

**BY-LAWS of
CHILD CARE CENTER LICENSING COMMITTEE**

**ARTICLE I
Definitions**

1. "Committee" means the Child Care Center Licensing Committee.
2. "Administrator" means the Administrator of the Child Care Licensing Program.
3. "Department" means the Utah Department of Health.
4. "Executive Director" means the Executive Director of the Utah Department of Health.
5. "Pending Minutes" means minutes that have been prepared in a draft form and are subject to change before being approved by the Committee.
6. "Qualified" means an individual who meets the qualifications stated in statute for the position the individual represents in the Committee.

**ARTICLE II
Legal Authority and Purpose**

1. Legal Authority

The Child Care Center Licensing Committee was established pursuant to Sections 26-1-7(1)(g) and 26-39-102(6), Utah Code, 2015 General Session.

2. Purpose

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the purpose of this Committee is to make rules that govern center based child care as necessary to protect qualifying children's common needs for a safe and healthy environment.

**ARTICLE III
Committee Membership**

1. Membership Composition and Appointment:

The Committee will be composed of seven (7) members appointed by the governor and approved by the Senate as follows:

- a) Three members who have at least five years of experience as an owner in or director of a currently active Utah licensed child care center.
- b) One parent with a child in center-based child care.
- c) One child development expert from the state system of higher education.
- d) A licensed pediatrician or a licensed health care professional who specializes in pediatric care when no licensed pediatricians apply for the position.
- e) One architect licensed in Utah.

2. Appointment Terms:

- a) Terms will be for four-years ending June 30. However, terms will be staggered so that approximately half of the members are appointed every two years.
- b) Members will continue to serve until the member's successor has been appointed by the governor and approved by the Senate.
- c) A member may not serve more than two consecutive terms.
- d) When a vacancy occurs in the membership for any reason, the governor, with the consent of the Senate, will appoint a replacement for the unexpired term.

3. Termination of Membership:

Committee members can be replaced when one of the following occurs:

- a) They have three unexcused absences from Committee meetings in a calendar year as reflected in the Committee minutes.
- b) They provide written resignation.
- c) They are not physically present for at least 50% of the scheduled meetings every year.
- d) They are no longer qualified for the appointed position.
- e) Upon written request by three or more Committee members and in concurrence with the Director.

ARTICLE IV **Committee Responsibilities**

1. Committee members will assume role upon appointment.
2. Committee members will promote the health and safety for center based child care programs statewide.
3. Committee members will advise the Department on the administration of any matter affecting center based child care.
4. Committee members will perform other duties as provided under Section 26-39-203.
5. Committee members will protect the public, respect all parties involved, and conduct themselves in a professional manner during the meetings and any time they represent the Committee.
6. Committee members will maintain current knowledge of the issues relating to their profession, Committee position, and general Committee responsibilities.
7. Committee members will listen to and act within the confines of responsibilities on the expressed and written interests of those parties they represent.
8. Committee members will be physically present for at least 50% of all annual Committee meetings.
9. Committee members will appoint a proxy to represent them at Committee meeting in the event of needed absence. The Committee member must inform the Chair of this substitution prior to the meeting.
10. Committee members will keep all communications open to the public during the meeting and avoid any electronic transmissions that are not public during the meeting.

11. Committee members will submit any desired agenda items to the Chair or the Administrator not later than 48 hours before the meeting.
12. Committee members cannot elect or appoint a proxy to any Committee officer position.
13. If both the Chair and the Vice-Chair are not in attendance, the Committee will elect by Committee majority vote other Committee members to stand in the Chair and Vice-Chair places during their absence.
14. All Committee members have the same rights and responsibilities. That includes making motions, debating, and voting.
15. A Committee member attending a Committee meeting by electronic means counts in the Committee quorum and can vote. However, they cannot conduct the meeting if not physically present.

ARTICLE V **Committee Officers**

1. Committee Chair
 - a) The Committee will elect a Chair by Committee member majority vote.
 - b) The Chair of the Committee will serve a one-year term and can be re-elected without limit as long as the person remains a qualified Committee member.
 - c) In the event that the Vice-Chair cannot attend a meeting, the Chair will appoint a Committee member, not a proxy, to stand in the Vice-Chair's place.
 - d) The Chair is responsible to set and approve the agenda for Committee meetings in coordination with the Administrator at least 48 hours before the meeting.
 - e) The Chair conducts all Committee meetings.
 - f) The Chair should maintain control, respect the wishes of the majority, protect the minority, and seek concurrence with the Department.
 - g) The Chair will ensure that the Committee members receive annual training on the requirements of this committee.
 - h) The Chair may appoint a proxy in the event that a Committee member is absent and does not send a qualified proxy.
 - i) The Chair may appoint sub-committee chairs to conduct Committee tasks for the Committee.
2. Committee Vice-Chair
 - a) The Committee will elect a Vice-Chair by Committee member majority vote.
 - b) The Vice-Chair of the Committee will serve a one-year term and can be re-elected without limit as long as the person remains a qualified Committee member.
 - c) In the event that the Chair cannot attend a meeting, the Vice-Chair will stand in the Chair's place.
 - d) The Vice-Chair will assist the Chair when conducting meetings by helping administer time spent on agenda items, including public participation and making sure voting procedures are followed.
 - e) The Vice-Chair will oversee the work of the sub-committees.

