



# **BYLAWS**

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## DEFINITIONS

Within the context of this document, the following definitions apply:

Act means the California Children and Families Act of 1998.

Alternate Commissioners means those representatives formally appointed by the Calaveras County Board of Supervisors and authorized to vote as appointed during First 5 Calaveras Commission vacancies or absences of the designated commissioners they support.

Board of Supervisors means the Calaveras County Board of Supervisors.

Commission means *First 5 Calaveras*, the *Calaveras County Children and Families Commission* established pursuant to Health & Safety Code section 130140.

Commissioners means those First 5 Calaveras Commission representatives formally appointed by the Calaveras County Board of Supervisors representing designated areas or agencies within the community, and authorized to vote on Commission business, actions and decisions.

Community Organization means a civic, service, club, recreation, affiliate, faith community, or parent group.

Conflict of Interest means direct or indirect economic interest, gained as the result of Commission action in which the Commission member participated; or any employment activity or economic enterprise for compensation, which is inconsistent, incompatible, in conflict with, or inimical to his/her duties as a Commission member.

County means the Legal Entity known as Calaveras County, a political subdivision of the State of California.

County Strategic Plan means the plan adopted by the Commission and submitted to the California Children and Families Commission pursuant to Health & Safety Code section 120140.

Due Process means the procedure(s) referenced or established by these Bylaws, together with the careful implementation thereof, to accord and protect existing legal rights of practitioner(s), applicant(s) for staff membership and/or clinical privileges.

Ex-Officio means non-voting members of the Commission.

First 5 Calaveras means the Calaveras County Children and Families Commission established pursuant to Health & Safety Code section 130140.

First 5 California means the *California Children and Families Commission*, the state commission established in accordance with Health & Safety Code Section 130110.

Gender means words of masculine gender including correlative words of the feminine and neutral gender unless the context shall otherwise indicate.

Public Hearing means any regularly held, publicly noticed meeting in compliance with the Ralph M. Brown act shall serve the purpose of public hearing for First 5 Calaveras business including review and acceptance of program and fiscal audits, annual report and strategic plan review and updates.

Regular Monthly Meeting means the regular monthly Commission meeting in held in Calaveras County which is publicly noticed in compliance with the Ralph M. Brown Act.

Trust Fund means the First 5 Calaveras Trust Fund established pursuant to Health & Safety Code section 130105.

Vacancy means an unfilled Commission member seat or an unfilled office.

**ARTICLE I**  
**AUTHORITY, PURPOSE, DUTIES AND RESPONSIBILITIES**

**Section 1 Commission Authority & Purpose**

**A. Authority**

First 5 Calaveras is established by the California Children and Families Act of 1998 (CA Health & Safety Code Sections 130100 – 130158) and Calaveras County Code Chapter 2.18 (replacing Ordinance (No. 2655 (1998), No. 2878 (2006), and subsequent revisions).

**B. Purpose**

The Commission was created for the purposes of promoting, supporting, and improving the early development of children from birth to five (5) years of age. The purposes of the Commission 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.

**C. Intent**

The intent of the Commission 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 an entry point into the system. It is further the intent of this Commission 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 birth to five (5) years of age.

**D. Vision Statement**

All Calaveras County children will enter school safe, healthy and ready to learn.

**E. Mission Statement**

The Commission will facilitate partnerships and fund strategies that strengthen families and support them in raising healthy children ages birth-5.

**F. Guiding Principles**

A healthy family is a collection of people related by birth, marriage, adoption or personal ties who take responsibility for the child and provide support in a loving, nurturing environment.

Strong families are crucial to a child's healthy development.

Family responsibility should be encouraged and supported.

A child's developmental potential is influenced prenatally, in infancy and in early childhood and may significantly impact the level of adult achievement.

Healthy childhood development benefits the community and therefore should be a priority of the community.

Including all income levels, geographic regions, ethnic and cultural

backgrounds and those with special needs.

