AGENDA ITEM: 11
DATE OF MEETING: July 15, 2009
ACTION: ___X____
INFORMATION: _____

COMMISSION BYLAW REVISIONS

SUMMARY OF REQUEST

Approve proposed revisions to the Bylaws, specifically Article XI, Procedures for Conduct of Business, for the California State Children and Families Commission.

BACKGROUND

Procedures for the conduct of business by First 5 California not specified in the California Children and Families Act shall be contained in bylaws adopted by the state commission (Commission) (Health and Safety Code Section 130130).

- On April 15, 1999, the Commission adopted its initial bylaws.

- On January 25, 2007, the Commission amended Article XI Sections I, II, and III of the Bylaws to enable the Commission to administer its program in an efficient and timely manner by clarifying the delegated signature authority of the executive director and his or her designee to enter into contracts and execute legal documents that are consistent with the purposes of the Act. The bylaws were also amended to make a technical correction to add the Commission's name, First 5 California.

- On July 19, 2007, the Commission amended Article XI, Section II of the Bylaws to expand the commission's delegation to enter into or amend contracts of $150,000 or less to the Chief Deputy Director.

STAFF RECOMMENDATION

Proposed amendments provide the Executive Director delegated authority to:

1. Authorize his or her designee to enter into contracts or agreements equal to or less than $10,000 for the sole purpose of the procurement of goods, equipment, and administrative service agreements necessary to carry-out administrative operations of First 5 California. This authorization does not extend to contracts for consulting services.

2. Establish Administrative Policy to ensure compliance with federal and state laws, regulations, and policy governing government operations.

These amendments will further enable the Commission to administer its operations in an efficient and timely manner and will support compliance with federal and state laws, regulations, and policies.

DISCUSSION

The daily oversight of general administrative operations and procurement is assigned to the Chief of Administrative Services and the Chief of Contracts, Procurement and Information Technology. On a regular basis, these positions plan and schedule the procurement of goods, equipment and services to maintain First 5 California administrative operations, which include, but are not limited to the following types of procurements:

- General office supplies, goods, and equipment
- Postage and postage meter maintenance
- Services for the transportation and storage of records
- Installation agreements
- General Office Maintenance
- Labor for the relocation or transportation of furniture
- Courier Service
- Repair maintenance and service agreements not contained in lease agreement.

The current signature delegations for contracts and agreements do not specifically distinguish between consulting and large purchase contracts currently defined in the bylaws and contracts for daily maintenance of administrative operations. Signature authority for administrative operations is consistently delegated and performed by Division Directors and Division Chiefs in comparable agencies. The daily review and oversight of these routine procurements add an undue burden on the Executive Director or Chief Deputy Director. The amendment to enable the Executive Director delegate this authority will support more efficient and effective administrative operations.

The Bylaws are silent on the delegated authority by the Commission to the Executive Director to establish internal administrative policies to ensure compliance with federal and state laws and to establish and maintain appropriate internal fiscal and operations controls.

This amendment would establish the authority of the Executive Director to authorize, on behalf of the state commission, administrative policies to support the administrative operations of the Commission. Administrative policies include, but are not limited to the following administrative policy areas: Equal Employment Opportunity, Accountability, Business Operations, Human Relations, Travel, Procurement, Rules of Conduct, and Information Technology.

ATTACHMENTS

Bylaws for the First 5 California Children and Families Commission

BYLAWS FOR THE CALIFORNIA STATE CHILDREN AND FAMILIES COMMISSION

ARTICLE I

Authority

The California Children and Families First State Commission, also known as First 5 California, is established by California Health and Safety Code Section 130110.

ARTICLE II

Purpose and Intent

Section I. (Purpose) The California Children and Families First Commission is created for the purposes of promoting, supporting, and improving the early development of children from the prenatal stage to five years of age. These purposes shall be accomplished through the establishment, institution, and coordination of appropriate standards, resources, and integrated and comprehensive programs emphasizing community awareness, education, nurturing, child care, social services, health care, and research.

Section II. (Intent) The commission's intent is to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development. This system should function as a network that promotes accessibility to all information and services from any entry point into the system. It is further the intent of this act to emphasize local decision-making and to integrate services in the areas of child care, health care, early intervention programs and parent education for children and parents of children from zero (including prenatal) to five years of age.

ARTICLE III

Powers and Duties

The powers and duties of the state commission shall include, but are not limited to, the following:

Section I. (Dissemination of Materials) Provide for statewide dissemination of public information and educational materials to members of the general public and to professionals for the purpose of developing appropriate awareness and knowledge regarding the promotion, support, and improvement of early childhood development.

