

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** July 19, 2006

**SUBJECT:** Requesting Revision of the By-Laws for the  
Henderson County Juvenile Crime Prevention Council

**ATTACHMENTS:** Yes

- Outline of requested changes
- Copy of the JCPC By-Laws with changes
- Copy of letter stating actions taken by the Board of Commissioners from previous request

#### **SUMMARY OF REQUEST:**

The Henderson County Juvenile Crime Prevention Council (JCPC) members have reviewed the By-Laws again. The Council would like to request that the By-Laws be modified to better meet the needs of the Juvenile Crime Prevention Council.

#### **BOARD ACTION REQUIRED:**

Staff recommends the approval of the attached by-laws.

**BY-LAWS**  
**GOVERNING THE HENDERSON COUNTY**  
**JUVENILE CRIME PREVENTION COUNCIL**

**Article I**

**Name**

The name of this committee shall be called the Henderson County Juvenile Crime Prevention Council, hereinafter referred to as the "Council". The Council was formed by the Henderson County Board of Commissioners on February 17, 1999 pursuant to the authority of Part 6 of Article 3C of Chapter 147 of North Carolina General Statutes, (N.C.G.S.).

**Article II**

**Legislative Goals**

The Council serves as the local juvenile justice planning body for Henderson County. The Council shall serve in an advisory capacity only and shall provide recommendations to the Board of Commissioners. The Council is established and serves as a prerequisite for Henderson County to receive funds for juvenile delinquency prevention programs from the State of North Carolina. The legislative intent for the Council is to be involved with the following issues:

- A. To prevent juveniles who are at risk, from becoming delinquent.
- B. Develop community-based alternatives to training schools and to provide community-based delinquency and substance abuse prevention strategies and programs.
- C. Provide non-institutional dispositional alternatives that will protect the community and the juveniles.
- D. Plan and organize programs and services at the community level and develop them in partnership with the State Office of Juvenile Justice.

## Article III

### Powers and Duties

- A. The Council shall annually review the needs of juveniles in the County who are at risk of delinquency or who have been adjudicated, undisciplined or delinquent.
- B. The Council shall annually review the resources available to address the needs of juveniles who are at risk of delinquency or who have been adjudicated, undisciplined or delinquent.
- C. The Council shall develop and advertise a request for proposal (RFP) process and submit a written plan of action for the expenditure of juvenile sanction and prevention funds. This plan shall be submitted to the Henderson County Board of Commissioners for approval. Upon approval by the Board, the plan shall be submitted to the Office of Juvenile Justice for final approval.
- D. The Council shall annually develop and recommend appropriate intermediate disposition options for juveniles and shall prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles pursuant to minimum standards adopted by the Office of Juvenile Justice.
- E. The Council shall on a regular basis, assess the needs of juveniles in the community, evaluate the adequacy of resources available to meet those needs and develop or propose ways to address unmet needs.
- F. The Council shall annually evaluate the performance of juvenile services and programs in the community, including each funded program. A positive evaluation will be the basis for continued funding.
- G. The Council shall increase public awareness of the causes of delinquency and of strategies to reduce the problem.
- H. The Council shall develop strategies to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency through appropriate risk assessment techniques and survey instruments.
- I. The Council shall seek funds for services for treatment, counseling or rehabilitation for juveniles and their families, including court ordered parenting classes.
- J. The Council shall plan for the establishment of a permanent funding source for delinquency prevention services.
- K. The Council may examine the benefits of joint program development between counties within the same judicial district.

