

# BY-LAWS

## ORANGE COUNTY JUVENILE CRIME PREVENTION COUNCIL

### **ARTICLE I: NAME AND PURPOSE**

**Section 1** General Statute 143B-845 - 852 sets out that it is the intent of the General Assembly to prevent juveniles who are at risk from becoming delinquent and develop community-based alternatives to youth development centers and to provide community-based delinquency, substance abuse and gang prevention strategies and programs.

The statute also says that the General Assembly intends to provide non-institutional disposition alternatives that will protect the community and juveniles. These programs and services are to be planned at the local level by local Juvenile Crime Prevention Councils (hereinafter referred to as The Council) in partnership with the state.

**Section 2** The name of this body shall be the Orange County Juvenile Crime Prevention Council.

**Section 3** The Council is created by the General Assembly and accountable to the Orange County Board of Commissioners, (hereafter referred to as County Commissioners). The Council is made up of interested Orange County citizens and professionals.

**Section 4** An important function of The Council is to make recommendations to the County Commissioners regarding the expenditure of funds for programs geared toward the prevention of and intervention into juvenile delinquency and to provide oversight to those programs funded to provide services.

**Section 5** Review the needs of juveniles in Orange County who are at risk of delinquency or who have been adjudicated undisciplined or delinquent, evaluate the resources available to address those needs, and develop strategies to address unmet needs.

**Section 6** Fund direct services to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency through the study of juvenile risk/needs data as well as other community data.

- Section 7** Fund direct services to intervene and appropriately respond to the needs of juveniles who have been associated with gang activity or who are at risk of becoming associated with gang activity.
- Section 8** Ensure that appropriate intermediate dispositional options are available and shall prioritize funding for dispositions of intermediate and community level sanctions for court adjudicated juveniles under minimum standards adopted by the Department of Public Safety, Division of Adult Corrections and Juvenile Justice.
- Section 9** Evaluate programs funded by The Council as a condition of continued funding.
- Section 10** Increase public awareness of the causes of delinquency and of strategies to reduce the problem.
- Section 11** Plan for a permanent funding stream for delinquency prevention programs.
- Section 12** Comply with current DPS JCPC Policies and Procedures.

## **ARTICLE II: MEMBERSHIP**

- Section 1** For Orange County to receive funding, the County Commissioners must appoint a Council that consists of not more than 26 members and should include, if possible, the following:
1. The local school superintendent or designee;
  2. The chief of police in the county or designee;
  3. The local sheriff, or designee;
  4. The district attorney, or designee;
  5. The chief court counselor, or designee;
  6. Director, Local Management Entity/Managed Care Organization (LME/MCO), or designee abuse authority, or designee
  7. The director of DSS, or designee;
  8. The county manager, or designee;
  9. The substance abuse professional;
  10. A member of faith community;
  11. A county commissioner;
  12. Two persons under the age of 21, or one person under the age of 21 and one member of the public representing the interests of families of at-risk juveniles
  13. A juvenile defense attorney;
  14. The Chief District Court Judge or designee;
  15. A member of the business community;
  16. The local health director, or designee;
  17. A representative of United Way or other non-profit;

18. A representative of local parks and recreation; and
19. Up to seven members appointed by the board of county commissioners.

**Section 2** Each member shall serve a term of two years and may be reappointed by the County Commissioners. Terms of appointment shall begin July 1<sup>st</sup> of each year.

**Section 3** The Council shall make recommendations to the County Commissioners to fill any membership vacancies.

**Section 4** Three consecutive unexcused absences shall constitute grounds for replacement. Members are expected to notify the chairperson in advance of scheduled meetings if unable to attend.

**Section 5** A quorum shall be a majority of appointed members.

### **ARTICLE III: OFFICERS**

**Section 1** The offices shall consist of a Chairperson, Vice-Chair, Secretary and Treasurer (optional)

**Section 2** These officers shall be elected from The Council membership on an annual basis and on or before the first meeting of the fiscal year and may succeed themselves. The elected officers of The Council shall include:

**1. Chair** – Shall preside over all meetings with a set agenda and shall decide all matters of order and procedures subject to these Bylaws; has the authority to appoint committee members and subcommittees as necessary to conduct business of The Council; accountable to the JCPC and DPS for the expenditures of the JCPC administrative funds and ensures all fiscal reports for these funds are completed and submitted to DPS by the established DPS due dates; responsible for approving JCPC Program Agreements, Program Agreement Revisions, Third Quarter Accountings and Final Accountings through the DPS electronic signature process; responsible for the submission of the Annual Report, County Funding Plan, JCPC Certification and other fiscal/funding documents per direction of DPS. The Chair represents The Council before the County Commissioners and other agencies and community groups.

**2. Vice-Chair** – Shall serve as acting Chair in the absence of the Chair and as such shall have the same power and duties as the Chair when presiding.

