

**BY-LAWS of
RESIDENTIAL CHILD CARE LICENSING ADVISORY COMMITTEE**

**ARTICLE I
Definitions**

1. "Committee" means the Residential Child Care Licensing Advisory 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 Residential Child Care Licensing Advisory Committee was established pursuant to Utah Code 26-1-7(1)(f) and 26-39-201.

2. Purpose

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

**ARTICLE III
Committee Membership**

The Committee membership requirements will follow the authorizing statute found in Utah Code 26-39-201.

1. Membership Composition and Appointment:

The Committee will be composed of nine (9) members appointed by the Executive Director as follows:

- a) Two home based child care consumers.
- b) Three currently licensed home child care providers.
- c) One currently certified child care provider.
- d) One individual with expertise in early childhood development.
- e) Two health care providers.

2. Appointment Terms:

- a) Terms will be for four-years. However, terms will be staggered so that ¼ of the membership changes every year.

- b) Members will continue to serve until the member's successor has been appointed by the Executive Director.
- c) When a vacancy occurs in the membership for any reason, the Executive Director 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 present for at least 50% of the scheduled meetings every year;
- d) They are no longer qualified for the appointed position; or
- 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 home based child care programs statewide.
- 3. Committee members will advise the Department on the administration of any matter affecting home based child care.
- 4. Committee members will perform other duties as provided under Section 26-39-201.
- 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 present for at least 50% of all annual Committee meetings.
- 9. Committee members will send a proxy to attend a 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 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 each member equally 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 as deemed appropriate to operate the Committee business in an efficient manner.

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.
- 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 whole 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
- 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 written minutes as well as an audio recording of all Committee meetings,
 - d) make pending minutes available to the public within 30 business days of holding the meeting,
 - e) make approved minutes and meeting handouts available to the public within three business days after approved by the Committee,
 - f) make audio recording of the meeting available to the public within three business days after holding the meeting,
 - g) make a current list of Committee members and any vacancies available to the public,
 - h) not vote or act as a Committee member for the purposes of constituting a quorum, and
 - i) 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 quarterly, 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 on 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 if the topic was not listed on the agenda more than 24 hours prior the meeting.

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) Five 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 carries or motion fails).

- 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) Each Committee member must sign a disclosure statement as required by the Utah Public Employee's Ethics Act Utah Code Ann. §§ 67-16-1 through 15 upon appointment to the Committee. This form declares each Committee member's financial ties in relation to this Committee's business.

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 five 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 November 13, 2020