## Article IV

### Membership

- A. Planning efforts will include appropriate representation from local government, local public and private agencies which serve juveniles and their families, local business leaders, citizens with an interest in youth problems, youth representatives and other appropriate individuals from the community.
- B. The Council shall consist of a maximum of 26 voting members and in addition may include a non-voting, ex-officio member who is also the Henderson County Youth Programs Director. All members shall serve two (2) year terms. Members shall be appointed by the Henderson County Board of Commissioners and may be re-appointed upon expiration of terms. Terms shall expire the last day of June 30.
- C. Membership on the Council shall include the following, (if possible):
- |  |   |
|--|---|
| local school superintendent or designee  | county commissioner   |
| chief of police                          | 2 persons under 18 with one being a member of the State Youth Council |
| local sheriff or designee                | juvenile defense attorney   |
| district attorney, or designee           | chief district court judge  |
| chief court counselor, or designee       | (or designee judge)   |
| director of mental health, or designee   | member of business  |
| director of social services, or designee | health director, or designee  |
| county manager or designee               | United Way or nonprofit representative                                |
| substance abuse professional             | parks and recreation representative                                   |
| member of faith community                | up to 7 members of the public may be appointed by the Commissioners   |
- D. Council membership shall be representative of the racial and socioeconomic diversity of the County.
- E. The Board of Commissioners may establish a multi-county Council with two or more other counties, if they deem this as necessary.
- F. Appointments to fill vacancies on the Council shall be made for the remainder of the former member's term.
- G. Members shall be removed from the Council by the Board of Commissioners for misfeasance, malfeasance or nonfeasance. Removal of a Council member shall create a vacancy which shall be filled by the Board of Commissioners.

## Article V

### Officers

- A. The council shall elect its own officers, by a majority vote of the voting members. Officers shall serve a term of one year, to correspond to the calendar year of July 1 – June 30.
- B. The election of officers, Chairman and Vice-Chairman, shall take place by the following procedure:
  - 1. The chairman shall appoint a Nominating Committee, consisting of 3 members, who shall have the responsibility of meeting and nominating officers at the April meeting of the Council.
  - 2. Election of officers shall take place at the May meeting.
- C. The new officers shall take office at the beginning of the fiscal year, July 1.
- D. It shall be the duty of the Chairman to preside at all meetings.
- E. The Vice-Chairman shall perform duties of the Chairman in the absence of the Chairman.
- F. In the absence of the Chairman and Vice-Chairman from a meeting, the Council shall select a member to serve as Acting Chairman for that meeting by a majority vote of the members.
- G. The Director of the Henderson County Office of Youth Programs shall serve as the Clerk to the Council. It shall be the duty of the Clerk to notify members of all meetings, to keep full and accurate minutes of all meetings, and to have a copy of the agenda and minutes of each meeting sent to each member and the Clerk of the Board for the Henderson County Commissioners. The meeting minutes shall be signed by the Clerk of the Council and Chairman
- H. The Youth Programs Director shall supervise the operation and administration of the Office of Youth Programs and act as the staff liaison to the Council. The Director reports to the County Manager. The Council shall have no supervision authority over the Office of Youth Programs or any personnel in the department.

## Article VI

### Meetings

- A. Regular meetings of the Council shall be held at 8:30 A.M. on the third Thursday of each month and shall be held in the Board of Commissioners Office Building, 100 North King Street, Hendersonville, North Carolina or at some other designated place. A list of the monthly meeting dates each year shall be sent to the Clerk of the Henderson County Board of Commissioners at the beginning of each year. Meetings may be held every other month instead of every month, according to N.C.G.S. The Chairman may decide if there is a lack of business to conduct by the Council and therefore, request a meeting to be skipped in that particular month.
- B. The order of business at regular meetings shall be as follows:
  - 1. Call to order
  - 2. Approval of Minutes
  - 3. Adjustment of Agenda
  - 4. Public Input
  - 5. New Business
  - 6. Member and Committee Reports
  - 7. Old Business
  - 8. Miscellaneous
  - 9. Adjournment
- C. Special meetings may be called by the Chairman, or upon written request from a majority of the Council. Written notice of such meetings shall be mailed or delivered to each Council member's home address or place of business at least 48 hours in advance of the meeting. In addition, written notice of such special called meetings shall be posted on the Board of Commissioners Bulletin Board, mailed or delivered to the media, and sent to those who have requested such notice.
- D. The meeting of the Council and all standing and special committees shall be conducted in accordance with the North Carolina Open Meetings Law.