**3. Secretary** – Shall assist the Chair/Vice-Chair regarding the organization and planning of meetings for The Council; takes minutes for all of The Council proceedings and makes them available to The Council members by the next scheduled meeting; records all resolutions and votes taken in matters; sends notices regarding meetings as requested by the Chair/Vice-Chair; keeps an accurate and current membership list, takes roll and determines a quorum for all meetings of the general membership.

*NOTE: The Council may recruit a community volunteer for this position or, approve JCPC funds to pay someone to fulfil this position through a Contract for Professional Services. When contracting for this position, a Secretary will not be an elected Officer of The Council in order to comply with statute of council members not being financially compensated.*

**4. Treasurer, optional** - Shall be accountable to The Council and DPS for the expenditures of the JCPC administrative funds; submits all fiscal reports to DPS by the established due dates to include Third Quarter Accounting, Final Accounting and Program Agreement Revisions, as needed, throughout the year.

*NOTE: The Council may reply on the elected officers and/or volunteer/contracted position to fulfill these responsibilities.*

**Section 3**      Removal from The Council

A member shall be removed for malfeasance or nonfeasance as determined by the County Board of Commissioners. Additionally, the County Board of Commissioners may remove a member upon the recommendation of the Council for any of the following reasons:

1. Absence, without excuse, from three (3) scheduled meetings, within one year.
2. Failure to participate in the work of The Council
3. Conduct that demonstrates a lack of responsibility or is unbecoming of The Council.

## ARTICLE IV: MEETINGS

**Section 1**      The Council shall meet at least bi-monthly or more often if a meeting is called by the Chairperson.

**Section 2**      All meetings shall follow Open Meetings Law and conducted in accordance with Robert's Rules of Order.

- Section 3** Meetings may be held in-person or at the discretion of the Chair, virtually. Meetings conducted in-person, shall offer the option for attendees to join the meeting virtually. Members joining a virtual meeting shall count towards the quorum and count as actual attendance for that JCPC meeting.
- Section 4** The membership shall be notified of all meetings, in writing, or by phone at least five days prior to the meeting.
- Section 5** Minutes shall be taken at every meeting and distributed prior to or at the subsequent meetings.
- Section 6** Special Meetings
- 6.1** The Chairperson may call special meetings as deemed necessary to carry out the duties of The Council.
- 6.2** Notice of special meetings shall be given to The Council, in writing, by phone, or by email at least two days in advance.

## **ARTICLE V: FUNDING PROCEDURES**

- Section 1** Screening Applications for Funding.
- Section 1.1** All applications submitted to The Council will be screened by the Funding and Review Committee.
- Section 1.2** Proposals will be scrutinized according to whether they meet the needs as provided in the annual needs assessment, the requirements of the Request for Proposals (RFP) as well as for program effectiveness, staffing issues, amount requested and expectations of the program.
- Section 2.** Voting to Fund
- Section 2.1** The Council, except as hereinafter excluded, will vote on the recommended funding provided by the Funding/Review Committee and may amend recommendations before a final vote.
- Section 2.2** Members of The Council who are affiliated with a program who is a recipient of funding shall not be eligible to vote on any business relating to that particular program.

**Section 3** Approved or Disapproved.

**Section 3.1** The Council shall adopt procedures for program funding which are consistent with DPS JCPC Policies.

**Section 3.2** Funding Decisions

1. Applicants shall be notified of the funding decision, in writing, within ten (10) business days of the approved funding decision.
2. Notifications must include comments supporting (why or why not funded) the funding decisions.

**Section 3.3** Applicants

May request, in writing to the JCPC Chair, the funding process protocol followed by The Council within five (5) business days of receiving the funding notification. Requests will be reviewed by the Funding Committee and presented to The Council at the next scheduled JCPC meeting following receipt of the request. The JCPC Chair or the Funding Committee Chair, will respond to the applicant, in writing, within ten (10) business days following the JCPC meeting.

## **ARTICLE VI: JCPC MONITORING**

**Section 1** The Monitoring Committee, comprised of JCPC members not affiliated with funded programs, shall conduct annual on-site monitoring visits of the JCPC funded programs. The committee chair is responsible for submitting the DPS form, JCPC Monitoring Report and Confidentiality Statement, and reporting the outcomes to The Council and DPS at the scheduled meeting following the monitoring visit.

## **ARTICLE VII: CONFLICT OF INTEREST**

**Section 1.** Juvenile Crime Prevention Council (JCPC) members are public officers. N.C. Gen. Stat. § 14-234 requires that:

1. No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law; and
2. A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract; and (3) No public officer or employee may solicit or receive any gift, reward, or promise of reward in

exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.

Accordingly, no JCPC member or managing staff may receive directly or indirectly, any funds disbursed from the State of North Carolina, except for duly, authorized staff compensation and benefits, and reimbursement for expenses actually incurred in connection with the Council's business and in accordance with final approved grant agreements.