Section II. (Guidelines) Adopt guidelines for an integrated and comprehensive statewide program of promoting, supporting, and improving early childhood development that enhances the intellectual, social, emotional, and physical development of children in California. The state commission's guidelines shall, at a minimum, address the following matters:

(A) Parental education and support service in all areas required for, and relevant to, informed and healthy parenting. Examples of parental education shall include, but are not limited to, prenatal and postnatal infant and maternal nutrition, education and training in newborn and infant care and nurturing for optimal early childhood development, parenting and other necessary skills, child abuse prevention, and avoidance of tobacco, drugs, and alcohol during pregnancy. Examples of parental support services shall include, but are not limited to, family support centers offering an integrated system of services required for the development and maintenance of self-sufficiency, domestic violence prevention and treatment, tobacco and other substance abuse control and treatment, voluntary intervention for families at risk, and such other prevention and family services and counseling critical to successful early childhood development.

(B) The availability and provision of high quality, accessible, and affordable child care, both in-home and at child care facilities, that emphasizes education, training and qualifications of care providers, increased availability and access to child care facilities, resource and referral services, technical assistance to ensure appropriate child care for all households.

(C) The provision of child health care services that emphasize prevention, diagnostic screenings, and treatment not covered by other programs; and the provision of prenatal and postnatal maternal health care services that emphasize prevention, immunizations, nutrition, treatment of tobacco and other substance abuse, general health screenings, and treatment services not covered by other programs.

The state commission shall conduct at least one public hearing on its proposed guidelines before they are adopted. The commission shall, on at least an annual basis, periodically review its adopted guidelines and revise them as may be necessary or appropriate.

Section III. (Measure Results) Define the results to be achieved by the adopted guidelines, and collect and analyze data to measure progress toward attaining such results.

Section IV. (Provide for Research) Provide for independent research, including the evaluation of any relevant programs, to identify the best standards and practices for optimal early childhood development, and the establishment and monitoring of demonstration projects.

Section V. (Solicit Input) Solicit input regarding program policy and direction from individuals and entities with experience in early childhood development, facilitate the exchange of information between such individuals and entities, and assist in the coordination of the services of public and private agencies to deal more effectively with early childhood development.

Section VI. (Provide Technical Assistance) Provide technical assistance to county commissions in adopting and implementing county strategic plans for early childhood development.

Section VII. (Review Audits) Review and consider the annual audits and reports transmitted by the county commissions and, following a public hearing, adopt a written report that consolidates, summarizes, analyzes, and comments on those annual audits and reports.

Section IX. (Apply for Grants) Apply for gifts, grants, donations, or contributions of money, property, facilities, or services from any person, corporation, foundation, or other entity, or from the state or any agency or political subdivision thereof, or from the federal government or any agency instrumentality thereof, in furtherance of a statewide program of early childhood development.

Section X. (Enter into Contracts) Enter into such contracts as necessary or appropriate to carry out the provisions and purposes of this act.

Section XI. (Advise Governor and Legislature) Make recommendations to the Governor and the Legislature for changes in state laws, regulations, and services necessary or appropriate to carry out an integrated and comprehensive program of early childhood development in an effective and cost-efficient manner.

Section XII. (Advisory Opinions) A. (Notice) Upon request or on its own initiative, the commission may issue advisory opinions regarding the California Children and Families First Act of 1998 and other relevant laws. The commission shall make proposed advisory opinions available to the public 10 days in advance of taking action on the advisory opinion.

B. (Exception to Notice) The commission may take action on an advisory opinion prior to making the opinion publicly available if the commission determines that immediate action is necessary. The commission's action on the opinion shall be subject to final approval at the commission's next meeting and the opinion shall be made available to the public 10 days in advance of that meeting.

ARTICLE IV

Members

Section I. (Appointment) The Governor shall appoint three members of the state commission, one of whom shall be designated as chairperson. One of the

governor's appointees shall be either a county health officer or a county health executive. The Speaker of the Assembly and the Senate Rules Committee shall each appoint two members of the state commission. Of the members first appointed by the Governor, one shall serve for a term of four years, and two for a term of two years. Of the members appointed by the Speaker of the Assembly and the Senate Rules Committee, one appointed by the Speaker of the Assembly and the Senate Rules Committee shall serve for a period of four years with the other appointees to serve for a period of three years. Thereafter, all appointments shall be for four-year terms. No appointee shall serve as a member of the state commission for more than two four-year terms.

Section II. (Compensation and Expenses) Voting members of the state commission shall not be compensated for their services, except that they shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the state commission.