## Article VII

### Committees

- A. Standing committees shall be appointed by the Chairman at the regular August meeting of each year and approved by the full J.C.P.C. council. Vacancies on the committees may be filled by the Chairman at any regular meeting. The Chairman appoints the Chairman of each Committee. The makeup of the committees may be both J.C.P.C. members and public volunteers.
- B. Committee meetings may be called at the request of the Chairman.
- C. All Committee meeting shall be properly noticed in the media and be open to the public.
- D. Standing Committees of the “Council” are as follows:
  - 1. Nominations Committee – 3 members  
Duties: The committee shall meet annually as outlined in the By-Laws and nominate a slate of officers in the April meeting for voting on by the Council at the May meeting.
  - 2. By-Laws Committee – 2 members  
Duties: The committee shall meet annually to review the By-Laws and suggest any changes, additions or amendments to the Council.
  - 3. Planning Committee – 16 members  
Duties: The committee shall meet and discuss alternative funding sources to meet the needs of juveniles in the County for services and programs. The committee shall formulate a plan to address a permanent funding source which will be submitted to the Council for implementation and final approval by the Board of Commissioners. The makeup of the committee shall remain flexible and consist of a mix of both Council members and volunteers from the community. The purpose of the committee shall be as follows:
    - a.) Collect existing data and create new data.
    - b.) Create new data by conducting surveys.
    - c.) Compile and analyze data.
    - d.) Review the programs and services available in the community for juveniles and determine the needs that should be met.
    - e.) Provide recommendations to the Council on needed programs, services, resources and any coordination necessary for the services currently available for juveniles in the community.
    - f.) Provide input and assist with the preparation of the annual request for proposals (R.F.P.).
    - g.) Review proposals for funding and make recommendations to the Council.
    - h.) Share information with juvenile service agencies and organizations in a cooperative manner in order to improve services.

4. Evaluation and Review Committee – minimum of 10 members  
Duties: The committee shall annually evaluate and review the performance of existing Department of Juvenile Justice grant-funded programs in the County and make recommendations to the Council. This shall be done in teams of two Council members per agency to be reviewed.
  5. Public Relations Committee – 5 members  
Duties: The committee shall devise ways to increase public awareness of the causes of delinquency and ways to reduce the problem.
  6. Assessment and Program Development Committee – membership varies annually.
- E. Special committees and advisory sub-committees may be appointed by the Chairman for such purposes as may be deemed necessary.
- F. The Chairman and Youth Programs Director shall be ex-officio members of all committees and sub-committees and therefore shall be notified of all committee meetings.

## Article VIII

### Procedures

- A. A majority of the members shall constitute a quorum. For a motion to pass, approval must be given by a simple majority of the members present.
- B. Roberts Rules of Order – revised edition, shall constitute the parliamentary authority for the procedures at all meetings.

## Article IX

### Tie Votes

Tie votes at meetings shall be broken by the vote of whomever is acting as Chairman for the meeting at which the tie vote is cast.

## Article X

### Attendance

The absence of any member from three regular meetings within the fiscal year, shall be deemed nonfeasance, except when such absence is made necessary by sickness or other similar causes ruled by the Chairman as emergency in nature. Such unexcused absence shall subject the member to possible removal from the Council by the Board of Commissioners. The seat of such member, in which event the vacancy thus created shall be filled by the Henderson County Board of Commissioners, after receipt of written notification of such vacancy from the Council Chairman.



## Article XI

### Conflict of Interest

Henderson County 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; (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.

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

PROVIDED, 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.

FURTHERMORE, said JCPC has written conflict of interest policies and reporting procedures applicable to members who have any interest or any authority regarding the resources of 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.

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 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.

Council member(s) must disclose in writing the existence, nature and extent of any potential or actual conflict of interest (using the "Conflict of Interest Disclosure Form for JCPCs," Form DJJDP13 OOlC) to the JCPC Chairperson, the County Finance Officer, and the County Manager within the first 30 days of the new JCPC year or as soon as a conflict becomes known. The JCPC Chairperson has the discretion of either calling a meeting regarding this conflict of interest; or the real or perceived conflict shall be conveyed at the next scheduled meeting. REFERENCE: Disclosure of conflict of interest is mandated by N C. GS 14-234.

When members have disclosed Conflict(s) of Interest, they shall recuse themselves at the discretion of the respective committees or the overall JCPC in the event that a majority believe it is in the best interest of a particular committee or overall JCPC to do so. The decision to recuse can take place before, during or after discussions or in the voting process.