Existing and potential resources should be maximized through coordination/integration of services and creative/innovative use of available funding sources.

Programs and services supported by the Commission will demonstrate measurable results.

## **Section 2 Duties and Responsibilities of Commission**

First 5 Calaveras is charged with the following duties and responsibilities:

- A. To implement the goals and objectives of the California Children and Families Act of 1998 in compliance with California Health and Safety Code 130100-130158.
- B. To administer the monies in the First 5 Calaveras Trust Fund.
- C. The adoption of an adequate and complete First 5 Calaveras Strategic Plan for the support and improvement of early childhood development within Calaveras County as outlined in the California Health and Safety Code 130140(a)(1)(C).
  1. The First 5 Calaveras Strategic Plan shall be consistent with, and in furtherance of the purposes of the California Children and Families Act of 1998, and any guidelines adopted by the state commission pursuant to subdivision (b) of California Health and Safety Code Section 130125 that are in effect at the time the plan is adopted.
  2. The county strategic plan shall include the following:
    - a. A description of the goals and objectives proposed to be attained;
    - b. A description of the programs, services, and projects proposed to be provided, sponsored, or facilitated;
    - c. A description of how measurable outcomes of such programs, services and projects will be determined by the county commission using appropriate reliable indicators.
    - d. A plan describing how programs, services, and projects relating to early childhood development within the county will be integrated into a consumer-oriented and easily accessible system.
- D. To conduct at least one (1) public hearing on its proposed First 5 Calaveras Strategic Plan before the plan is adopted.
- E. To conduct at least one (1) public hearing on its annual review of the First 5 Calaveras Strategic Plan before any revisions to the plan are adopted and implemented.
- F. The First 5 Calaveras Commission shall measure the outcomes of First 5 Calaveras funded programs through the use of applicable, reliable indicators and review that information on a periodic basis as part of the public review of the county strategic plan.
- G. To submit the adopted First 5 Calaveras Strategic Plan, and any subsequent revisions thereto, to the state commission and the Calaveras County Board of Supervisors.

- H. To ensure an independent annual audit is completed and adopted pursuant to California Health & Safety Code section 130150.
  - 1. The independent auditor must review First 5 Calaveras contracting and procurement policies to ensure the policies are in place, the commission is operating in accordance with them and they contain provisions to ensure they are consistent with the First 5 Calaveras Strategic Plan.
  - 2. The independent auditor must review First 5 Calaveras administrative costs, to ensure they comply with the state commission's guidelines and the county commission has a process in place to monitor them.
  - 3. The independent auditor must review the commission's policies and procedures relating to conflict of interest for compliance with state and local law.
  - 4. The independent auditor must review First 5 Calaveras policies and procedures that are designed to ensure the commission's compliance with the county ordinance that established it.
  - 5. The independent auditor must review First 5 Calaveras long range financial plans to determine whether the commission has plans that were adopted at a public hearing.
  - 6. The independent auditor must review the commission's financial condition.
  - 7. The independent auditor must review the amount the county commission spends on program evaluation and the documented results of that expenditure.
  - 8. The independent auditor must review the commission's salary and benefits policy to determine whether employee salaries and benefits comply with them.
  - 9. The independent auditor must submit the audit simultaneously to the State Controller and First 5 Calaveras when it is completed.
  - 10. The Commission shall conduct at least one (1) public hearing within one month-of receipt of the audit on the audit findings and any response by the commission to findings.
  - 11. First 5 Calaveras must submit its audit to First 5 California and the California State Controller's Office by November 1 of each year.
  - 12. Should the independent auditor state findings, the First 5 Calaveras commission shall share its response to the finding in a public hearing, and following the public hearing shall submit its response to the State Controller with the completed audit by the November 1<sup>st</sup> legislated deadline.
- I. To prepare and conduct at least one (1) public hearing prior to submittal of each state commission required annual report prepared pursuant to Health & Safety Code section 130150, subdivision (b).
  - 1. The annual report must be submitted in the format prescribed by the state commission by November 1 each year.
- J. To make copies of First 5 Calaveras annual audits and reports available to members of the general public on request and at no cost.