Section III. (Conflict of Interest Code) Commission members shall file statements of economic interest as required by the Political Reform Act. The terms of the standard Conflict of Interest Code, (set forth in 2 Cal. Code Regs. § 18730) adopted by the Fair Political Practices Commission and as may be amended, are incorporated by reference and constitute the Conflict of Interest Code of the California Children and Families First State Commission.

ARTICLE V

Office Location

Section I. (Principal Office) The commission shall have its principal office in the city of Sacramento.

Section II. (Other Offices) Branch or subordinate offices may be established elsewhere within the State of California, if appropriate and economically feasible.

ARTICLE VI

Committees

Standing committees shall be appointed by a majority vote of the commission as the commission deems necessary. One member of each committee will be designated chairperson. Members of standing committees may not be compensated for their services, except that they may be paid reasonable per diem and reimbursement of reasonable expenses for attending standing committee meetings.

ARTICLE VII

Officers and Duties

Section I. (Officers) The officers of the commission shall be a Chair, Vice-Chair and such officers as the commission may from time to time provide. The Chair and Vice-Chair shall perform the duties of their respective offices, and such other duties as may be approved by the commission.

Section II. (Selection) The Chair of the commission shall be selected by the Governor of California. All other officers of the commission shall be elected by the voting members of the commission. 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.

Section III. (Duties) The Chair shall be the executive head of the organization and shall preside at all meetings. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.

Section IV. (Executive Director) The commission shall, within three months after a majority of its voting members have been appointed, hire an Executive Director. The state commission shall thereafter hire such other staff as necessary or appropriate. The Executive Director and staff shall be compensated as determined by the state commission, consistent with money available for appropriation in the Administration Account. The Executive Director shall act under the authority of, and in accordance with the direction of, the state commission.

ARTICLE VIII

Meetings

Section I. (Regular Meetings) Regular meetings of the commission shall be held on a regular basis at a time and place to be specified by a vote of the commission.

Section II. (Open Meetings) All meetings of the board, except those closed sessions permitted by law, shall be open and public. All meetings shall conform to the Bagley-Keene Open Meeting Act, including requirements for notice of meetings, preparation and distribution of agendas and written materials, inspection of public records, closed sessions and emergency meetings, maintenance of records, and disruption of a public meeting. Those provisions of law which govern the conduct of meetings of this commission are hereby incorporated by reference into these Bylaws.

Section III. (Notice of Meetings) Notice of each regular meeting shall be posted at least 10 days prior to the time of the meeting 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 shall be given to any person so requesting. Upon written request, individuals and organizations wishing to receive notice of meetings of the commission will be included on the distribution list for notice of regular meetings.

Section IV. (Special Meetings) Special meetings may be called by the Chair if compliance with the 10-day notice would impose a substantial hardship on the commission or if immediate action is required to protect the public interest.

ARTICLE IX

Quorum

A majority of the appointed voting members of the commission shall constitute a quorum of the commission.

ARTICLE X

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 rules of the commission and other statutory requirements.

ARTICLE XI

Procedures for Conduct of Business

Section I. The commission confers signature authority to the Executive Director and his or her designee for the purpose of executing all contracts and other legal documents on behalf of the commission.

Section II. For all contracts of $150,000 or less, the commission delegates its authority to enter into or amend contracts to the Executive Director and the Chief Deputy Director, providing that the Executive Director or the Chief Deputy Director deems each such contract to be necessary and appropriate to carry out the provisions and purposes of the California Children and Families Act.

Section III. For all contracts in excess of $150,000, after the commission has authorized expenditure for such contracts, the commission delegates to the Executive Director and his or her designee the authority to award and enter into such contracts.

Section IV. For all contracts of $10,000 or less, the commission authorizes the Executive Director to delegate authority to his or her designee to enter into or amend contracts for the sole purpose of the procurement of goods, equipment, and administrative service agreements necessary to carry-out administrative operations of First 5 California. This authorization does not extend to contracts for consulting services.

Section ~~IV.~~ **V.** Notwithstanding the above, the commission shall periodically review the contracts entered into by the Executive Director and his or her designee on behalf of the commission, excepting those contracts for sums of $5,000 or less, and shall ratify all such contracts as necessary and consistent with the California Children and Families Act.

Section VI. The commission delegates to the Executive Director the authority to establish administrative policy to ensure compliance with federal and state laws, regulations, and policies governing government operations.

ARTICLE XII

Amendments

These Bylaws may be amended or repealed by the commission at any duly-noticed regular or special meeting by a majority vote of the commission.

ADOPTED: April 15, 1999

REVISIONS ADOPTED: January 25, 2007 and July 19, 2007 and **July 15, 2009**

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Dave Kears
Vice-Chair, First 5 California