3. Proxys.
 - a) Proxys must meet the same qualifications as the Committee member for whom they are substituting.
 - b) Proxys can substitute Committee members, but not their Committee office.
 - c) A proxy will act as a Committee member during meetings. That includes voting and for the purposes of constituting a quorum.
4. Sub-Committee Chairs
 - a) Sub-Committee Chairs report their activities to the Committee.
 - b) Depending on the reason for the subcommittee, Sub-Committee Chairs may invite any other individuals to be part of the subcommittee. However, subcommittees do not have the authority to make any decisions as they are only to report to the Committee and to recommend any actions they conclude necessary.
5. Committee Secretary

Per statute, the Administrator will serve as Executive Secretary to the Committee. The Committee Secretary will:

 - a) represent the Department,
 - b) publish an approved agenda no later than 24 hours before the Committee meeting,
 - c) keep an interested parties email list,
 - d) notify all individuals on the interested parties email list of any changes in Committee meeting times and dates at least one week before the meeting except for unexpected circumstances,
 - e) keep written minutes as well as an audio recording of all Committee meetings,
 - f) make pending minutes available to the public within 30 business days of holding the meeting,
 - g) make approved minutes and meeting handouts available to the public within three business days after approved by the Committee,
 - h) make audio recording of the meeting available to the public within three business days after holding the meeting,
 - i) make a current list of Committee members and any vacancies available to the public,
 - j) not vote or act as a Committee member for the purposes of constituting a quorum, and
 - k) follow the Utah Open and Public Meetings Act executive procedures.

ARTICLE VI **Committee Meetings**

1. Location and Frequency of Meetings.
 - a) The location for Committee meetings may be held at any location designated by the Committee.

- b) Meetings will be at least every two months, or more frequently as determined by the Executive Director, the Chair, or three or more members of the Committee.
- c) Notice of the meeting schedule will be provided at the first meeting of the calendar year.
- d) Attendance may be by means of electronic equipment.

2. Public Notification and Agenda.

- a) The Committee will give not less than 24 hours public notice of each meeting.
- b) The public notice will include at least the agenda, date, and place of the meeting.
- c) The agenda will provide reasonable specificity to notify the public as of the topics to be considered at the meeting.
- d) The agenda will provide contact information in case someone needs information or special accommodations.
- e) Items raised during the meeting not included in the agenda can be discussed during the meeting at the discretion of the Chair. However, the Committee may not take final action on that topic.

3. Conducting the Meeting

The following will be the basic steps to conduct a meeting:

- a) Committee meetings will be in compliance with the Open and Public Meetings Act and open to the public except as otherwise permitted by law.
- b) Start each Committee meeting by stating the name of the Committee, date and time of the meeting, and recognizing those present.
- c) Follow the agenda considering only one matter at a time. Any matter considered cannot be brought up again in the same meeting except by a motion to reconsider.
- d) Call to adjourn (requires a motion, a second, and a majority vote).

4. Public Involvement.

- a) Each Committee meeting will include a time set aside on the agenda for public comments.
- b) Public participation must be approved by the Chair.
- c) Any member of the public participating in the meeting must state their name and limit their participation to the topic being discussed and their allotted time.
- d) Disruptive behavior will not be tolerated. Any individual disturbing the meeting will be required to leave.

ARTICLE VII **Quorum, Voting, and Appeals**

1. Quorum.

- a) Three members constitute a quorum for the transaction of Committee business.
- b) Qualified proxies count for the purpose of constituting a quorum.

2. Actions of the Committee
 - a) Any matter requiring a Committee vote must:
 - I. be clearly explained (all Committee members have the right to understand the meaning and the effect a decision will have and supporting documents will be provided to the Committee members with sufficient time to consider the material prior to requiring their vote);
 - II. have a motion made by a Committee member (simple, concise, and staying on subject);
 - III. have another Committee member second (otherwise motion is lost);
 - IV. have time to discuss the motion;
 - V. be called for Committee vote (Chair asks for affirmative votes and then negative votes); and
 - VI. have confirmation of the outcome (motion is carried, fails, tabled, or deferred).
 - b) A vote of the majority of the members present constitutes an action of the Committee.
 - c) Committee actions must be in concurrence with the Department.
3. Conflict of Interest.
 - a) No member of the Committee may vote on any matter which would provide direct individual financial benefit to that member, without declaring that interest for the record.
 - b) Committee members must sign a conflict of interest form as required by the Utah Public Employee's Ethics Act Utah Code Ann. §§ 67-16-1 through 15.
4. Appeals
 - a) Any final action taken in violation of the responsibilities of the Committee, rule, or statute can be appealed within 90 days of the decision.
 - b) Appeal requests must be submitted to the Department.

ARTICLE VIII **Amendments of the By-laws**

1. Amendment Procedure.
These by-laws may be revised or amended by an affirmative vote of three Committee members at any regular or special meeting of the Committee if a motion to consider the specific amendment is made at a regular or special meeting of the Committee and notice of the amendment and its text is contained in the notice of the meeting.
2. Restrictions.
The Committee will not be permitted to amend the by-laws contrary to the provisions of Utah Statute.

Adopted March 28, 2019