- K. To exercise all powers, duties, and functions as are prescribed by statute, Calaveras County Board of Supervisors, and state or local Commissions.
- L. Duties of the Commissioners include, but are not limited to:
  - 1. Retain fiduciary responsibility and authority for all aspects of the Commission;
  - 2. Meet situations not specifically covered in these Bylaws through:
    - Adoption of Resolutions, and/or,
    - Approval of Commission Policies and Procedures.
  - 3. Report at least annually on the Commission's status to the Calaveras County Board of Supervisors;
  - 4. Sign and adhere to the Fair Political Practices Commission Conflict of Interest Statement within expected timelines
  - 5. As required by the Calaveras County Board of Supervisors (i.e., Board of Supervisors' representative to the Commission), take and adhere to Calaveras County's Oath of Office; and,
  - 6. Conduct business in accordance with the Brown Act (Government Code 54950-54963) and other mandates.
- M. Responsibilities of individual Commissioners include, but are not necessarily limited to:
  - 1. Attend Commission meetings;
  - 2. Attend meetings of committees to which the Commissioner is assigned;
  - 3. Relate community input to the Commission;
  - 4. Represent the Commission to the community in a positive and effective manner;
  - 5. Accept and fulfill reasonable assignments from the Chairperson of the Commission;
  - 6. Review, approve and implement the First 5 Calaveras Strategic Plan;
  - 7. Maintain good understanding of early childhood development issues; and
  - 8. Review Commission materials and remain abreast of related issues.

## **ARTICLE II MEMBERS**

### **Section 1 Commission Structure**

#### **A. Commission Membership.**

1. The Commission shall consist of seven (7) appointed members identified by role as Commissioners.

The Commission membership shall consist of the following three (3) required member representatives:

- One (1) member representing one (1) Supervisor from the Calaveras County Board of Supervisors;
- One (1) member representing the Calaveras County Human Services Director or her/his designee. Per Health and Safety Code section 130140(a)(1)(A)(i), this member must be a person “responsible for management of the following county functions: children’s services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services”;
- One (1) member representing the Calaveras County Public Health Officer or her/his designee. Per Health and Safety Code section 130140(a)(1)(A)(i), this member must be a person “responsible for management of the following county functions: children’s services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services.”

The balance of four (4) Commissioner member representatives will be appointed by the Calaveras County Board of Supervisors from any of the following Calaveras County community representations:

- Recipient of project services included in the Commission Strategic Plan;
- Educator specializing in early childhood development;
- Representative of a local organization for prevention or early intervention for children and/or families at risk;
- Representative of a community–based organization that has the goal of promoting nurturing, and early childhood development. Community organizations include civic, recreation, service and faith community organizations.
- Representative of local elementary school districts or county office of education;
- Representative of local medical, pediatric or obstetric associations or societies.

2. Alternate Commission members may be appointed as follows:
  - a. The three required county member representatives may designate alternates as follows:
    - 1) The Board of Supervisors may designate an alternate member of the Board of Supervisors.
    - 2) The Calaveras County Human Services Director and the Calaveras County Public Health Officer may designate alternates that represent any of the following categories consistent with the Health and Safety Code Section 130140: persons responsible for management of children’s services, public health services, behavioral health services, social services and tobacco and other substance abuse prevention and treatment services. These designees must be appointed by the Board of Supervisors as Alternate Commissioners.
  - b. The Board of Supervisors may appoint up to two (2) Community Representative Alternates that represent any of the following seven (7) community representation categories, consistent with the Health and Safety Code Section 130140. Alternates can represent any one of these categories, regardless of the representation of current Commissioners and Alternates.
    - 1) Recipient of project services included in the Commission Strategic Plan;
    - 2) Educator specializing in early childhood development;
    - 3) Representative of a local organization for prevention or early intervention for children and/or families at risk;
    - 4) Representative of a community–based organization that has the goal of promoting nurturing, and early childhood development. Community organizations include civic, recreation, service and faith community organizations.
    - 5) Representative of local elementary school districts or county office of education;
    - 6) Representative of local medical, pediatric, or obstetric associations or societies.

