno County.
4. Supporting families as a primary way of supporting children.

Article III – Powers and Duties

The powers and duties of the Commission shall include, but not be limited to, the following:

1. Develop an adequate and complete Strategic Plan for the support and improvement of early childhood development within Fresno County.
2. Hold public hearings in urban, suburban, and rural areas before the Strategic Plan is adopted and prior to revisions being adopted.
3. Review and revise the Strategic Plan as necessary or appropriate on at least an annual basis.
4. Develop a yearly meeting schedule.
5. Develop and distribute Requests for Proposals consistent with the goals and objectives of the Strategic Plan.
6. Evaluate proposals, select service providers, approve contracts for funding, and monitor performance.
7. Adopt and monitor an annual budget.
8. Annually issue a written report on the implementation and performance of their functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward, and achievement of program goals and objectives, and the measurement of specific outcomes through reliable indicators.

9. Commission and adopt an annual audit of the Children & Families Trust Fund, and comply with generally accepted accounting principles for governmental organizations including budgeting, accounting and reporting pronouncements of the Governmental Accounting Standards Board and the Controller of the State of California.
10. Develop purchasing and contracting policies and procedures consistent with applicable Federal and State laws and regulations.
11. Adhere to all requirements as described in the Act.

Article IV – Membership

The Commission shall consist of members as set forth in Chapter 2.38 of Title 2 of the Fresno County Ordinance Code.

Members of the Commission may be compensated reasonable expenses, including, but not limited to travel, mileage, and childcare for attending meetings and discharging other official responsibilities and registration fees for educational conferences adopted and authorized by the County Commission.

Article V – Officers and Duties

The officers of the Commission shall be a Chair, Vice-Chair, Secretary/Treasurer and such officers as the Commission may from time to time provide.

The Chair shall preside over meetings of the Commission, and shall perform the duties of the Secretary/Treasurer in the absence of that officer. The Chair shall execute agreements approved by the Commission.

The Vice-Chair shall preside over meetings of the Commission in the absence of the Chair. The Vice-Chair shall also perform other duties of the Chair for emergency situations when the Chair is out-of-county and the pending matter must be performed before the Chair's return.

The Secretary/Treasurer shall certify by signature and title the Commission's approval of minutes of each Commission meeting. The Secretary/Treasurer shall certify by signature and title the minute orders of all actions taken by the Commission. The Secretary/Treasurer shall perform the periodic review of documentation supporting financial reports of the Commission for internal control, and report his/her findings at regular meetings of the Commission.

Article VI – Staffing

The Commission shall select staff to effectively and efficiently meet the goals of the Commission. Staff will assist the Commission with research and needs assessments; by-laws and the Strategic Plan; allocation processes (including developing funding solicitations and analyzing competing proposals); meeting minutes; annual budgets; negotiation, preparation and monitoring of contracts; processing claims for payment; auditing contractor expenditures; technical assistance to service providers; evaluation tools, processes and systems; tracking outcomes produced by the Strategic Plan; and meeting State and Commission audit and reporting requirements.

The Commission may utilize County departments (i.e., Human Services System, County Counsel, Auditor-Controller/Treasurer-Tax Collector) as needed, to provide administrative

support for the Commission. In the alternative, the Commission may hire its own employees to perform staff functions, or outsource all or a portion of its staff functions by contract with individuals or other entities.

The Commission shall appoint an Executive Director. The powers and duties of the Executive Director shall be:

1. Recruit, select, hire, direct, control, and discipline employees of the Commission who are engaged to support the Executive Director in the discharge of his/her duties.
2. Organize the work of the Commission, its staff, and contractors so as to accomplish its goals and objectives in a timely manner, including the accomplishment of requirements of the Children and Families Act of 1998 (Proposition 10), the Strategic Plan and the policies and directives of the Commission.
3. Recommend an annual budget for the Commission.
4. Administer the annual budget of the Commission, including monitoring of expenses and revenues, alerting the Commission and its officers to variances in mid-year actual expenditures and revenues from budget, adjusting administrative expenditures to remain within budget for the year, and recommending budget adjustments to the Commission that are necessary to ensure expenditures are within appropriations approved by the Commission at the object level.
5. Take necessary administrative steps to protect the assets of the Commission from diversion, unauthorized use, or loss. This includes maintenance of appropriate internal controls consistent with generally accepted accounting principles.
6. Negotiate and recommend contracts to the Commission with persons and entities selected for contracting by the Commission under the terms of Requests for Proposals and Requests for Quotations issued by the Commission.
7. Administer, monitor, and evaluate performance of persons or entities according to the terms of contracts approved by the Commission.
8. Approve expenditures for administration of the Commission's functions up to \$500 per vendor per year.
9. Recommend policies for consideration and adoption by the Commission.
10. Administer policies of the Commission.
11. Support the Officers of the Commission in the discharge of their responsibilities. This shall include assistance with the preparation of the Commission agenda and the agendas of the advisory committees of the Commission, the minute orders of the Commission, and the minutes of the Commission and all advisory committee meetings.
12. The preparation of Commission documents supporting the agenda, setting forth the action of the Commission recommended by staff for each agenda item, the financial impact thereof, the justification for the recommendation, and such background information of material value to the Commission and reasonably necessary to make a decision on the agenda item. Background material includes history, analysis, alternatives available to the Commission, other agency item, and a designated staff contact should Commissioners or the public have questions about the agenda item.