## Article XII

### Funded Agencies Requirements

Henderson County Juvenile Crime Prevention Council will require a letter signed by the director/CEO, or responsible officer, from each organization funded that they are in compliance with the Department of Juvenile Justice and Delinquency Prevention's JCPC 1.1 (JCPC Program Operation Requirement)

## Article XIII

### Amendments

All amendments of these Bi-Laws shall be proposed in writing in the Council at the regular meeting and are acted upon at the next regular meeting. After approved by the Council, the changes shall be submitted to the Henderson County Board of Commissioners for final approval.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006

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William Moyer, Chairman  
Henderson County Board of Commissioners

Attest: \_\_\_\_\_  
Elizabeth W. Corn  
Clerk to the Board

**BY-LAWS**  
**GOVERNING THE HENDERSON COUNTY**  
**JUVENILE CRIME PREVENTION COUNCIL**

**Changes approved by the board broken down by article and paragraph.**

1. Under Article IV and under paragraph B. it was brought to our attention that the state law states that there must be a maximum of 26 voting members. This has been changed and approved to reflect same.
2. Under Article IV under paragraph C. it was also brought to our attention that state law requires that a chief of police in the county, and not his designee, should be included on the council.
3. Also under Article IV and paragraph C. there must be 2 persons under the age of 18 with one as a member of the State Youth Council serve on the council.
4. Under Article VII paragraph A. standing committees shall be appointed by the Chairman at the regular August Meeting of each year and approved by the full J.C.P.C. council.
5. Under Article XI the entire article was changed to reflect the mandated state requirements on conflict of interest and added to that was the last paragraph agreed on by the council at the May 2006 meeting.
6. Under Article XII (Funded Agencies Requirements) was added a complete new article to reflect requiring a letter from each J.C.P.C. agency showing they are in compliance with the state.
7. Under Article XIII Amendments was moved to the bottom of the By Laws and renumbered as this Article due to the adding of Article XII (Funded Agencies Requirements).

# HENDERSON COUNTY BOARD OF COMMISSIONERS

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LARRY YOUNG  
SHANNON BALDWIN  
CHUCK McGRADY

February 8, 2006

Kathy Nash, Staff Representative  
Juvenile Crime Prevention Council  
246 2<sup>nd</sup> Avenue West  
Hendersonville, NC 28792

Kathy,

I write to inform you of the action taken by the Board of Commissioners at their February 6, 2006 meeting with regards the Council's request for revisions to the bylaws. With respect to the recommended changes, the Board approved them all except for Article IV, Section C – Membership. NCGS § 143B-544(a)(2) specifies that position be "A chief of police in the county". Unlike the majority of the other positions, statute does not allow for a designee.

No action was taken with respect to the by-laws included as a part of the agenda item. In addition to the fact that the draft incorporated the "chief of police" change which was not approved, there were several sections in the by-laws that I have concerns about, which were not a part of the requested revisions. Those sections are as follows:

- Article IV, Section B – Membership. The bylaws state that the Council shall consist of 25 voting members. However, statute calls for a maximum of 26 members.
- Article IV, Section B – Membership. The bylaws state that terms shall expire on the last day of December. NCGS § 143B-545 specifies that terms begin on July 1 and end on June 30.
- Article IV, Section C – Membership. The membership listed in the bylaws calls for a person under 21. NCGS § 143B-544(a)(12) specifies there be two persons under the age of 18, one of whom should be a member of the State Youth Council. When the statute was amended several years ago, we were unable to determine that a member of the State Youth Council was available, and therefore appointed an additional member that met the under age 18 criteria.

The most recent set of by-laws I have on file for the JCPC are dated November, 2000. At that time, the membership was correctly specified at 25 members, including one person under 21. However, the statute pertaining to the Council was amended by Session Law 2001-199, Senate Bill 7, to reflect the changes noted above. The November 2000 bylaws also specified that terms end July 1. There was no change to statute regarding terms, therefore the by-laws should reflect that terms will end on June 30<sup>th</sup>.

I have included for the review of the by-laws committee, copies of the statutes referenced herein. Following revision of the by-laws, please send a draft copy to my attention for review. The County Manager will then place them on a future agenda for discussion/adoption by the Board.

If you have any questions, please feel free to contact me.

Sincerely,



Amy R. Brantley  
Deputy Clerk to the Board

cc: Bill Moyer, Chairman  
Shannon Baldwin, JCPC Commissioner Representative