Orange County JCPC desires to require its members to avoid conflicts of interest or the appearance of impropriety in the disbursement of State funds;

No member of the JCPC shall be deemed to benefit directly or indirectly from any contract or grant funded in whole or in part by State funds if he/she receives only the salary or stipend due to him/her in the normal course of employment with, or service to, said JCPC.

These policies have been communicated to members and full disclosure has been provided for any possible appearance of conflict of interest that may exist. All members will be required to sign the conflict of interest disclosure policy on a yearly basis at the beginning of the fiscal year or upon appointment to the Board.

Council members shall not use their official affiliation with the JCPC to secure preferential treatment for any juvenile. Council members shall not use confidential information regarding juveniles or their families, JCPC agencies or other council members for personal gain or benefit. Council members must disclose, in writing, by submitting the DPS JCPC Conflict of Interest Disclosure Form for JCPC Members (Form DPS 13 001 c), a (potential) conflict of interest when the council member:

1. Is related to a program staff member;
2. Is related to another JCPC member;
3. Has/may have personal, financial, professional, and/or political gain at the expense or benefit of the JCPC, other than the benefit of therapeutic intervention for the juveniles and families served by JCPC funded programs;
4. Or a council member's family member participates in activities of, is a member of, or is an employee of a business entity that may be viewed as having direct or indirect influence over the JCPC's business;
5. Or a council member's family member may be viewed as having direct or indirect financial gain from personal or business investments/interest in real property held by that council member;
6. Received honorarium or other compensation outside of the scope of employment and operations that creates or appears to create bias;
7. Secured employment with a competing applicant for JCPC funding; and

8. Has a relationship other than professional with a JCPC funded program or applicant for funding, or any staff member or volunteer working for the program/applicant?

A. Disclosure of any conflict of interest is mandated by statute.

The Chair shall:

1. Initiate annual review of all conflict of interest disclosures and compare JCPC actions taken as a result of the disclosure to the JCPC's bylaws; and
2. Ensure all new and existing council members receive the DPS Conflict of Interest Disclosure Form for JCPCs (Form DJJ 13 001c) and are made aware of the JCPC's conflict of interest policy, which states:

*The purpose of disclosure of financial and personal interests (business, professional, or political) of JCPC members is to avoid conflicts of interest, potential conflicts of interest and the appearance of conflicts of interest between the member's private interest and his/her public duties. It is critical to this process that JCPC members examine, evaluate, and disclose those personal and financial interests that may pose a real or potential conflict of interest. Each JCPC member must take an active, thorough, and conscientious role in the disclosure and review process, including having a complete knowledge of how the JCPC member's private interests (business, professional, or political) might impact his/her position or duties on the council. JCPC members have an affirmative duty to provide any and all information that a reasonable person would conclude is necessary to disclose any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest between the member's public and private interests; however the disclosure, review, and evaluation process is not intended to result in the disclosure of unnecessary or irrelevant personal information.*

*Therefore, personal relationships that may inappropriately influence (bias) or appear to influence actions must be disclosed. Conflict means a conflict or the appearance of a conflict between the private interests and official responsibilities of a person in a position of trust, including a Juvenile Crime Prevention Council member.*

*Failure to disclose any conflicts of interest, potential conflicts of interest and the appearance of conflicts of interest within the JCPC may result in the DPS cessation of any further State funds.*

To comply with this mandate and with DPS JCPC Policy (*1 Operations: JCPC Operations*), the Orange County Juvenile Crime Prevention Council adopts the use of the DPS JCPC Conflict of Interest Disclosure Form for JCPC Members (Form DPS 13 001c Conflict of Interest Disclosure Form for JCPC Members).

3. Any action taken by The Council in response to a conflict of interest being disclosed by a JCPC member shall be recorded in the minutes of the meeting

## ARTICLE VIII BY-LAWS AMENDMENTS

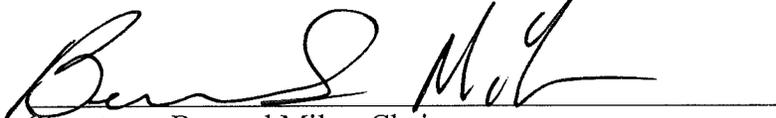
**Section 1** Amendments to these Bylaws require a majority vote of members

**Section 2** Amendments are permissible at any time but must be brought before The Council at least one meeting prior in which the vote will be taken.

These Bylaws shall become effective immediately upon approval of a majority vote by The Council.

Amended Bylaws respectfully submitted to The Council for review on this date: Aug 7, 2020.

Adopted as amended as of this date: Oct 2, 2020.

A handwritten signature in black ink, appearing to read "Bernard Miles", is written over a horizontal line.

Signature: Bernard Miles, Chair  
Orange County Juvenile Crime Prevention Council