The category of “representative of a local child care resource or referral agency” identified in Health and Safety Code Section 130140 was not included, due to the fact that these services are provided by *The Resource Connection* in Calaveras County, which the County contracts with on the Commission’s behalf for many services and whose representative, therefore, would have conflict of interest issues on most contractual decisions.

## **B. Commissioner Recruitment**

### **1. Recruitment for Commissioners**

First 5 Calaveras staff will notify the Calaveras County Clerk of the Board of Supervisors of existing openings and will follow Calaveras County procedures for recruitment and appointment of positions. Recruitment for Commission vacancies will be announced through the Clerk of the Board of Supervisors following procedures for legal notice. Additional recruitment outreach and advertising may be provided by First 5 Calaveras staff and Commission members as appropriate to achieve recruitment from the general community. All applications must be submitted to the Calaveras County Clerk of the Board of Supervisors for submittal to the Board of Supervisors for consideration.

### **2. Appointment of Commissioners**

Formal appointment of Commission members shall be made by the Calaveras County Board of Supervisors. The regular appointed term of office of each member shall be for three (3) years and until the appointment of his/her successor.

### **3. Staggered Terms**

Terms of office of the commission members shall be staggered. Should appointments be made in a manner that results in simultaneous terms, a Commission meeting will be held whereby the four (4) members representing the various categories provided for in Article II, Section 1.2 a-f, shall classify themselves by lot so that at least one (1) member shall have a term of office for one (1) year, one (1) member shall have a term of office for two (2) years, and one member shall have a term of office for three (3) years.

## **Section 2 Removal of Commissioners**

Only the Calaveras County Board of Supervisors has authority to remove a Commissioner from appointment with or without cause, at any time for any reason.

## **Section 3 Vacancies**

A. A vacancy on the Commission shall occur automatically on the occurrence of any of the following events before the expiration of the term:

1. Removal of the incumbent with or without cause, at any time for any reason by the Calaveras County Board of Supervisors;
2. Formal resignation or death of the incumbent;
3. Ceasing to be a representative from the various categories provided for in Article II, Section 1.A.1-2.

- B. Any Commissioner, who is absent from three consecutive Commission meetings or a total of five meetings during the calendar year without prior notification to First 5 Calaveras staff, shall be deemed to have surrendered her/his appointment as Commissioner, resulting in a vacancy in that appointment representation.
- C. The Executive Director of the Commission shall inform the Commission chairperson and certify in writing the occurrence of any vacating event to the Calaveras County Clerk of the Board of Supervisors. The Calaveras County Board of Supervisors may waive any vacating event for any member of the Commission by majority vote of the Board of Supervisors.

**Section 4 Compensation**

Commissioners shall receive no compensation, but shall be reimbursed for actual and necessary expenses, such as but not limited to childcare and mileage to and from Commission meetings.

**Section 5 Conflict of Interest**

Should any member of the Commission either representing or holding a position with any organization which is an applicant to the Commission for funding under the authority and discretion of the Commission, that member shall declare her/his special interest and refrain from participating in any debate or discussion and any vote by the Commission on that application or funding award.

No Commissioner shall undertake any employment, activity, or economic enterprise for compensation, which is inconsistent, incompatible, in conflict with or adverse to her/his duties as a Commissioner. Should the Commissioner continue a conflict of interest, the Commissioner may be removed from the Commission.

Commissioners 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 California Code Regulations 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 County of Calaveras.

**ARTICLE III  
COMMISSION OFFICERS AND DUTIES**

**Section 1 List of Officers**

The Officers of the Commission shall consist of the Chairperson and the Vice-Chairperson.