13. Other duties as assigned by the Commission.

Article VII – Meetings

The Commission shall develop a yearly meeting schedule that shall take into consideration funding cycles, public review and comment, and reporting and audit requirements.

Notice of each regular Commission and committee meeting shall be noticed per the Brown Act and shall include the time, date, and place of the meeting and a copy of the meeting agenda. Notice of any meeting of the Commission or committee shall be given to any person so requesting. Upon written request, individuals and organizations wishing to receive notice of meetings will be included on the mailing and distribution list for notice of regular meetings.

Meetings shall be held in a location easily accessible and at days and times conducive to maximum attendance to Commission and committee members and the public.

Such regular meetings of the Commission and committee are open to the public except those closed sessions permitted by law.

In accordance with the Brown Act, a member of the public is not required to register or state his or her name as a condition of attendance. If an attendance list, register, questionnaire, or other similar document is posted, it shall clearly state that the signing is voluntary.

The Chair shall assemble an agenda for each meeting, to be included with the notice of each meeting. Any Commission member may place an item on the agenda for consideration by notifying the Chair. Agendas of all committee meetings shall be provided to all Commissioners should they wish to attend as well as to keep Commissioners informed of committee activities.

In accordance with the Brown Act, no actions shall be taken by secret ballot, whether preliminary or final.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except for specific situations as outlined in the Brown Act.

Article VIII – Committees

The Commission shall establish one or more advisory committees to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purposes of the Commission. Each advisory committee shall meet and shall make recommendations and reports as deemed necessary or appropriate.

The Commission may establish other committees it deems necessary.

Article IX – Minutes

Commission staff shall be responsible to ensure a record of official minutes are taken at each committee meeting. Such official minutes shall include the following:

1. Date, time, and location of meeting.
2. Members present at meeting and whether a quorum (simple majority of appointed members) was established.
3. Text of motions made, whether they were seconded, and whether they were approved or failed on a voice or roll-call vote.
4. Sufficient narrative detail to provide a rationale for direction or decisions made.
5. Time of meeting adjournment.

Written minutes should be approved by the committee/subcommittee at a subsequent meeting.

Once adopted, minutes shall be forwarded to all Commissioners to keep them informed of committee/subcommittee activities. Documents distributed at meetings by members of the Commission, public, or staff shall be submitted to Commission staff to ensure copies are available to the public upon request.

Article X – Quorum

For purposes of the Commission and committee(s), a quorum is defined a simple majority of appointed members. If a quorum is not established, no action may be taken at Commission or committee meetings.

Article XI – Rules of Order

Debate and proceedings before the Commission shall be conducted in accordance with Robert's Rules of Order (newly revised) when not in conflict with other statutory requirements and the Brown At, in which case the latter shall prevail.

Article XII – Amendments

These by-laws shall be reviewed annually and shall be revised as necessary to continue in conformity with State and local Commission resolutions or requirements. Revisions shall be introduced at one meeting and forwarded to the Board of Supervisors for their review and comment prior to adoption by the Commission.

Article XIII – Conflict of Interest

Commission members must comply with the Commission's adopted standard "Conflict of Interest" code and the Administrative Policy #1 relating to Commission members, consultants, and Advisory Committee members.

It shall be understood that members of the Commission are subject to the Political Reform Act, including the filing of an economic interest statement, Fresno County Charter Section 41 and County Administrative Policy Number 35, Conflict of Interest Board Appointees.

Article XIV – Attendance Policy

Commission members are expected to attend all meetings of the Commission. Committee members are expected to attend all meetings of their committee. A member who is unable to attend a meeting shall give advance notice of his/her inability to attend to the Chair of the Commission, Chair of his/her committee, or Commission staff.

Except as otherwise specifically provided by these By-Laws, if an appointed member of any committee is absent from two consecutive regular meetings or three regular meetings in a calendar year, this persona shall be deemed to have resigned his or her membership. The Executive Director of the Commission shall give written notice to the member who, has missed two consecutive regular meetings or three regular meetings in a calendar year, which notice shall contain a statement advising the member of the absences and the consequences thereof, together with a copy of this section of the By-Laws of the Children and Families Commission of Fresno County.

Further, as stated in the Fresno County Ordinance Code, Chapter 2.68, Section 2.68.010, the following applies to Commission members: "Except as otherwise specifically provided by this Ordinance Code, if a non-elected member of any board, commission, committee or council appointed by the Board of Supervisors shall be deemed to have resigned his or her membership for absences in excess of the following: B. Two consecutive regular meetings or three regular meetings in a calendar year if the board, commission, committee or council has from seven to twelve regular meetings per calendar year", The secretary to the board, commission, committee or council shall give written notice to the member who has missed two consecutive regular meetings or three regular meetings in a calendar year, which notice shall contain a copy of this section of the Ordinance Code. This section shall supersede any approved by-law, rules or regulations relating to absences by member of such boards, commission, committees or councils." The Executive Director shall serve as the secretary to the Commission for purposes of fulfilling these notice requirements of the Code. The failure of the Executive Director to send, or the failure of a member to receive, notice of the impending resignation due to excessive absences would not affect the resignation.