**Section 2 Selection of Officers and Term**

The Chairperson and Vice-Chairperson shall be nominated and elected annually by the Commission from among its own members. Election must be by majority of the members present.

**Section 3 Duties of Officers**

A. Chairperson

The Chairperson shall preside over meetings of the Commission, provide leadership and direction on behalf of the commission, and appoint appropriate committees.

B. Vice-Chairperson

The Vice-Chairperson shall assume the duties of the Chairperson in the Chairperson's absence. If both the chair and the vice-chair are absent from a meeting the quorum shall appoint an acting chair.

**Section 4 Vacancies and Removal of Officers**

A. An officer vacancy shall be filled by nomination and election by the Commission as soon as is reasonably possible.

B. Officers may be removed by vote of Calaveras Commissioners for failure to perform the duties of the office.

**ARTICLE IV  
COMMITTEES**

**Section 1 Appointment and Terms of Members of Commission Committees**

The Chairperson shall appoint Commission members to the Commission's standing committees. Appointments are for one (1) year.

**Section 2 Standing Committees**

A. Standing Committees are committees of the Commission which have a continuing jurisdiction over a particular subject matter or whose meeting schedule is fixed by resolution or other formal action of the Commission. Standing Committees are subject to the Notice and Agenda requirements of the Brown Act. 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 of the committee. Members of standing committees may not be compensated for their services, except that they may be paid reasonable reimbursement of reasonable expenses such as mileage or childcare for attending standing committee meetings.

B. Standing committee meetings are open, public meetings and are all subject to the Brown Act. Standing committees can include but are not limited to:

1. Bylaws Committee
2. Grant Evaluation Committee
3. Commissioner Recruitment/Nomination Committee
4. Special Initiative Committees as requested

### **Section 3 Advisory Committees**

Advisory Committees are ad-hoc committees of the Commission, which are comprised of less than a quorum of the Commission and have a short duration of existence. The Advisory Committee has jurisdiction over a specific task to complete and once that task is completed the Advisory Committee shall dissolve. The Commission may appoint one (1) or more Advisory Committees. Advisory Committees are not subject to the Notice and Agenda requirements of the Brown Act. Advisory 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 of the committee. Members of advisory committees may not be compensated for their services, except that they may be paid reasonable reimbursement of reasonable expenses such as mileage or childcare for attending advisory committee meetings.

- A. The Commission Chair and Commission Vice Chair shall serve as an ad-hoc committee to the Executive Director to review and advise the Executive Director regarding short-notice actions such as applications for funding, procurement, policy or position statement endorsements or letters of support with deadlines occurring prior to a regularly scheduled meeting. The Commission Chair and Vice Chair will review issues based on timeliness, level of controversy, and the amount of organizational exposure, operational impact or gravitas of the issue and advise the Executive Director to proceed with responding to an opportunity and follow with a report for the Commission to ratify, or take no action until the issue has been presented for full Commission review and action during a regularly scheduled meeting.

## **ARTICLE V MEETINGS**

### **Section 1 Frequency and Location**

- A. The Commission shall meet regularly, no less than six times a year. Meetings are open to the general public. Meetings shall be held within the County of Calaveras at a publicly and disability accessible location selected by the Chairperson.
- B. Standing committees of the Commission shall meet as necessary in publicly and disability accessible locations to fulfill the committee's duties.
- C. Written notice specifying the time and place of the Commission or standing committee meetings, and the business to be transacted or discussed shall be delivered to all Commissioners, publicly posted, delivered to the Calaveras County Clerk of the Board of Supervisor's Office and identified interested parties at least seventy-two (72) hours in advance as in accordance with the Brown Act. No other business shall be considered at the Commission or Standing Committee meetings by the Commissioners.

### **Section 2 Special Meetings**

- A. Special meetings may be called at any time by the Commission Chairperson or on request of any three (3) Commissioners.

- B. Written notice specifying the time and place of the special meeting, and the business to be transacted or discussed shall be delivered to all Commissioners, publicly posted, delivered to the Calaveras County Clerk of the Board of Supervisor's Office and identified interested parties at least twenty-four (24) hours in advance as in accordance with the Brown Act. No other business shall be considered at the special meeting by the Commissioners.
- C. Emergency Meetings shall only occur in the event of an "emergency situation" in accordance with Brown Act section 54956.5. Public notice shall be posted and delivered to the Calaveras County Clerk of the Board of Supervisors Office and news media at least one hour in advance of emergency meetings.

**Section 3 Quorum**

- A. For all meetings of the Commission, a majority of the appointed voting members of the Commission shall constitute a quorum of the Commission.
- B. For standing committees, a quorum shall be a majority of the members of that committee, and shall include at least one (1) Commissioner.

**Section 4 Voting**

- A. Actions of the Commission shall be decided by a majority vote of the Commissioners present and will occur only when a quorum has been achieved.
- B. A written record of proceedings of all regular meetings, and standing committees identifying attendance, discussion, voting and action taken shall be kept. Minutes will be maintained and will be available to the members and the general public.

**Section 5 Public Meetings**

All meetings of the Commission and Committees shall be properly noticed, open to the public and held in accessible facilities, unless otherwise provided by law for closed session issues.

**Section 6 Meeting Procedures**

*Robert's Rules of Order, Newly Revised*, shall be the parliamentary authority for all matters of procedure not specifically covered by the by-laws or by specific rules or procedures adopted by the Commission. The Commission shall be subject to the Brown Act - Government Code Section 54950-54963.

**Section 7 Closed Session**

Closed session discussions may only be held in accordance with Brown Act Section 54956.7-9. Designation of closed session purpose will be identified on the posted agenda (i.e., confidential personnel action, pending litigation, etc.). The Commission shall publicly report any action taken in closed session within the confines of protected confidential information (Brown Act Section 54957.1).

**ARTICLE VI  
RULES AND PROCEDURES**

Agreed upon rules and detailed procedures for implementation of these Bylaws may be contained in a companion document entitled, "First 5 Calaveras Policy and Procedure Manual," as adopted by the Commission.

**ARTICLE VII  
ADOPTION**

The Commission shall adopt Bylaws and Bylaws revisions. Said adoption of Bylaws shall be by a majority vote, as defined in Article V, Section 4, at any properly noticed meeting of the Commission. The Calaveras County Board of Supervisors shall review and approve all Bylaws and Bylaw revisions adopted by the Commission.

**ARTICLE VIII  
AMENDMENT**

The First 5 Calaveras Bylaws may be amended at any properly noticed meeting of the Commission by a majority as defined in Article V, Section 4.

**ARTICLE IX  
REVIEW**

First 5 Calaveras Bylaws will be reviewed annually and revised as determined necessary by the Commission.

Annual review of Bylaws by First 5 Calaveras Commission was completed in public meeting on **Friday March 1, 2019** resulting in adoption of proposed revisions.

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Kristin Brinks  
Chair, First 5 Calaveras

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Jack Garamendi  
Chair, Calaveras County Board of Supervisors

## **APPENDIX A- REVISIONS**

It is noted that historically the Commission has reviewed and revised the First 5 Calaveras Bylaws since they were adopted on May 21, 1999. Review dates include March 2, 2007, October 5, 2007, August 1, 2008, August 7, 2009, September 10, 2010, August 5, 2011, June 20, 2012, December 7, 2012, August 16, 2013, March 6, 2014, May 6, 2016, May 12, 2017, and April 6, 2018.

They were revised by the Commission on February 18, 2000, August 5, 2005, May 5, 2006, September 10, 2010, June 20, 2012, December 7, 2012, August 16, 2013, March 6, 2014, October 17, 2014, February 6, 2015, and March 1, 2019.

Commission-approved revisions must later be approved and finalized by the Calaveras County Board of Supervisors.